

**TOWN OF TYRINGHAM
WARRANT FOR ANNUAL TOWN MEETING**

May 14, 2024

**COMMONWEALTH OF MASSACHUSETTS
Berkshire SS.**

To any of the Constables of the Town of Tyringham in said County

GREETINGS:

IN THE NAME of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Tyringham, qualified to vote in town affairs, to meet at the Tyringham Town Hall, 116 Main Road in said Town on Tuesday May 14, 2024 at 7 pm, then and there to act on the following articles:

ARTICLE 1. To hear and act on the reports of the Town Officers and Town Committees.

ARTICLE 2. To see if the Town will vote to have its Selectmen act as its agents in any suit of law for or against the Town.

ARTICLE 3. To see if the Town will vote \$230,000.00 from Free Cash for the purpose of lowering the tax rate for fiscal year 2025 (July 1, 2024 – June 30, 2025) or take any other action in respect there to.

ARTICLE 4. To see if the Town will vote to Raise and Appropriate or otherwise provide \$25,951.00 or any other amount for the purchase of 3 Self Contained Breathing Apparatus for the fire department or take any other action in respect there to.

ARTICLE 5. To see if the Town will vote to take \$275,000.00 from Stabilization and Raise and Appropriate \$83,000.00 or otherwise provide the sum of \$358,000.00 to purchase a 2025 Western Star 47X tandem axel dump truck with a plow, wing and sander or take any other action in respect there to.

ARTICLE 6. To see if the Town will raise and appropriate or, otherwise provide, the following sums of money or any other sums as listed under:

6.1 Town Administration;

6.2 Roads, Buildings and Grounds;

6.3 Education

6.4 Fire and Safety

6.5 Committees, Commissions and Reserves

6.1 Town Administration

(a) Select Board

1 Selectman - Chairman	4,000
2 Selectman - Clerk	3,500
3 Selectman - Member	3,000
4 Selectman Expenses	3,700

Sub-total Select Board: 14,200

(b) Town Hall Offices

1	Town Administrator	69,639
2	Administrative Assistant	48,092
3	Cleaning Services	10,400
4	Town Clerk salary	11,550
5	Town Clerk expenses	2,000
6	Accounting, Payroll & Treasury software support	8,000
7	IT Specialist	2,500
8	Building Inspector	5,400
9	Town Report printing	1,000
10	Website management and e-mail	4,400
11	Blackboard Connect (Robocall system)	1,100
12	Moderator	250
13	Moderator expenses	200
14	Board of Registrars	400
15	Election of Officers	2,500
16	Town counsel	5,500
17	Professional Services (consulting, legal, other)	10,000
18	Office supplies	2,000
19	Town Administration expenses	2,000
20	Supply Purchase Agreement	800

Sub-total Town Offices: 187,731

(c) Financial Management Expenses

1	Assessor Chairman/Certified (Elected)	2,000
2	Assessor Clerk/Certified (Elected)	1,800
3	Assessor Member/Certified (Elected)	1,800
4	Assistant Assessor	15,800
5	Assessor Revaluation Consultant	9,000
6	Assessor expenses	4,000
7	Assessor on-line data/maintenance	3,500
8	Revaluation expenses	5,300
9	Tax Collector salary	17,250
10	Tax Collector certification	1,000
11	Asst. Tax Collector salary	2,200
12	Tax Collector expenses	7,000
13	Treasurer	16,750
14	Treasurer expenses	5,000
15	Interest Account	2,000
16	Accounting Officer expenses	1,200

Sub-total Financial Management: 95,600

(d) Employee/Retiree Benefits & Other Expenses

1	Berkshire County Retirement	93,008
2	Employee Family Health (4)	82,224
3	Employee Single Health (2)	15,336
4	Retiree Health (4)	30,870
5	Employee & Retiree Dental	4,128

