

COMPILATION OF LANGUAGE FOR PUBLIC POSTING OF
LEVERETT'S 2026 PROPOSED ZONING BYLAW CHANGES
TO BE CONSIDERED AT THE
MARCH 11, 2026 PUBLIC HEARING

The following is the proposed language changes needed to the Zoning Bylaws. We've included at the top of each section the reasoning behind the requested changes and relevant notes. These notes will not be part of the Warrant article(s) - they are simply here for the hearing to add context and provide explanations.

The topics are:

- Kennels (Use Regulations (Business/Industrial Uses), Accessory Buildings and Use, Definitions)
- Ground-Mounted Solar Electric
- Manufactured Homes (Use Regulations, Definitions)
- Site Plan Review
- Accessory Dwelling Units
- Floodplain

A. Regarding Kennels

Please note: this has already been passed by a majority vote at the spring 2025 Town Meeting. However, the vote was not recorded as a hand-count of 2/3 majority by the moderator but as a voice vote. Therefore, the Attorney General requires a new vote.

Rationale:

- Relieves zoning restriction on the number of dogs one may own for personal reasons while maintaining zoning restrictions on kennels operated for commercial purposes.
- The number of pet dogs residents allowed to have is not a zoning issue. Commercial operations are a zoning issue.
- Under state law, the number of pet dogs is the responsibility of the Town Clerk and Animal Control Officer.

Proposed Changes to 2200 Use Regulations

a. **2234.** Business/Industrial Uses

Strikethrough:

	RV	RR	RO	BB	CO
Kennel	N	N	N	SP	SP

Replace with:

	RV	RR	RO	BB	CO
Personal Kennel	Y	Y	Y	Y	Y

b. Changes to 2240. Accessory Buildings and Uses.

Add to accessory use section [New Section]:

2249. Personal kennels are allowable in all districts as an accessory use.

c. Changes to Article VI. Definitions

Remove current definition:

Kennel shall mean one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of more than three (3) dogs, three months old or older, owned or kept by a person on a single premises regardless of the purposes for which they are maintained or kept.

Replace with new language that adheres to state law:

Kennel shall mean a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

B. Regarding Ground-Mounted Solar Electric

Please note, this proposed revision was brought to the 2025 Town Meeting but not brought to a vote. The Planning Board was asked to review and ensure that the new height restriction met existing building height restrictions code. The proposed revision did meet that standard; to make it even more clear the Planning Board kept the maximum height standard, and the height still triggers a special permit application.

Rationale:

- Relieves highly-restrictive zoning on the height of ground-mounted solar installations, in keeping with advancements in technology and innovation.
- Relieves a costly site plan review for every ground-mounted solar installation, instead providing cost-burden reductions on ground-mounted solar installations less than 20 feet in height.
- Area solar installers provided evidence that most installations are not above 20 feet. Few, if any, installations would exceed 30 feet. The Town already has a universal height restriction of 35 feet.
- Site plan review would be required for installations above 20 feet up to 35 feet.
- This change to the zoning code does not alleviate the requirement to comply with all setbacks or to obtain a proper building permit for the solar installation.

Proposed changes to 4970 Ground-Mounted Solar Electric

[**Bold = new language**; strikethrough shows language to be removed]:

Small-scale (less than 1,750 square feet of panels) ground or building-mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this section but require a building permit and must comply with the other provisions of Leverett's zoning bylaws **and shall be subject to Site Plan Review if in excess of 20 feet in height up to 35.** ~~such small scale ground-mounted solar electric installations shall be subject to Site Plan Review if in excess of 9 feet in height and not in excess of 20 feet in height and shall require a special permit if greater than 20 feet in height and shall not exceed 35 feet in height.~~

C. Regarding Manufactured Homes

Please note, this proposed change passed at Town Meeting 2025 by the required vote, but the Attorney General has placed it on hold to verify that the public hearing notice requirements were met. The Planning Board and Town Clerk are working together to provide evidence of correct postings. However, we are including it here in case the Attorney General does not respond before the 2026 Town Meeting, on the chance we will need to vote again.

Rationale:

- The purpose of this proposed change is to bring the Town's code in alignment with state definitions, per the recommendation of FRCOG.
- A March 2024 Massachusetts amendment stipulates that municipalities must allow manufactured housing wherever single-family dwellings are allowed, subject to the same design criteria as conventional single-family homes. Massachusetts law (MGL c. 140, §§ 32A-32S) defines a "manufactured home" as a structure built to national standards (HUD

code) that is transportable in one or more sections, is at least 8 feet wide or 40 feet long (or 320+ sq ft), built on a permanent chassis, and designed for use with or without a permanent foundation.

