



TOWN OF LAKEVILLE

OFFICE OF THE TOWN CLERK

346 Bedford Street
Lakeville, Massachusetts 02347
508-946-8814
ldrane@lakevillema.org

FROM THE OFFICE OF
LILLIAN M. DRANE
MMC/CMMC

PUBLIC NOTICE

AUGUST 17, 2021

TO: Valerie Bartholomew, Constable

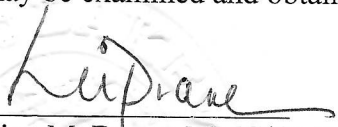
In the name of the Town of Lakeville, you are hereby required to notify the inhabitants of the Town of Lakeville of the **Approval** by the Attorney General of the Commonwealth of Massachusetts of Warrants **Articles # 7 & 8 (Zoning), and Article #6 (General)** voted on at the **Annual Town Meeting** held on May 10, 2021.

You are further directed to serve this notice by posting attested copies thereof at the following places:

- **Town Office Building**
- **Star Liquor Market**
- **Clark Shores Association Bulletin Board**
- **Apponequet Regional High School**
- **Senior Citizens Drop-In Center**
- **Assawompset School**

Any claims that these by-laws are invalid because of a defect in the procedure by which they were adopted or amended, may only be made within **90 days** of this posting. Copies of these by-laws may be examined and obtained at the Town Clerk's office.

Attest:


Lillian M. Drane, MMC/CMMC
Town Clerk

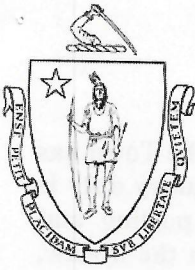
Plymouth ss:

Lakeville, Massachusetts

August 17, 2021

I have this day posted the Approved ByLaw Notice as directed, in the following places: **Town Office Building, Star Liquor Market, the Clark Shores Assn. Bulletin Board, Apponequet Regional High School, the Senior Citizens Drop-in Center and the Assawompset School.**


Constable



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 16, 2021

Lillian M. Drane, Town Clerk
Town of Lakeville
346 Bedford Street
Lakeville, MA 02347

Received
AUG 16 2021
Lakeville Town Clerk
Lillian M. Drane

Re: Lakeville Annual Town Meeting of May 10, 2021 -- Case # 10115
Warrant Articles # 7 and 8 (Zoning)
Warrant Article # 6 (General)

Dear Ms. Drane:

Articles 6, 7, and 8- We approve Articles 6, 7, and 8 from the May 10, 2021 Lakeville Annual Town Meeting. Our comments on Article 7 are provided below

Article 7 - Under Article 7 the Town voted to amend the Town’s zoning by-laws by making specific changes regarding the Town’s Flood Plain District, including changes to Section 7.1, “Flood Plain District Regulations.” The by-law changes adopted under Article 7 are part of a federal requirement for communities that choose to participate in the National Flood Insurance Program (NFIP) and they were adopted to ensure that the Town’s zoning by-laws contain the necessary and proper language for NFIP compliance.

The text of Section 7.1, as amended, appears to follow the “Massachusetts 2020 Model Floodplain Bylaw” provided by the Massachusetts Department of Conservation and Recreation Flood Hazard Management Program. (DCR Flood Hazard Management Program) See <https://www.mass.gov/guides/floodplain-management#-2020-massachusetts-mo>. The DCR Flood Hazard Management Program is the state coordinating office for the NFIP and, according to their website, they have provided the Model Floodplain Bylaw to Massachusetts communities “to assure that their local bylaws...contain the necessary and proper language for compliance with the” NFIP.¹ For this reason, we approve Article 7. The Town should consult with Town Counsel and the DCR Flood Hazard Management Program with any questions regarding the application of Section 7.1.

¹ <https://www.mass.gov/doc/october-2020-ga-presentation-with-notes/download>

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,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel Gregg J. Corbo

Town of Lakeville

Town Meeting Action:

Article 6:

I move that the Town vote to amend the Town's General Bylaws, by adding the following new section titled "**Right-To Farm By-Law**"; and authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification.

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A.

We, the citizens of Lakeville, restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture based economic opportunities, and protects farmlands within the Town of Lakeville by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated

animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Lakeville. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, or prior to the acquisition of a leasehold interest or other possessor interest in real property, located in the Town of Lakeville, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of the Town of Lakeville to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire

or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations, including the ability to access water services for such property under certain circumstances. Purchasing, and henceforth occupying land within Lakeville means that one should expect and accept such conditions as a normal and necessary aspect of living in Lakeville.”

Written notification may occur in one of several ways, including but not limited to, a disclosure form, addendum to a Purchase and Sale Agreement, or otherwise and must include an acknowledgement by the buyer or lessee that they have received and understood the notification. A copy of the disclosure notification shall be filed with the Board of Selectmen or its designee within thirty (30) days of the sale, purchase, exchange or occupancy of such real property.