6	Compensation for Health Waivers (1)	3,834
7	Employee Salary Increases & Incentives	41,000
8	Medicare	8,500
9	Animal Inspector/ Control Officer	3,000
10	Asst. Animal Inspector / Control Officer	600
11	Animal Inspector/ Control Officer Expenses	1,000
12	Berkshire Regional Planning	373
13	Veterans Services	2,611
14	Mental Health Services	250
15	Women's Service Center (Freeman Ctr)	250
16	Gift and Flowers	450
	Sub-Total Other Expenses:	<u>287,434</u>
	Total Town Administration:	584,965

6.2 Roads, Buildings and Grounds

(a) Highway Team

1	Road Superintendent	74,360
2	Laborer	60,050
3	Laborer	58,053
4	Uniforms	2,000
5	Division of Employment Security	600
	Sub-total Highway Team:	<u>195,063</u>

(b) Roads and Bridges

1	Snow and sand (and overtime)	55,000
2	Summertime overtime	2,500
3	Bridges & Culverts	-
4	Road construction/maintenance	90,000
5	Highway Superintendent expenses	2,000
6	Removal of dead trees	18,500
7	Tree planting	1,000
8	Street lights	1,900
9	Highway environmental	5,000
10	Highway debris disposal	10,000
11	Highway police detail	2,000
12	Highway Building Committee	500
	Sub-total Roads and Bridges:	<u>188,400</u>

(c) Equipment

1	Machinery maintenance and fuel	60,000
2	Loan Payments	-
3	Equipment Committee	500
	Sub-Total Equipment:	<u>60,500</u>

(d) Town Grounds and Buildings

1	Post Office Staff	31,670
2	Grounds & Buildings (utilities, maintenance, improvements)	54,000
3	Insurance (property, auto, workman's comp.)	35,500
4	Alarm monitoring	2,000
5	Elevator maintenance	5,000

6	Librarian	3,225
7	Library Staff	4,680
8	Library Trustees (2)	200
9	Library expenses	5,370
10	Park and swimming	2,000
11	Cemetery mowing and maintenance	17,500
12	Transfer Station salary	12,454
13	Transfer & disposal of refuse	60,000
14	Hazardous waste collection	800
	Sub-Total Town Grounds and Buildings:	<u>234,399</u>
	Total Roads, Buildings and Grounds Maintenance:	678,362

6.3 Education

(a) Support and Transportation

1	Support of Public Schools	185,100
2	Transportation	106,235
	Sub-Total Support and Transportation:	<u>291,335</u>

(b) School Committee

1	School Committee - Chair	1,000
2	School Committee - Clerk	500
3	School Committee - Member	500
	Sub-Total School Committee:	<u>2,000</u>
	Total Education:	293,335

6.4 Fire and Safety

(a) Fire Department

1	Fire Chief	1,500
2	Deputy Fire Chief	500
3	First Assistant to Fire Chief	500
4	Second Assistant to Fire Chief	500
5	Fire Warden	1,500
6	Deputy Fire Warden	500
7	Fire Fighter stipends	28,000
8	Workers comp for Fire Dept.	6,211
9	Fire Protection expenses	9,850
10	Fire Company Rent	14,000
11	Forest Fire	270
12	Hearing Officer/city of Pittsfield	200
13	Fire Company equipment	7,900
	Sub-total Fire Dept:	<u>71,431</u>

(b) Police Department

1	Full-time Officer/Chief	72,426
2	Workers Comp Police	4,378
3	Part-time Officer	5,000
4	Fuel and expenses	21,000
5	Berkshire County Sheriff's Office	1,515
	Sub-total Police Dept:	<u>104,319</u>

(c) Emergency Management

1	Emergency Management Director	2,000
2	Emergency Management expenses	500
3	SBREPC	500
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4	Public Health Nurse	2,888
5	Lee Ambulance Service	24,932
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	Sub-total Emergency Management:	30,820
	Total Fire and Safety:	206,570

6.5 Committees, Commissions and Reserves

(a) Board of Health

1	Chairman/Certified	600
2	Clerk/Uncertified	100
3	Member/Uncertified	100
4	Expenses	3,000
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	Sub-Total Board of Health:	3,800

(b) Planning Board

1	Chairman	1,000
2	Members (4)	2,000
3	Expenses	750
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	Sub-Total Planning Board:	3,750