- The change eliminates the use of the term "mobile home" in Definitions and updates Use Regulations to replace "mobile homes" with "manufactured homes."

Proposed changes to 2200 and Definitions

a. 2200 Use regulations

Change: "One-family dwelling incl. mobile homes" to "Dwelling Single Family, shall include manufactured homes"

b. Article VI: Definitions

~~Mobile Home shall mean a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities, but not including recreational vehicles or travel trailers.~~

D. Regarding Site Plan Review

Please note:

Town Zoning already authorizes the Planning Board to adopt regulations for procedures, as long as they are compatible with zoning bylaw, town code, and state regulations.

Currently, the Site Plan Review process is confusing for applicants, cumbersome for the Town Clerk, and requires the same extensive documentation regardless of project complexity or impact. Multiple printed documents and maps are required even when digital formats would serve all parties more effectively. Applicants can make a case for why certain elements of the SPR do not apply to their case, and the Planning Board makes discretionary choices for that relief.

To ensure a transparent and fair process, the Planning Board wants to simplify the bylaw and use regulations to spell out SPR requirements and process. The regulations would be created and later modified using the public hearing procedures.

This approach was recommended by past Planning Board members and town counsel.

Rationale:

- To simplify Section 3900 of the zoning bylaw to streamline Site Plan Review (SPR) procedures while maintaining public oversight and participation.
 - SPR and Planning Board approval still required before building permits for all applicable projects; notification to abutters and all state mandates still required.

- Site plan documentation will still be publicly available at Town Hall.
- Same advance public notice of SPR hearings will be required.
- All current SPR triggers remain in effect.
- Improvements
 - Documentation requirements will match each project's complexity.
 - Digital submissions can be accepted where appropriate.
 - Administrative procedures codified in Planning Board regulations.

Proposed changes to 3900 Site Plan Review

[**Bold = new language**; strikethrough shows language to be removed]:

a. Changes to 3910. Applicability and Procedure.

Applications for ~~building permits for duplexes, or for nonresidential or nonagricultural construction, including applications for extensions, alterations, or changes to duplexes, available as of right,~~ **Site Plan Review**, shall be accompanied by an ~~approved~~ **Application for Site Plan Review**, prepared in accordance with the criteria specified below. ~~An~~ **Such** approval from the Planning Board shall be obtained prior to application for a building permit. An applicant shall file a completed application with the Town Clerk. The Town Clerk shall acknowledge receipt of the plans by signing and dating the application form. The application submitted to the Town Clerk shall include seven (7) copies of each of an application form, the Site Plan **Drawing Package** and any narrative documents as outlined in the submittal requirements **below**. Upon receipt of the application, the Town Clerk shall transmit copies of the application to the **pertinent Town boards, e.g.** Planning Board, Conservation Commission, Board of Health, Highway Superintendent, Fire Chief and the Police Chief. These Town Boards and municipal officials shall have 45 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations, and they can attend the public hearing(s). No building permits for projects requiring Site Plan Review shall be issued until the Planning Board has approved the Site Plan or unless the required time period for taking action on a Site Plan has lapsed without action from the Planning Board. Public Hearing. The Planning Board shall hold a public hearing within 65 days after the filing of an application and shall take final action on an application for Site Plan approval within 90 days of the close of the public hearing. Notice and posting of the public hearing shall comply with regulations adopted by the Planning Board, which the Planning Board may amend from time to time. To the extent permitted by law, the public hearing should be coordinated with any other public hearing required for a definitive subdivision plan.

b. Changes to 3920. Plans. Plans subject to this section shall ~~show~~:

~~3921. Existing and proposed topography at 2 foot or 1 meter contour intervals;~~

~~3922. Water provision, including fire protection measures;~~

~~3923. Sanitary sewerage;~~

~~3924. Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in Sections 3000 and 4000 of the Planning Board's Subdivision Rules and Regulations;~~

~~3925. Parking, access, and egress provisions;~~

~~3926. Planting, landscaping, and screening;~~

~~3927. All boundary line information pertaining to the land sufficient to permit location of same on ground;~~

c. Changes to 3928, include striking part of 3928 and combining with 3920 to complete the sentence.

i. ~~3928. Compliance with all applicable provisions of this Zoning By-Law.~~
comply with Planning Board Regulations for Site Plan Review.

~~d. 3930. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer and a Registered Land Surveyor. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=200'.~~

3940. Decision. The Planning Board's action shall consist of either:

- a. Approval of the site plan based upon the determination that the proposed project is in compliance and consistent with the criteria set forth in this By-law;
- b. Approval of the site plan subject to conditions, modifications, and restrictions as the Planning Board may deem necessary; or
- c. Denial of the site plan based upon specific findings such a determination that there was insufficient information submitted with the proposal to adequately review it or that the project is inconsistent with the requirements of these Zoning By-laws.

