

ANNUAL TOWN MEETING – May 9, 2009

REPORT FOR ZONING ARTICLE  
April 2, 2009

ARTICLE # **PB-01** - ZONING BY-LAW AMENDMENT  
Flood Plain Regulations  
*(Proposed by the Planning Board)*

Article **PB-01**: To see if the Town will vote to amend the Zoning By-Law in regard to Flood Plain Regulations by amending:

- Section 8 **GENERAL PROVISIONS**, Subpart (L) **Flood Plain Regulations**, paragraph 3 Permitted Uses to remove the requirement that the lowest floor be at least one foot above the elevation of the flood plain limits by deleting the phrase “of at least one (1) foot” from the first sentence of said paragraph 3.

or take any other action relative thereto.

**PUBLIC HEARING:** The Planning Board will conduct a public hearing on this amendment on April 27, 2009 at 8:00 p.m. according to the provisions of Chapter 40-A of the M.G.L. (see the attached public hearing notice). Based on comments received at the public hearing and subsequent analysis, the Planning Board will provide a recommendation at Town Meeting. All Town Meeting members are welcome and encouraged to attend the public hearing.

**REPORT:** At present, the South Hadley Zoning Bylaw requires that the lowest floor, including basement or cellar, of any building or structure be constructed at an elevation of at least one (1) foot above the elevation of the flood plain limits. This is a greater degree of burden than required by the Federal or State legislation regarding flood plains. The Building Commissioner has indicated that the Zoning Bylaw requirement is more stringent than the State Building Code and questioned whether it can be enforced.

The effect of this amendment would be to bring our Zoning Bylaw into conformity with State and Federal requirements and reduce the burden on owners and developers of properties within the 100-year flood plain. Nothing in this amendment would change the obligations of a builder/developer in regard to wetlands, riverfront, or other environmental requirements.

**ATTACHMENTS:**

- Attachment 1 is an excerpt of Section 8(L) paragraph 3 of the Zoning Bylaw as it would be amended by this article.

**RECOMMENDATION:** The Planning Board will consider the comments received at the Public Hearing to be held on April 27, 2009. Subsequently, the Board will make a recommendation regarding this proposed amendment and submit that recommendation for Town Meeting’s consideration.

## Attachment 1

*(Excerpt of Section 8(L) paragraph 3 as amended by Article PB-01 is attached)  
(Changes noted with strike through for deletions and bold, italics for insertions)*

### **(L) Flood Plain Regulations**

3. Permitted Uses. Within the flood plain but outside of the floodway, all uses as permitted in the applicable zoning district are allowed, provided that the lowest floor, including basement or cellar, of any building or structure is constructed at an elevation of ~~at least one (1) foot~~ above the elevation of the flood plain limits as defined in the above-referenced maps.

Within the floodway, only uses not involving a building, such as framing, forest management, nurseries, conservation areas, parks, playgrounds, boat landing ramps, public utility wires and pipe lines, and vehicular parking areas area permitted. Open storage of materials or equipment subject to flotation or washing away, such as lumber storage, is not a permitted use nor is the storage of inflammable liquids such as petroleum.

The addition or filling of soils, gravel, rocks, waste materials or other substances to raise the elevation or contours of land in the floodway is prohibited.