(c) Conservation Commission

1	Chairman	1,000
2	Members (4)	800
3	Expenses	450
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	Sub-Total Conservation Commission:	2,250

(d) Cemetery, Park, Historical & Cultural

1	Cemetery Committee Members (3)	600
2	Park Commission Members (3)	600
3	Cultural Commission (Chair)	200
4	Historical Commission expenses	1,500
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	Sub-Total Cemetery, Park, Cultural & Historical:	2,900

(e) Board of Appeals

1	Chairman	600
2	Alternates (2)	200
3	Members (4)	800
4	Expenses	100
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	Sub-Total Board of Appeals:	1,700

(f) Finance Committee

1	Chairman	1,000
2	Members (2)	1,000
3	Expenses	100
4	Reserve Fund (Extraordinary/Unforeseen Exp.)	20,000
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	Sub-Total Finance Committee:	22,100
	Total Committees, Commissions & Reserves:	36,500

Article 6 Grand Total: 1,799,732

ARTICLE 7. To see if the Town will vote to accept any monies that the Commonwealth of Massachusetts - Mass Highway/Executive Office of Transportation appropriates to the town under the provisions of Chapter 90 or any other lawful provision of the General Laws, to pay for such costs as allowed by appropriate legislation in connection with the maintenance, repair, and construction of Town ways and bridges, or take any other action in relation thereto.

ARTICLE 8. To see if the Town will vote to allow: Police Detail rate of \$45.00 per hour; members of the Board of Health to witness Title V inspections or perc tests at \$45.00 per hour; a member of the Library Trustees to be employed as Librarian at \$3,225.00 per year; and a member of the Cemetery Committee to be employed as Cemetery Sexton at \$200.00 per year, pursuant to MGL c. 268A s 21 A and C. 41, s. 4A.

ARTICLE 9. The following Revolving Funds and expenditures from each revolving fund set forth herein shall be subject to the limitations established by Town Meeting or any increase therein as may be authorized in accordance with G.L. c44, 53E1/2.

Board of Appeals	\$1,000.00	Fees & Charges for hearings
Board of Health	\$3,000.00	Fees & Charges for inspections
Conservation Comm.	\$5,000.00	Fees & Charges for hearings
Gas Inspector	\$1,000.00	Fees & Charges for Gas Inspection
Park Commission	\$1,000.00	Fees & Charges for Park equipment
Planning Board	\$1,000.00	Fees & Charges for hearings
Plumbing Inspector	\$1,000.00	Fees & Charges for inspections
Wiring Inspector	\$2,500.00	Fees & Charges for inspections
Cemetery Committee	\$1,000.00	Fees & Charges for burial expenses
Fire Co. False Alarm	\$500.00	Fees & Charges for false alarms
Fire Company Fees	\$500.00	Fees & Charges for inspections
Police Detail	\$5,000.00	Fees & Charges for Police Details

ARTICLE 10. To see if the Town will vote to close portions of Webster, Fenn, Brace, and Breakneck Roads and or any other roads at certain times of the year as the Highway Superintendent and Selectmen deem necessary.

- 1.) Webster Road – From Janine Gauhtt’s driveway to Becket town line.
- 2.) Fenn Road – Road to be closed after Yo Yo Ma’s garage driveway.
- 3.) Brace Road – From Thomas Canfield driveway to Monterey town line.
- 4.) Breakneck Road – To be closed at bottom of the “big hill” to Jerusalem Road.

ARTICLE 11. To see if the town will vote, pursuant to the provisions of Section 4A of Chapter 40 of the Massachusetts General Laws, to authorize the Selectmen to enter into an inter-municipal agreement with other cities, town and political subdivisions for the group purchasing of supplies, commodities and services that the Town is authorized by law to purchase and to appropriate funds voted under Article 6.1(b)18 as the Town’s share of the expenses for the administration of the program for Fiscal Year 2025.