Site Plan approval may be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions, even at the expense of the applicant, to ensure that the following conditions have been satisfied. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

3941. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

3942. Maximize pedestrian and vehicular safety both on the site and egressing from it;

3943. Minimize obstruction of scenic views from publicly accessible locations;

3944. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

3945. Minimize glare from headlights through plantings or other screening;

3946. Minimize lighting intrusion through use of such devices as cut-off luminaries confining direct rays to the site, with fixture mounting not higher than 20 feet;

3946. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways.

3947. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

The decision of the Planning Board shall be filed with the Town Clerk within 90 days of the close of the Public Hearing and the written record of the decision including any approved Site Plan shall be filed with the Town Clerk within 14 days of the final vote or sooner to meet the 90 day maximum time frame. A copy of any approved Site Plan and the decision of the Planning Board shall be sent by the Applicant to the Building Inspector and to the Registry of Deeds.

3950. Lapse. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

3960. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

E. Regarding Accessory Dwelling Units

Please note:

To comply with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units, the Leverett Planning Board will ask our Town Meeting on May 2nd 2026 to approve to clarify our Zoning Bylaw and bring it into alignment with Massachusetts General Law to support ADUs built by-right in Leverett.

Rationale:

- In 2025, the Commonwealth adopted state ADUs laws allowing Accessory Dwelling Units up to 900 sq feet by right. We are now changing our bylaws to be in compliance with state law.
- Leverett's Comprehensive Master Plan process showed significant support for ADUs.
- Massachusetts has updated its housing laws to treat manufactured homes and accessory dwelling units (ADUs) as critical components of affordable housing, requiring towns to update their zoning bylaws to be less restrictive. Prefabricated or modular homes used as ADUs must be allowed if they comply with the Massachusetts Building Code.
- Zoning must permit one accessory dwelling unit (ADU) on any lot with a single-family detached dwelling, without requiring a special permit. Any part of a town's zoning bylaw that conflicts with the state law is unenforceable as of February 2, 2025.

- By-right ADUs must be no larger than 900 square feet or half the gross floor area of the principal dwelling, whichever is smaller. The town cannot require additional parking spaces within 0.5 miles of transit and can only require a maximum of one space elsewhere.
- Towns cannot mandate owner-occupancy for ADUs, but they can regulate short-term rentals (less than 30 days).
- Leverett retains discretion over reasonable restrictions like size limits (max 900 sq ft or 50% of main house), site plan review, setbacks, height/bulk rules, short-term rental rules, and utility/septic (Title V) requirements.

Proposed changes to the Leverett Zoning Bylaw relevant sections

Section 2244. One house trailer...

Under 2240. Accessory Buildings and Uses, Section 2244 currently states:

2244. One house trailer, mobile home, camping vehicle, or tent may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. One house trailer, mobile home, camping trailer, or similar vehicle, not used for dwelling purposes, may be stored out of doors on a lot.

Amend Subsection 2244 by inserting the **bold text** and deleting the ~~strikethrough text~~ as follows:

2244. One house trailer, ~~mobile home~~, camping vehicle, or tent may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. **One mobile dwelling unit that does not qualify as an ADU or meet the conditions of Section 2400 may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period.** One house trailer, mobile home, camping trailer, or similar vehicle, not used for dwelling purposes, may be stored out of doors on a lot.

So amended, Subsection 2244 will state:

2244. One house trailer, camping vehicle, or tent may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. One mobile dwelling unit that does not qualify as an ADU or meet the conditions of Section 2400 may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. One house trailer, mobile home, camping trailer, or similar vehicle, not used for dwelling purposes, may be stored out of doors on a lot.

Section 2245. No garage building...

Under 2240. Accessory Buildings and Uses, Subsection 2245 currently states:

2245. No garage building or accessory building shall be used as a dwelling unit if it is located on a lot with a principal structure serving as a residence.

Amend Subsection 2245 by inserting the **bold text** and deleting the ~~strikethrough text~~ as follows:

2245. No ~~garage building or accessory building~~ **that does not qualify as an ADU or meet the conditions of Section 2400** shall be used as a dwelling unit if it is located on a lot with a principal structure serving as a residence.

So amended, Subsection 2245 will state:

2245. No building that does not qualify as an ADU or meet the conditions of Section 2400 shall be used as a dwelling unit if it is located on a lot with a principal structure serving as residence.

