



# Town of Chatham

Town Clerk  
549 Main Street  
Chatham, MA 02633



Julie S. Smith, MMC/CMMC  
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**TOWN BULLETIN   TOWN BULLETIN   TOWN BULLETIN   TOWN BULLETIN**

June 25, 2014

The Commonwealth of Massachusetts Office of the Attorney General has approved amendments to the Zoning Bylaws under Article 35 and General Bylaws under Article 46 of the May 12, 2014 Annual Town Meeting.

Such approval was granted on June 23, 2014 within the legally allotted 90 day time period as described in MA General Laws Chapter 40, Section 32.

Therefore, pursuant to MA General Laws Chapter 40, Section 32, the public is advised of the following:

***Claims of invalidity be reason of any defect in the procedure of adoption or amendment may only be made within ninety (90) days of this posting.***

Copies of these bylaws may be examined and/or obtained at the Town Clerk's Office, Chatham Town Offices Building, 549 Main Street, Chatham, MA 02633.

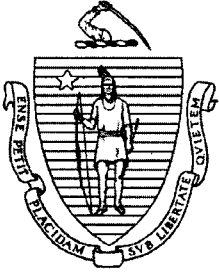
Julie S. Smith  
Town Clerk

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Posted June 26, 2014  
By John Bradford, Constable

14 JUN 23 1:06PM

CHATHAM TOWN CLERK



MARTHA COAKLEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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June 23, 2014

Julie S. Smith, Town Clerk  
Town of Chatham  
549 Main Street  
Chatham, MA 02633

**RE: Chatham Annual Town Meeting of May 12, 2014 - Case # 7179**  
**Warrant Article # 35 (Zoning)**  
**Warrant Article # 46 (General)**

Dear Ms. Smith:

**Articles 35 and 46** - We approve the amendments to the Chatham by-laws adopted under Articles 35 and 46, and the map adopted under Article 35, at the May 12, 2014 Annual Town Meeting. We will return the approved map to you by regular mail.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MARTHA COAKLEY  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
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cc: Town Counsel Jason R. Talerman



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## TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 12, 2014 Annual Town Meeting:

### Article 35 - Zoning: Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) Changes

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

***Bold Italicized Words*** are defined in the existing Bylaw

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section II., Definitions, Subsection B.**, as follows:

45. "FLOOD HAZARD AREA" means the land in the flood plain subject to a one percent (1%) or greater chance of flooding in any given year. It includes those areas shown on the ~~Flood Insurance Rate maps (dated January 1998) prepared by the Federal Emergency Management Agency as Zones A, AO, AH, A1-A30, A99, V and V1-V30. Barnstable County Flood Insurance Rate Maps, prepared by the Federal Emergency Management Agency for the Town of Chatham dated July 16, 2014. (5/11/98-ATM) (ATM 5/12/14)~~ Flood Insurance Rate Maps, prepared by the Federal Emergency Management Agency for the Town of Chatham dated July 16, 2014. (5/11/98-ATM) (ATM 5/12/14).

Also amend, **Section IV., Subsection A. Conservancy Districts, Paragraph 5. Location, sub-paragraph a.1.** as follows:

- a. The Coastal Conservancy Districts shall consist of all the ***submerged lands*** along the coast of Town, and areas subject to flooding including:
1. Areas delineated as the 100-year flood plain (Zones A, AO, AH, A1-30, A99, V and V1-30 on the Flood Insurance Rate Maps, prepared by the National Flood Insurance Program for the Town of Chatham dated June 20, 1998 ~~(or as most recently amended.) (12/2/91-STM) (ATM 5/12/14)~~

Also amend, **Section IV., Subsection B. Flood Plain District, Paragraph 3. District Location** as follows:

### **3. District Location**

The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas ~~designated on the Flood Insurance Rate Maps (FIRM) for the Town of Chatham dated June 20, 1998 (or as most recently amended) as Zones A, AE, AH, AO, A1-30, A99, V and V1-30. These maps, as well as the accompanying Town of Chatham Flood Insurance Study are incorporated herein by reference and are on file with the Planning Board, Town Clerk and the Building Inspector.~~ within the Town of Chatham designated as Zone AE 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 Chatham are panel numbers 25001C0609J, 25001C0616J, 25001C0617J, 25001C0626J, 25001C0627J, 25001C0628J, 25001C0629J, 25001C0631J, 25001C0633J, 25001C0636J, 25001C0637J, 25001C0638J, 25001C0639J, 25001C0641J, 25001C0850J, and 25001C0875J 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, and Building Inspector

Also amend, **Section IV., Subsection B. Flood Plain District, Paragraph 4. Development Regulations, sub-paragraph d.** and sub-paragraph **g** and insert sub-paragraph **k.** as follows:

#### 4. Development Regulations

- d. In unnumbered A zones, in the absence of ~~Federal Insurance Administration~~ Federal Emergency Management Agency base flood elevation data, the **base flood** elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing **base flood** elevation data from federal, state or other sources.
- g. In all **new construction** and **substantial improvements** within Zones ~~V1-30, VE and V~~ the space below the **lowest floor** must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the **building** or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
- k. 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.