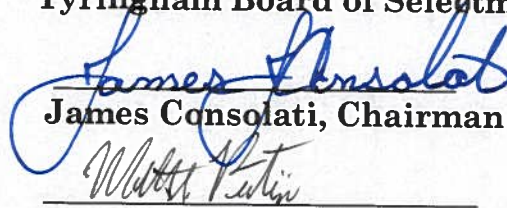
- ARTICLE 12.** To see if the Town will vote to authorize the Treasurer, with the approval of the Selectmen, to borrow money from time to time in anticipation of the revenue for the fiscal year beginning July 1, 2024 in accordance with the provisions of Section 4 & 7 of Chapter 44 of the General Laws.
- ARTICLE 13.** To see if the Town will vote to accept \$400.00 for the interest thereon to be used for the perpetual care of the Melissa Stewart & Gabriel Wishik-Miller plots in the Tyringham Cemetery (plot numbers #42 & 43).
- ARTICLE 14.** To see if the Town will vote to accept \$2,400.00 for the interest thereon to be used for the perpetual care of the William & Margaret DeSantis plots in the Tyringham Cemetery (plot numbers 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 & 55).
- The next two articles were voted at the June 14, 2022 Special Town Meeting. The Attorney General's Office asked that clarification be voted.*
- ARTICLE 15.** To see if the town will vote to amend the zoning bylaw to adopt a new section under section 6.8 FLOOD PLAIN DISTRICT BYLAW or take any other action in respect thereto. **FULL TEXT IS ATTACHED TO THIS WARRANT.**
- ARTICLE 16.** To see if the Town will vote to adopt a new section under chapter 17, the Tyringham Dog Control Bylaw or take any other action in respect thereto. **FULL TEXT IS ATTACHED TO THIS WARRANT.**

AND YOU ARE HEREBY DIRECTED TO serve this Warrant by posting copies thereof at the Post Office, Union Church, Town Hall and Bulletin Board at Goose Pond, in said Town, not less than seven (7) days before the time of holding said meeting.

HEREOF FAIL NOT and make due return of this Warrant with your doings there on unto our Town Clerk on or before said day and hour.

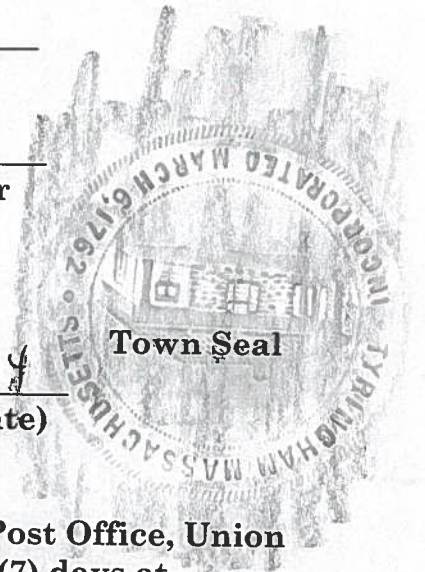
Given under our hands at Tyringham, Massachusetts this 7TH day of May in the year of Our Lord, Two Thousand and Twenty-Four.

Respectfully,
Tyringham Board of Selectmen,


James Consolati, Chairman


Matthew Puntin, Clerk


Michael Curtin, Member




TRUE COPY ATTEST:

 Heather Ketchen, Town Clerk

5-1-24
(date)

I have served this Warrant by posting attested copies at the Post Office, Union Church, Town Hall and Bulletin Board at Goose Pond, seven (7) days at least before holding said meeting.

, Michael Curtin, Constable 5-1-24 date

General Bylaw Chapter 17

Town of Tyringham Dog Control Bylaw

17.1 Purpose

The purpose of this bylaw is the protection of people, animals, and property from injury, disease, and damage by dogs, including dog-related nuisances.

17.2 Definitions

Animal Control Officer (ACO): The person or persons appointed by the Select Board to enforce this article. The ACO must meet the requirements of certification by Massachusetts General Laws [MGL] Ch. 193 s. 51 of the Acts of 2012.

Owner: Any person who licenses a dog or keeps a dog for 30 days or longer. For the purposes of this article, the parent or guardian of a minor who owns or keeps a dog shall be considered the dog's owner or keeper.

Keeper: Any person, other than the owner, harboring or having in their possession any dog (MGL Ch. 140, s. 136A).