Section 2247. Dimensional Regulation: Accessory Uses.

Under 2240. Accessory Buildings and Uses, Subsection 2247 currently states:

2247. Dimensional Regulation: Accessory Uses. Accessory structures may not be placed within required yards, except that permitted signs may be located within a required front yard, and a permitted one-story accessory structure may be located within a required rear yard provided that it occupies not more than 25% of the required yard, and provided that it is not located within 10 feet of any property line.

Amend Subsection 2247 by inserting the **bold text** and deleting the ~~striktthrough text~~ as follows:

2247. Dimensional Regulation: Accessory Uses. Accessory structures may not be placed within required yards, except that permitted signs may be located within a required front yard, ~~and~~ a permitted one-story accessory structure may be located within a required rear yard provided that it occupies not more than 25% of the required yard, and provided that it is not located within 10 feet of any property line, **and a structure that qualifies as an ADU and meets the conditions of Section 2400 may be located within a required yard provided that it meets all dimensional requirements that apply to single-family dwelling units.**

So amended, Subsection 2247 will state:

2247. Dimensional Regulation: Accessory Uses. Accessory structures may not be placed within required yards, except that permitted signs may be located within a required front yard, a permitted one-story accessory structure may be located within a required rear yard provided that it occupies not more than 25% of the required yard and provided that it is not located within 10 feet of any property line, and a structure that qualifies as an ADU and meets the conditions of Section 2400 may be located within a required yard provided that it meets all dimensional requirements that apply to single-family dwelling units.

Section 2340. Dimensional Schedule.

Under 2300. Dimensional Requirements, Subsection 2340 currently states:

2340. Dimensional Schedule. (For accessory buildings, see Section 2247, for Wireless Telecommunication Facilities see Section 4900, for Ground-Mounted Solar Electric Installations see Section 4970.)

Amend Subsection 2340 by inserting the **bold text** as follows:

2340. Dimensional Schedule. (For accessory buildings, see Section 2247, **for Accessory Dwelling Units (ADUs), see Section 2400**, for Wireless Telecommunication Facilities see Section 4900, for Ground-Mounted Solar Electric Installations see Section 4970.)

So amended, Subsection 2247 will state:

2340. Dimensional Schedule. (For accessory buildings, see Section 2247, for Accessory Dwelling Units (ADUs), see Section 2400, for Wireless Telecommunication Facilities see Section 4900, for Ground-Mounted Solar Electric Installations see Section 4970.)

Section 2400. Accessory Apartments.

Step 1 of 2: Strike the entire section

Remove the existing content of Section 2400 in its entirety:

~~2400. Accessory Apartments.~~

~~2410. Purpose. For the purpose of providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, and for the purpose of enabling owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.~~

~~2420. Procedure. Accessory apartments may be allowed on special permit, which shall lapse every two years, by the Board of Appeals, in accordance with the special permit process in this Zoning By Law, as set forth in Section 5300, and provided that each of the following additional criteria are met.~~

~~2430. Conditions.~~

~~2431. A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and proposed accessory apartment shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory apartment, location of any septic system and required parking. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement;~~

~~2432. Any special permit shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). The Board of Health shall also approve water supply and drainage resulting from the proposed accessory apartment as adequate for the proposed construction;~~

~~2433. Certification by affidavit shall be provided that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence;~~

~~2434. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 1,200 sq. ft. in floor space and shall be located as part of the single family structure on the premises;~~

~~2435. The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a single-family structure, in accordance with the following:~~

~~a. Any stairways or access and egress alterations serving the accessory apartment shall be enclosed, screened, or located so that visibility from public ways is minimized;~~

~~b. Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.~~

~~2440. Conditions for Issuance and Renewal of Special Permits. The initial term and subsequent terms of a special permit for an accessory apartment shall expire after two years. Subsequent special permit issuances for existing accessory apartments shall be granted after certification by affidavit is made by the applicant to the Board of Appeals that the accessory apartment has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application.~~

~~2450. Decision. Special permits for an accessory apartment may be issued by the Board of Appeals upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 5300 of this Zoning By-Law, governing special permits.~~

Step 2 of 2: Add a new section based on the model bylaw

Replace Section 2400 with the following content based on the Model Zoning for Accessory Dwelling Units.

2400. Accessory Dwelling Units (ADUs).

2410. Purpose.

The purpose of this Section 2400 is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as of-right in Zoning Districts that allow single-family dwelling units as a Principal Use in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. This zoning provides for by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle/hidden density.
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

2420. General Provisions for All ADUs.

1. Code Compliance

- a. ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.
- b. ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Zoning District in which the ADU is located.
- c. ADUs shall be designed, built, and maintained in compliance with all other applicable Building, Health, and Fire Codes.