This amendment shall not take effect until July 16, 2014 and shall not apply to a building permit or special use permit issued before July 16, 2014.

Or take any other action in relation thereto

(Planning Board)

**Motion:** Peter Cocolis, Chairman, Planning Board, moved that the Town vote to amend its Zoning Bylaw as printed in the Warrant for Article #35.

**Explanation:** *The Planning Board's sole objective with this article is to have the Town adopt the new flood maps into the local zoning bylaw as required by FEMA.*

*As a condition of continued eligibility in the National Flood Insurance Program (NFIP), FEMA requires that communities adopt the new Flood Insurance Rate Maps (FIRMs). This article satisfies FEMA's basic requirement for compliance with the NFIP by amending those portions of the zoning bylaw that are required to be consistent with the new flood maps.*

*This article also establishes an effective date of July 16, 2014 for this zoning amendment, consistent with the effective date of the new maps. This avoids the creation of a retro-active effective date of February 19<sup>th</sup>, which is the date of the first publication of the notice of the Planning Board's required public hearing.*

*Since the Board decided to limit its recommendation for a bylaw amendment to only what is required by FEMA, the Planning Board is not proposing – at this time - an amendment to the boundary of the Conservancy District. Rather, this article retains the current level of regulatory protection within the existing Conservancy District. As a result, this article will create two different regulatory boundaries related to the floodplain within the zoning bylaw:*

- *Flood Plain District Boundary – Delineated by 2014 Flood maps*
- *Conservancy District Boundary – Delineated by 1992/1998 flood maps*

*In summary, if passed, this article fulfills the Town's obligation to FEMA and ensures continued eligibility in the federal flood insurance program. In addition, adoption of this article ensures that the Town remains eligible for certain hazard mitigation grant funding and insurance.*

<b>Board of Selectman Recommendation:</b>	<b>Recommendation from Town Meeting Floor</b>
<b>Finance Committee Recommendation:</b>	<b>Approve 8-0-0</b>
<b>Planning Board Recommendation:</b>	<b>Approve 6-0-0</b>

**VOTE:** Voice. The Moderator declared, in my opinion 2/3rds have it, but after a request for a hand count:

Yes: 274

No: 52

Article 35 is passed, declared the Moderator.



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## TO WHOM IT MAY CONCERN:

I, Julie Smith, duly appointed Town Clerk of the Town of Chatham, hereby certify the following Article was adopted at the May 12, 2014 Annual Town Meeting:

### Article 46 – CITIZEN PETITION - Conservation: Chapter 272: Wetlands Protection

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

To see if the Town will vote to amend its Conservation Bylaw, **Section 272-2. Definitions. [Amended 5-10-2004 ATM by Art. 15]** as follows:

The following words, for the purpose of this chapter of these bylaws, shall, unless another meaning is clearly apparent for the way in which the word is used, have the following meanings:

ADJACENT UPLAND RESOURCE AREA – Means the land within 100 feet of any freshwater wetland, coastal wetland, marsh, wet meadow, bog, vernal pool or swamp, bank, beach, dune or flat, any lake, river pond, stream, estuary watercourse or the ocean, and subject to flooding or inundation by groundwater, surface water, tidal action ~~or land subject to coastal storm flowage~~ as articulated in § 272-3 of the bylaw. It shall also mean the land within 200 feet of a perennial stream or river. (5/12/14 ATM)

Also amend, **Section 272-3. Jurisdiction. [Amended 5-10-2004 ATM by Art. 15]** as follows:

Except as permitted by the Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon, or alter the following resource areas:

- A. Upon or within 100 feet of any freshwater wetland, coastal wetland, marsh, wet meadow, vernal pool, bog or swamp;
- B. Upon or within 100 feet of any bank, beach, dune or flat;
- C. Any lake, river, pond, stream, estuary, watercourse, or the ocean;
- D. Within 100 feet of any lake, pond, stream, estuary, watercourse, or the ocean;
- E. Within 200 feet of any river;
- F. Any land under said waters;
- G. Upon or within 100 feet of any land subject to flooding by inundation by groundwater, surface water or tidal action;
- ~~H. Upon or within 100 feet of a~~ Any land subject to coastal storm flowage;
- I. Within the boundaries of any area of critical environmental concern. (5/12/14 ATM)

Or take any other action in relation thereto.

(By Citizen Petition)

**Motion:** Petitioner Sara Whiteley moved that the town vote to amend the Wetlands Protection Bylaw as written in the Warrant for Article 46.

**Board of Selectmen Recommendation:** Approve 5-0-0

**Finance Committee Recommendation:** Approve 6-1-1

**VOTE:** Voice. In my opinion, there is a majority in favor, declared the Moderator; Article 46 has passed.