

Town of Charlton
OFFICE OF THE TOWN CLERK
37 Main Street
Charlton, MA 01507
508-248-2249



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 15, 2023, the following business was transacted under Article: 17

ARTICLE 17. ZONING BYLAW AMENDMENT – AMEND SECTION 2 OF THE ZONING BYLAW
To see if the Town will vote to amend the Zoning Bylaw – Section 2 – Definitions - § 200-2.2 Floodplain, to insert the underlined language and delete the strikethrough language, as follows, or take any action relative thereto or thereon.

Section 2
Definitions

§200-2.2 Floodplain

~~AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain subject to a one percent or greater chance of flooding in any given year~~

~~BASE FLOOD. The flood having a one percent chance of being equalled or exceeded in any given year~~

~~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]~~

~~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:~~

~~(c) Individually listed 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, or AH. [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 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

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SPONSOR: PLANNING BOARD

MOTION: I move that Article 17 be accepted as printed.

RECOMMENDATION OF THE FINANCE COMMITTEE: n/a

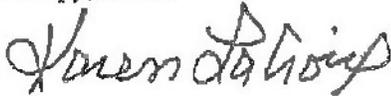
RECOMMENDATION OF THE BOARD OF SELECTMEN: n/a

RECOMMENDATION OF THE PLANNING BOARD: Planning Board supports this motion.

2/3rds Vote Needed per MGL Chapter 40A, Section 5, fifth paragraph

MOTION PASSES BY NECESSARY 2/3RD VOTE 67 – YES, 9 – NO

A True copy, Attest



Karen M. LaCroix
Town Clerk