2. An ADU may be located in an existing structure or as a new structure located on the same lot as the Principal Dwelling.

3. An ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling (Section 2300: Dimensional Requirements) or accessory structure (Section 2247: Dimensional Regulation: Accessory Uses) within the same district, whichever results in more permissive regulation.

4. An ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Section 2300: Dimensional Requirements), or Single-Family Residential Dwelling (Section 2300: Dimensional Requirements), or accessory structure (Section 2247: Dimensional Regulation: Accessory Uses) within the same district, whichever results in more permissive regulation.

5. Off-Street Parking. An ADU must have a minimum of one (1) off-street parking space provided in addition to the off-street parking spaces required for the Principal Dwelling and utilize the current driveway/curb cut used by Principal Dwelling.

6. Short-Term Rentals. ADUs may be operated as Short-Term Rentals subject to any restrictions or prohibitions by ordinance or by-law adopted by Leverett pursuant to M.G.L. c. 64G, § 14.

2430. Protected Use ADU Conditions and Requirements. The Building Inspector, as Zoning Enforcement Officer, shall approve a Building Permit authorizing Protected Use ADU installation and use within or on a Lot with a Principal Dwelling in a Zoning District that allows a single-family dwelling as a Principal Use, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

1. A Protected Use ADU shall comply with Section 2420. General Provisions for All ADUs.

2. Dimensional Standards. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or half (1/2) the Gross Floor Area of the Principal Dwelling, whichever is smaller. Where there are multiple Principal Dwellings on the Lot, the Gross Floor Area of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

3. If there is a Transit Station established in the Town of Leverett, a Protected Use ADU located within one half (1/2) mile radius of the Transit Station will be exempt from the Off-Street Parking requirement in Section 2420.

4. Only one ADU on a Lot may qualify as a Protected Use ADU.

2440. Special Permit for Local ADUs. The Board of Appeals, as the Special Permit Granting Authority, shall approve a Special Permit authorizing a Local ADU installation and use within, or on a

Lot with, a Principal Dwelling in a Zoning District that allows a single-family dwelling as a Principal Use, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met.

2441. A Local Use ADU shall comply with Section 2420.

2442. Dimensional Standards

a. A Local ADU must be larger than 900 square feet or there must be a Protected Use ADU already built on the same property.

b. A Local ADU shall not be larger than a gross floor area of 1,200 square feet.

2450. Special Permit for Multiple ADUs on a Lot. A special permits for an ADU on a Lot where an ADU is already located in a Zoning District that allows a single-family dwelling as a Principal Use may be issued by the Board of Appeals upon a finding that the construction and occupancy of the additional ADU will not be detrimental to the neighborhood in which the Lot is located, after consideration of the factors specified in Section 5300 of this Zoning By-Law, governing special permits, and the following conditions are met.

2451. The additional ADU shall be classified as a Local ADU and must comply with Section 2440.

2452. A plot plan, prepared by a Registered Land Surveyor, showing the existing and proposed structures, septic systems, and parking, shall be submitted to the Board of Appeals. A mortgage inspection survey, properly adapted by a surveyor, shall be sufficient to meet this requirement.

2453. Any special permit shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). The Board of Health shall also approve water supply and drainage resulting from the proposed ADU as adequate for the proposed construction.

2460. Special Permit Granting Authority. The Board of Appeals shall be the Special Permit Granting Authority under this Section 2400.

2461. A special permit granted by the Board of Appeals shall lapse every two years in accordance with the special permit process in this Zoning By-Law, as set forth in Section 5300.

Amend Section 3120. Schedule of Parking Area Requirements

Under 3100. Parking and Loading Requirements, Subsection 3120 currently states:

3120. Schedule of Parking Area Requirements. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met for the new demand without counting existing parking:

Dwellings: Two spaces per dwelling unit.

Amend Subsection 3120 by inserting the **bold text** and deleting the ~~strikethrough text~~ as follows:

3120. Schedule of Parking Area Requirements. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met for the new demand without counting existing parking:

Principal Use Dwellings: Two spaces per dwelling unit.

Accessory Dwelling Units (ADUs): One space per dwelling unit. See Section 2400.

So amended, Subsection 2247 will state:

3120. Schedule of Parking Area Requirements. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met for the new demand without counting existing parking:

Principal Use Dwellings: Two spaces per dwelling unit.

Accessory Dwelling Units (ADUs): One space per dwelling unit. See Section 2400.