Within 30 days after this by-law becomes effective, the Board of Selectmen will make a written example of a notification available for use by landowners or their agents (and assigns) and shall place a copy of the above disclosure in a prominent place in Town Hall and on the Town’s website.

Within 60 days after this by-law becomes effective, the Tax Collector shall begin including a copy of the above disclosure and notification requirements with all responses to requests for Municipal Lien Certificates.

In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

A violation of Section 4 shall be subject to a fine of \$300 and shall be enforced by the Board of Selectmen or its designee. The Town is authorized to enforce Section 4 under the non-criminal disposition provisions of M.G.L. c. 40, §21D.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Lakeville hereby declares the provisions of this By-law to be severable.

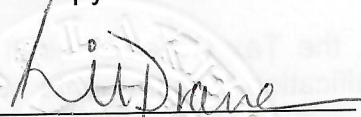
Or take any action relative thereto;

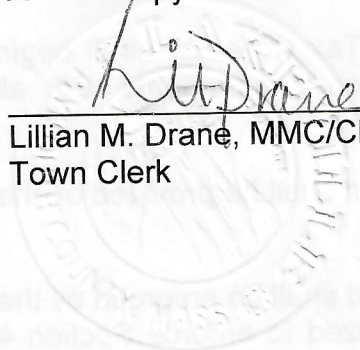
Sponsor: Agricultural Commission

David Thomas, Agricultural Commission Chairman, made a motion to approve the article as printed in the warrant but with an amendment to Section 5, to change the words "Select Board" to "Board of Selectman", it was seconded and the motion to amend Article 6 passed unanimously.

Motion was seconded and passed by majority (101 Yes to 12 No) at the **Annual Town Meeting of May 10, 2021.**

A True Copy Attest:


Lillian M. Drane, MMC/CMMC,
Town Clerk



Town of Lakeville

Town Meeting Action:

Article 7:

I move that the Town vote to: (1) amend the Lakeville Zoning Bylaw, Subsection 3.2.3 Establishment of Districts-**The Floodplain Protection District**; (2) amend the Lakeville Zoning Bylaw, Section 7.1 Flood Plain District Regulations, including amendments to Subsection 7.1.3 Definitions, and the addition of new Subsection 7.1.7 including Subsections 7.1.7.1 through 7.1.7.11, all as shown in Article 7 of the Annual Town Meeting Warrant.

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3.0 ESTABLISHMENT OF DISTRICTS

3.1.4 Flood Plain Protection (Overlay)

~~3.2.3 “The **Floodplain Protection District** is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Lakeville designated as Zone A and AE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Lakeville are panel numbers 25023C0314J, 25023C0408J, 25023C0409J, 25023C0417J, 25023C0419J, 25023C0425J, 25023C0426J, 25023C0428J, 25023C0436J, and 25023C0442J dated July 17, 2012; and panel numbers 25023C0311K, 25023C0313K, 25023C0318K, 25023C0427K, 25023C0429K, 25023C0431K, 25023C0433K, 25023C0434K, 25023C0437K, and 25023C0441K dated July 16, 2015. 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 Plymouth County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.” (Adopted June 15, 2015; approved by Attorney General September 11, 2015)~~

3.2.3 The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Town of Lakeville designated as Zone A, AE, AH, AO, A99, V, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.

7.0 SPECIAL REGULATIONS

7.1 Flood Plain District Regulations

7.1.1 Statement of Purpose

The purposes of the Floodplain District are to: 1) ensure public safety through reducing the threats to life and personal injury; 2) eliminate new hazards to emergency response officials; 3) prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding; 4) avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; 5) eliminate costs associated with the response and cleanup of flooding conditions; 6) reduce damage to public and private property resulting from flooding waters.

7.1.2 Existing Regulations

All development in the district including structural and non-structural activities whether permitted by right or by special permit must be in compliance with the following:

- **780 CMR of the Massachusetts State Building Code which address floodplain and coastal high hazard areas**
- 310 CMR 10.00, Wetlands protection, Department of Environmental Protection
- **310 CMR 13.00**, Inland Wetlands Restriction, D.E.P.
- 310 CMR 15, Title 5, minimum requirements for the subsurface disposal of sanitary sewage, Department of Environmental Protection.

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

7.1.3 Definitions

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

~~**DEVELOPMENT** means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining dredging, filling, grading, paving, excavation or drilling operations.~~

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

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 means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination flood-related erosion hazards.

~~**FLOODWAY** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.~~

FLOODWAY The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the

Interior as meeting the requirements for individual listing on the National Register;
(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
(1) By an approved state program as determined by the Secretary of the Interior or
(2) Directly by the Secretary of the Interior in states without approved programs.
[US Code of Federal Regulations, Title 44, Part 59]

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; PROVIDED, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 60.3.