Residence: Within the boundaries of the land where the owner sleeps.

Service Dog: A dog individually trained to do work in service of a person with a disability.

Restrained: Under the owner's/keeper's control either by leash or voice command. Dogs are considered to be unrestrained if they are in the custody of a person under the age of Seven years.

✓ **Minor:** Any person under the age of Eighteen.

17.3 Restraint & Control of Dogs

All dog owners/keepers are required to keep their dogs restrained when off their residence at all times. A first-offense violation shall be subject to a written citation from the ACO. A second-offense violation shall be subject to a penalty of \$50. A third or subsequent violation shall be subject to a penalty of \$100. A dog may for the purpose of sporting events and farm work be exempt while actually performing its work. Sporting events include but are not limited to hunting, field trials, and scent work.

17.4 Dog Fouling & Waste Removal

Any owner/keeper shall be subject to the below penalties if their dog shall be found to have defecated on private property (other than their own), on a public way, or on public lands without removal of fecal material.

A first-offense violation shall be subject to a written citation from the ACO. A second-offense violation shall be subject to a penalty of \$50. A third or subsequent violation shall be subject to a penalty of \$100.

17.5 Nuisance & Aggressive Behavior

Any owner/keeper of any dog who shall be found to exhibit nuisance or aggressive behavior off their residence shall be subject to the following penalties: A first-offense violation shall be subject to a penalty of \$50. A second-offense violation shall be subject to a penalty of \$100. A third or subsequent violation shall be subject to a penalty of \$300.

Nuisance and aggressive behaviors include but are not limited to:

1. Chasing a pedestrian, bicycle, or any other vehicle.
2. Worrying, teasing, threatening, or injuring livestock, fowl, or pets.
3. Biting or threatening to bite another person or animal.

For the law of the commonwealth as to nuisance or dangerous dogs, see Mass Gen Law Ch. 140 s. 157.

For the law of the commonwealth as to damage caused by a dog to either the body or property of a person, see MGL Ch. 140 s. 155.

17.6 Penalties & Non-Criminal Disposition/Disclaimer Clause

All penalties set forth herein before shall be paid to the Town Clerk within twenty-one (21) days of notice of the offense. These bylaws shall be enforced by the Select Board through the ACO or Police Officer of the Town of Tyringham and shall be administered by MGL Ch. 40, s. 21D, on a non-criminal disposition. Nothing contained within these bylaws shall limit or restrict any enforcement officer to seek criminal disposition of any violation of state or federal law.

Tyringham Zoning Bylaw 6.8

6.8 FLOODPLAIN DISTRICT BYLAW

6.8.1 Statement of Purpose

The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing 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

6.8.2 Use of FEMA maps and supporting studies

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on Tyringham's Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated May 1, 2005. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRMs. The effective FIRMs are incorporated herein by reference and are on file with the Town Clerk, Town Administrator, Planning Board, Building Inspector, and Conservation Commission.

6.8.3 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.

6.8.4 Disclaimer of liability

The degree of flood protection required by this bylaw 6.8 is considered reasonable but does not imply total flood protection.

6.8.5 Severability section

If any section, provision, or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

6.8.6 Designation of community Floodplain Administrator

The Town of Tyringham hereby designates the position of Building Inspector to be the official floodplain administrator for the Town.

6.8.7 Requirement to submit new technical data

If the Town of Tyringham acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town 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

6.8.8 Variances to building code floodplain standards

The Town 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 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.

6.8.9 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.

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

The Town of Tyringham 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.

6.8.11 Assure that all necessary permits are obtained

Tyringham'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.

6.8.12 Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

6.8.13 Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 10 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

6.8.14 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 sources 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.

6.8.15 Floodway encroachment

In Zones A, A1-30, 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.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town of Tyringham Flood Insurance Rate Map (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.

6.8.16 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

6.8.17 AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

6.8.18 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.

6.8.19 Definitions not found in the State Building Code

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]

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]

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]

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]

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. 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]

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]

Definitions of Flood Zones

The community shall use the pertinent definitions for flood zones delineated within the community. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

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)