Amend ARTICLE VI. DEFINITIONS

Replace “Accessory Apartment”

Delete the current definition:

~~Accessory Apartment shall mean a self-contained dwelling unit consisting of one or more rooms with separate kitchen facilities, at least one bathroom, and not more than two (2) bedrooms, incorporated within the single-family structure on the premises.~~

Replace with the definition of “Accessory Dwelling Unit (ADU)” from the model bylaw:

Accessory Dwelling Unit (ADU) shall mean a self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. General references to ADUs in this by-law include both Protected Use ADUs and Local ADUs.

Add “Gross Floor Area”

Add the definition of “Gross Floor Area” from the model bylaw:

Gross Floor Area (GFA) shall mean the sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces.

Add “Local ADU”

Add the definition of “Local ADU” from the model bylaw:

Local ADU shall mean an ADU that is not a Protected Use ADU and may include rules specific to Leverett.

Add “Protected Use ADU”

Add the definition of “Protected Use ADU” from the model bylaw:

Protected Use ADU shall mean an attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Zoning District that allows single-family dwelling units as a Principal Use, built as of-right in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Add “Short-Term Rental”

Add the definition of “Short-Term Rental” from the model bylaw:

Short-Term Rental shall mean an owner-occupied, tenant-occupied, or non-owner-occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a period of 90 consecutive days or less; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

Add “Transit Station”

Add the definition of “Transit Station” from the model bylaw:

Transit Station shall mean a Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

F. Regarding Floodplain Overlay District

Please note:

The National Flood Insurance program requires the following mandatory updates to the Floodplain Overlay District.

After years of devastation from flooding across the nation, Congress created the National Flood Insurance Act of 1968 in an attempt to offer flood disaster relief in the form of insurance. Communities that voluntarily adopt and enforce floodplain management ordinances that meet at least minimum National Flood Insurance Program (NFIP or the Program) requirements can receive this insurance coverage for residents.

Leverett **must** update our bylaws to be compliant with the program and maintain the flood insurance. The requirements of the NFIP can be found in the US Code of Federal Regulations, Title 44 Emergency Management, generally in sections 59 through 75, although the requirements that most specifically address development in the floodplain are found in section 60.3.

These floodplain management regulations are established to protect the public health, safety, and general welfare and to minimize the harmful impacts of flooding upon the community.

The proposed language is from the State's model bylaw and adapted for our community. The new language takes the place of the entirety of both sections 4400 and 4500.

At least two sections require more thought through the hearings - the designation of the Floodplain Manager (Section 4422) and the Enforcement section 4436. These have been highlighted in yellow.

The official maps are not yet available. Once those are made available, and ongoing over the years as new maps from FEMA are adopted, the Town is required to vote to approve the effective map dates. For now, a placeholder has been highlighted in yellow.

At the 2026 meeting, Leverett will vote to adopt the official language that allows us to maintain our NFIP coverage. In 2027, Leverett will vote to approve the official maps that determine the flood zones. Both of these elements are required by law to remain in the NFIP.

Proposed Changes:

Strike in their entirety Section 4400. Flood Hazard District and 4500. Streams and Lake Protection District.

Replace with the model Floodplain Overlay District.

~~4400. Flood Hazard District.~~

~~4410. Purpose. The Flood Hazard District is established to protect the public health, safety, and general welfare, to protect human life and property from the hazards of~~

~~periodic flooding, to preserve natural flood control characteristics and flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.~~

~~4420. Establishment of Districts. The Flood Hazard District is herein established as an overlay district. The boundaries of the Flood Hazard District are defined as:~~

~~4421. All areas delineated on the Leverett Flood Insurance Rate Map (FIRM), dated June 4, 1980, as Zones A, A-1, A-2, and A-3 to indicate the 100-year flood plain. The boundary of the 100-year flood plain is further defined by the Flood Profiles contained in the Flood Insurance Study, dated November 1979, herein incorporated into this by-law by reference; and~~

~~4422. All areas delineated on the Leverett Flood Boundary Floodway Map (FBFM), dated June 4, 1980, and further defined by the Floodway Data Tables contained in the Flood Insurance Study.~~

~~4423. Within Zone A, where the 100-year flood elevation is not provided on the FIRM, the applicant shall obtain any existing flood elevation data and provide such data to the Board of Appeals for review. If the Board of Appeals deems such data to be accurate, it may be relied upon for purposes of this by-law and the State Building Code.~~

~~4430. Use Regulations.~~

~~4341. Within a Flood Hazard District, the requirements of the underlying districts continue to apply, except that uses are prohibited where indicated by "N" in the following schedule, and require a Special Permit where indicated by "SP", even where the underlying district requirements are more permissive. Uses permitted in the underlying districts are otherwise allowed in a Flood Hazard District.~~