MANUFACTURED HOME means 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. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

~~**NEW CONSTRUCTION** means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.~~

NEW CONSTRUCTION Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY

~~**SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.**~~

SPECIAL FLOOD HAZARD AREA The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

~~**STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.**~~

STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means 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 (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered 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.

SUBSTANTIAL REPAIR OF A FOUNDATION When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

~~**ZONE A** means the 100-year floodplain 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 (for new and revised maps)** means the 100-year floodplain where the base flood elevation has been determined.~~

~~**ZONE X** are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.~~

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or

unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

*(**Bold text** adopted June 4, 2012; approved by Attorney General July 18, 2012)*

7.1.4 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment: 1) agricultural uses such as farming, grazing, truck farming, horticulture, etc.; 2) forestry and nursery uses; 3) outdoor recreational uses, including fishing, boating, play areas, etc.; 4) conservation of water, plants, wildlife; 5) wildlife management areas, foot, bicycle, and/or horse paths; 6) temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises; 7) buildings lawfully existing prior to the adoption of these provisions.

7.1.5 Use Regulations

The Floodplain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains (currently 780 Section 3107).

7.1.5.2 Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

7.1.5.3 There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Commissioner for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

(Adopted June 18, 1990)

7.1.5.4 In Zones AE along watercourses in the Town of Lakeville that have a regulatory floodway designated on the Plymouth County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

7.1.5.5 In Zones A and 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.

7.1.5.6 Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A Zones.

7.1.5.7 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.

7.1.6 Notification of Watercourse Alteration: In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)
- 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

*(**Bolded text** Adopted June 4, 1012; approved by Attorney General July 18, 2012)*

7.1.7 Administration

7.1.7.1 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District

section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

7.1.7.2 Disclaimer of liability

The degree of flood protection required by this bylaw [ordinance] is considered reasonable but does not imply total flood protection.

7.1.7.3 Designation of community Floodplain Administrator

The Town of Lakeville hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town of Lakeville.

7.1.7.4 Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

7.1.7.5 Variances to building code floodplain standards

The Town of Lakeville will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town of Lakeville shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

7.1.7.6 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary

to afford relief.

7.1.7.7 Permits are required for all proposed development in the Floodplain Overlay District

The Town of Lakeville requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

7.1.7.8 Assure that all necessary permits are obtained

Town of Lakeville's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

7.1.7.9 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

7.1.7.10 Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

7.1.7.11 Local Enforcement

This By-Law shall be enforced by the Building Commissioner appointed by the Board of Selectmen, and upon any well-founded information as to a violation, immediate steps to enforce this By-Law in any manner provided by law shall be taken. If the Building Commissioner declines to act upon a written request to proceed against an alleged violation, he shall notify in writing the party making such request of the reasons for non-action within fourteen days of the receipt of such request.

When enforced in accordance with the provisions of G.L. c. 40, sec. 21D, the penalty shall be as follows: first offense \$100.00; second offense \$200.00; and third offense \$300.00.

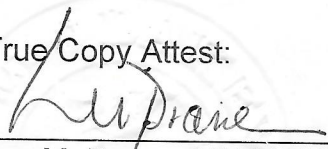
Or take any action relative thereto;

Sponsor: Planning Board

Mark Knox, Planning Board Chairman, made a motion to approve the article as printed in the warrant.

Motion was seconded and passed unanimously at **Annual Town Meeting of May 10, 2021.**

A True Copy Attest:



Lillian M. Drane, MMC/CMMC,
Town Clerk

Form 2- Submission #2

Town of Lakeville

Town Meeting Action:

Article 8:

I move that the Town vote to amend the Town's Zoning By-Law the Lakeville Zoning Bylaw, Section 6.7.2 Procedure - Business or Industrial, as shown in Article 8 of the Town Meeting Warrant.

6.7.2 Procedure-Business or Industrial

~~Applicants for a building permit for new construction or for modification of or addition to a business or industrial structure resulting in floor area of over 1,500 square feet in the aggregate shall submit six (6) copies of a site plan as described herein to the Town Clerk for Planning Board approval. Failure of the Planning Board to act within twenty one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.~~

6.7.2 Procedure-Business or Industrial

Site Plan Review applies to the following:

- a) New construction of a business or industrial structure;
- b) An addition to an existing business or industrial structure resulting in a floor area of over 1,500 square feet in the aggregate or a disturbance in lot coverage of over 1,500 square feet;
- c) A change in occupancy of an existing business or industrial structure which increases the previously approved occupant load by 10%; and/or
- d) A change in use of an existing structure to a business or industrial use.

Applicants for a building permit subject to Section 6.7.2 shall submit six (6) copies of a site plan as described herein to the Town Clerk for Planning Board approval. Failure of the Planning Board to act within twenty-one (21) days of receipt of a site plan shall be deemed lack of opposition thereto.

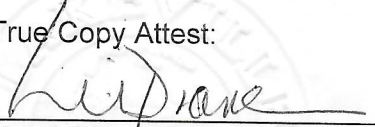
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