Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

PLANNING BOARD
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MINUTES
April 18, 2014

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5:00pm
Human Services Building
270 Quaker Meetinghouse Road
East Sandwich, MA 02563

Present: Joseph Vaudo, Chair, Henry Rakov, Vice Chair, Sarah Regan, William Burbank and Lori Caron
Absent: Stanley Torrey and Elizabeth Cotter
Also Present: Paul Spiro, Building Inspector

Public Hearing for Proposed Zoning Bylaw Amendment
Mr. Vaudo read the Public Hearing Notice into the record.

Recommendation Vote – Proposed Medical Marijuana Moratorium Amendment for Annual Town Meeting May 5, 2014

Mr. Vaudo read the proposed amendment, Article 1. There was no Board comment, and there was no public comment.

Ms. Regan moved the Board recommend that Town Meeting approve the following proposed by-law amendment:

PROPOSED FEDERAL AND STATE MANDATED FEMA FIRM FLOOD MAPS WARRANT ARTICLE

4300. FLOOD PLAIN DISTRICT. Purpose. The purpose of these regulations is to ensure public safety by reducing personal injury and threats to life; to eliminate new hazards to emergency response officials; to prevent public emergencies resulting from water contamination due to flooding; to avoid the disruption or shutdown of the utility network due to flooding, to the detriment of areas beyond the flooding site; to eliminate costs associated with the response and cleanup of flooding conditions; and to reduce flood damage to public and private property.

4310. Creation.
The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Sandwich designated as Zone AE, AO, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Sandwich are panel numbers 25001C0317J, 25001C0319J, 25001C0336J, 25001C0338J, 25001C0339J, 25001C0343J, 25001C0506J, 25001C0507J, 25001C0508J, 25001C0509J, 25001C0512J, 25001C0514J, 25001C0516J, 25001C0517J, 25001C0518J, 25001C0519J0526J, 25001C0527J, 25001C0528J, 25001C0529J, 25001C0531J, 25001C0532J, 25001C0533J, 25001C0534J, 25001C0536J, 25001C0537J and 25001C0541J dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated

herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Town Engineer.

4320. Definitions. For the purpose of this section of the Zoning By-Law, terms shall be defined as follows:
BASE FLOOD - The flood having one percent chance of being equaled or exceeded in any given year.
COASTAL HIGH HAZARD AREA - The area subject to high velocity waters, including but not limited to tidal waves or hurricane wave wash. The area is designated on the FIRM as Zone VE.
DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
DISTRICT - Flood Plain District.
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) The agency which administers the National Flood Insurance Program and provides nationwide flood hazard area mapping and regulatory standards for development in flood hazard areas.
FLOOD HAZARD BOUNDARY MAP (FHBM) - An official map of a community issued by FEMA where the boundaries of the flood mudslide (i.e. mudflow), or related erosion areas having special hazards have been designated as Zones A, M and/or E.
FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
FLOOD INSURANCE STUDY (FIS) - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood related erosion hazards.
MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" shall also include park trailers, travel trailers and other similar vehicles.
NEW CONSTRUCTION - Structures for which construction commenced on or after the effective date of the Town's Flood Plain District regulations.
ONE-HUNDRED-YEAR FLOOD - See Base Flood.
SPECIAL FLOOD HAZARD AREA - The land within a flood plain subject to a one- percent or greater chance of flooding in any given year. The area may be designated on the FIRM as Zone A, AO, Al-30, AE, A99, AH, V, V1-30, and VE.
STRUCTURE - A walled and roofed building, a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged, before the damage occurred. "Substantial improvement" shall be deemed to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
ZONE A - The 100-year flood area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.
ZONE AE - The 100-year flood area where the base flood elevation has been determined.
ZONE AH AND ZONE AO - The 100-year flood area with flood depths of one (1) to three (3) feet.
ZONE A99 - Areas to be protected from the 100-year flood by a federal flood protection system under construction. BFE's have not been determined.
ZONE VE - See Coastal High Hazard Area.

4330. Compliance With State, Federal And Local Regulations. All development activities within the District, whether structural or non-structural, shall comply with MGL Chapter 131, Section 40 and with all other applicable state regulations, unless a variance is granted according to the variance procedures required for such regulations, including:
• 780 CMR of the Massachusetts State Building Code or applicable sections of the Massachusetts
State Building Code in effect at the time of the application which addresses flood plain and coastal high hazard areas;
• 310 CMR 10.00, Wetlands Protection Regulations, Department of Environmental Protection (DEP);
• 310 CMR 13.00, Inland Wetlands Restriction, DEP;
• 310 CMR 12.00, Coastal Wetlands Restriction, DEP;
• 310 CMR 15, Title 5, Minimum Requirements for the-Subsurface Disposal of Sanitary Sewage, DEP.
Any required federal or state permit shall be obtained prior to the issuance of a development permit. Further, the Town of Sandwich Wetlands Protection Bylaw and all Sandwich Board of Health regulations shall be adhered to.

In addition, the following requirements shall apply:

4340. No building permit shall be issued for construction where any land to be excavated or filled in conjunction with **such construction is below the base flood elevation** unless granted a special permit for an exception by the Board of Appeals. Such special permit shall be issued only upon demonstration by the applicant that the proposed development will pose no hazard to the health and safety of the occupants thereof and meets Flood Plain District requirements.

- In Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- In a riverine situation, The Department of Natural Resources shall notify the following of any alteration or relocation of a watercourse:

  - Adjacent Communities

  - NFIP State Coordinator
    Massachusetts Department of Conservation and Recreation
    251 Causeway Street, Suite 600-700
    Boston, MA 02114-2104

  - NFIP Program Specialist
    Federal Emergency Management Agency, Region I
    99 High Street, 6th Floor
    Boston, MA 02110

- Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
- All new construction within Zone VE must be located landward of the reach of mean high tide.
- All subdivision proposals must be designed to assure that:
  a) such proposals minimize flood damage;
  b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  c) adequate drainage is provided to reduce exposure to flood hazards.
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4350. Without limiting the generality of the foregoing, the following are presumed to be hazardous to health and safety:
a.) Floor level, including basement or cellar of any structure, below the base flood elevation.
b.) Individual sewage disposal systems subject to inundation in the event of coastal flooding during a 100-year flood event.
c.) Methods of filling or foundations subject to displacement by coastal flooding during a 100-year flood event.
d.) Water supply subject to interruption or contamination in the event of coastal flooding during a 100-year flood event.
Within ten (10) days of receipt of the application, the receiving agency shall transmit one
copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, and Building Inspector. Final action shall not be taken until reports have been received from the above agencies or until thirty-five (35) days have elapsed.

4360. **No fill may be placed on any lot**, any portion of which is at or below the base flood elevation, without a special permit.

Mr. Rakov seconded.

Voted:

Joseph Vaudo	Yes
Henry Rakov	Yes
Sarah Regan	Yes
William Burbank	Yes
Lori Caron	Yes

The vote was unanimous.

Ms. Regan moved the meeting adjourn. Ms. Caron seconded. The vote was unanimous. The meeting adjourned at 5:04PM.

Respectfully submitted,

Marilyn K. Bassett