~~SCHEDULE~~

~~(a) Temporary non-residential structures~~

~~used in connection with growing, harvesting,
storage, or sale of crops raised on the~~

~~premises~~ Y

~~(b) Construction, reconstruction, or creation of any
structure or building; dumping, filling, excavating, transferring, or
altering (in any way) the natural topography of the land, except~~

~~as provided in (d), below~~ SP

~~(c) Expansion, alteration, or change to a lawfully~~

~~existing nonconforming structure~~ SP

~~(d) Agriculture, silviculture, viticulture, floriculture and
horticulture, without construction of structures, placement of fill, or
storage of~~

~~equipment~~ Y

~~(e) Outdoor public recreation areas,
conservation areas, wildlife management, without
construction of structures, placement of fill, or
storage of equipment~~

~~4440. Special Permit Granting Authority. The Special Permit Granting Authority (SPGA) shall be the Board of Appeals. Such Special Permit may be granted if the SPGA determines that the intent of this Section 4400, as well as the specific criteria of Section 4460 are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree to which allowance of the use would increase flood levels during the occurrence of the 100 year flood. Any Special Permit required under this Section 4400 shall be in addition to, and separate from, any other Special Permit required under any section of this Zoning By-Law.~~

~~4450. Procedure. Applicants shall file six (6) copies of applications for Special Permits with the Board of Appeals. Whenever an application for a Special Permit is filed with the Board of Appeals under Section 4340, the Board of Appeals shall transmit within 10 working days of the filing of the completed application, copies of the application and other documentation, to the Board of Health, Planning Board, Conservation Commission, and the Building Inspector for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. Failure of these reviewing parties to make recommendations within 35 days after having received copies of all such required materials shall be deemed a lack of opposition thereto. The~~

~~Decision/Findings of the Board of Appeals shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.~~

~~4460. Special Permit Criteria. Special Permits hereunder shall be granted only if the SPGA determines (without application of Section 5330), after reviewing the recommendations of the reviewing parties delineated in Section 4450, that the proposed use:~~

~~4461. Complies in all respects with the requirements of the underlying district in which the land is located;~~

~~4462. Via encroachments, including fill, new construction, substantial extension, alteration or change to existing structures, and other activities will not result in any increase in flood levels during the occurrence of the 100 year flood.~~

~~4500. Stream and Lake Protection District.~~

~~4510. Purpose. This overlay district is established to ensure that lands near flowing streams and standing open water bodies shall not be used in such a manner as to endanger the health or safety of Leverett residents.~~

~~4520. Applicability. The following areas shall be included in the Stream and Lake Protection District:~~

~~4521. Land lying within a horizontal distance of one hundred (100) feet on each side of the bank and/or edge of each and every "Major Stream" in the Town of Leverett, as shown on the "Stream and Lake Protection District Map, Town of Leverett, 1990", hereby appended to and made a part of this by law.~~

~~4522. Land lying within a horizontal distance of fifty (50) feet on each side of the bank and/or edge of each and every "Minor Stream" in the Town of Leverett, as shown on the "Stream and Lake Protection District Map, Town of Leverett, 1990", hereby appended to and made a part of this by law.~~

~~4523. All land that lies within a horizontal distance of one hundred (100) feet from the normal highwater line of all standing open bodies of water shown on the "Stream and Lake Protection District Map, Town of Leverett, 1990", hereby appended to and made a part of this by law.~~

~~4524. "Major Streams" are those shown as bold lines on the aforesaid map. "Minor Streams" are all streams shown on the aforesaid map and not shown by a bold line.~~

~~4530. Restrictions. The Stream and Lake Protection District shall be considered an overlay district. Land lying within a Stream and Lake Protection District may be used for any purpose otherwise permitted in the underlying zoning district, with the following exceptions:~~

~~4531. No septic tank or septic tank leach field or other component of an individual wastewater disposal system shall be constructed within the district;~~

~~4532. No dumping, filling, dredging, excavation, transfer or removal of any material which will alter the natural flood water storage capacity of the land, interfere with the natural flow of the water over the land, or increase stream bank erosion shall be permitted except by a written order of conditions from the Leverett Conservation Commission;~~

~~4533. No building or structure shall be erected in this district without the issuance of a special permit from the Board of Appeals.~~

~~4540. Special Permits. The Board of Appeals may grant a special permit for a building or structure provided that all of the following conditions have been satisfied. Section 5330 shall not be applicable to such special permit applications.~~

~~4541. The building or structure is not intended for and shall not be used for human residence;~~

~~4542. The construction of the building or structure will not:~~

~~a. substantially interfere with the natural flow of water off of the premises;
and;~~

~~b. constitute a danger to the public safety or health.~~

Replace 4400 and 4500 with:

4400. Floodplain Overlay District

After years of devastation from flooding across the nation, Congress created the National Flood Insurance Act of 1968 in an attempt to offer flood disaster relief in the form of insurance. This insurance would be available to residents of communities that voluntarily adopt and enforce floodplain management ordinances that meet at least minimum National Flood Insurance Program (NFIP or the Program) requirements.

4410. Purpose.

The purpose of the Floodplain Overlay District is 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.
 - a. Eliminate costs associated with the response and cleanup of flooding conditions.
 - b. Reduce damage to public and private property resulting from flooding waters

4420. Establishment of District & NFIP Requirements.

The local floodplain overlay district is hereby established as an overlay to all other districts. All development in the floodplain overlay district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with:

- 780 CMR- Massachusetts Statewide Building Code and
- 310 CMR- Department of Environmental Protection Regulations

4421. 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 Leverett's most recent Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated [effective map dates on FIRM] and on the Flood Boundary & Floodway Map (if applicable) dated [FBFM effective date.] 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 FIRM and further defined by the Flood Insurance Study (FIS) report dated [FIS date.] The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

4422. Designation of community Floodplain Administrator.

The Leverett Planning Board shall appoint the Community Floodplain Administrator.

Or

The Town of Leverett hereby designates the position of _____ to be the official floodplain administrator for the Town.

The floodplain administrator is the official responsible to submit a report to the Federal Insurance Administrator concerning the community participation in the Program, including, but not limited to the development and implementation of floodplain management regulations.

The duties of the floodplain administrator include but are not limited to:

- Understanding the regulations for development in the floodplain overlay district;
- Ensuring that permits are applied for when development of any kind is proposed in the floodplain overlay district;
- Involvement with the permit process and/or permit application review for development in the floodplain overlay district;
- Coordinating with other local departments such as public works, stormwater/ engineering, planning & zoning, conservation commission, or housing;
- Notifying adjacent communities prior to alteration of a watercourse;
- Dealing with compliance issues and enforcement actions such as correcting violations, or working with the appropriate local staff to correct violations;
- Maintaining records of floodplain development, and keeping FEMA current and historic maps available for public inspection.

4423. Permits are required for all proposed development in the Floodplain Overlay District

The Town of Leverett 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.

4424. Assure that all necessary permits are obtained

The Town's permit review process includes the requirement that the proponent of development obtain 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 demonstrate that all necessary permits have been acquired.

4425. 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's/City's FIRM or Flood Boundary & Floodway Map (choose map which delineates floodways

for your community) encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4426. 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 and 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.

4427. Subdivision proposals

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

1. Such proposals minimize flood damage.
2. Public utilities and facilities are located & constructed so as to minimize flood damage.
3. Adequate drainage is provided.

4428. Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 50 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.

4429. Recreational vehicles

In A, A1-30, AH, AO, 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.

4430. Watercourse alterations or relocations in riverine areas

In a riverine situation, the Community 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;
- NFIP Program Specialist.

4431. Requirement to submit new technical data

If the Town 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:

- NFIP State Coordinator;
- Massachusetts Department of Conservation and Recreation;
- NFIP Program Specialist
- Federal Emergency Management Agency, Region 1.

4432. 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.

4433. 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.

4434. 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.

4434. Disclaimer of liability

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

4435. 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.

4436. Local Enforcement

The Town shall be responsible for enforcing and documenting specific actions, including stop work orders, citations, and penalties (which may include fines and/or jail time) taken by the community for non-compliant floodplain development, including but not limited to enforcement of building code regulations, enforcement of the Wetlands Protection Act, and other NFIP floodplain development requirements. The Floodplain Administrator will coordinate enforcement with local boards/committees and count/state agencies and be responsible for documenting the specific actions taken.

4440. Definitions not found in the State Building Code

4441. 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]

4442. 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.)

4443. 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]

4444. 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]

4445. 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]

4446. 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]

4447. 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]

4448. **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]

4449. **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]

4450. **REGULATORY FLOODWAY** - see FLOODWAY.

4451. **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]

4452. **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]

4453. **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]

4454. **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]

4455. 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]

4456. 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 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

4460. Definitions of Flood Zones

4461. ZONE A means an area of special flood hazard without water surface elevations determined

4462. ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

4463. 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

4464. 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.)

4465. 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.)

4466. ZONES B, C, AND X mean 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.)

4467. 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)

4468. 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)

- END -