

- B. **Conditions.** Such bond or insurance policy may provide that the town shall be protected and held harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor or his agents or by any reason of defects in the construction or damages resulting from the collapse, failure or combustion of the sign or parts thereof.
- C. **Notice of cancellation.** Any such obligation shall remain in force and effect during the lifetime of every such sign and shall not be canceled by the principle or surety until after thirty (30) days' notice to the Building Inspector.

§174-57 (Reserved)

§174-57.1 **Violations and Penalties:**

History: Added 10-15-2018 ATM, Article 11, approved by Attorney General 1-9-2019.

The Building Inspector or his/her designee shall enforce this Article and may issue a fine, as set forth below, for violations of the within Zoning Bylaw regarding Signs. Such violations shall be subject to noncriminal disposition in accordance with MGL C. 40, §21D.

First offense	Warning
Second offense	Fifty Dollars (\$50.00) per sign
Third and Subsequent offense	One Hundred Dollars (\$100.00) per sign

**ARTICLE XI - Floodplain Zone Provisions**

§174-58 **General provisions:**

Permits for new construction, alteration of structures or other development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations), at or below the base flood elevation as specified within the A and V Zones (in unnumbered A Zones), in the absence of Flood Insurance Administration data, the base flood elevations shall be determined by obtaining, reviewing and reasonably utilizing any existing base flood elevation data from federal, state, local or other sources) as designated on special Flood Insurance Administration Flood Insurance Rate Maps dated July 16, 2014, and the Flood Insurance Study dated July 16, 2014, which are on file with the Town Clerk, Planning Board and Building Inspector, shall be approved subject to other laws and bylaws applicable thereto and to the following.

History: Amended 10-1-2001, ATM, Article 15, approved by Attorney General 12-6-2001.

History: Amended 5-5-2014, ATM, Article 14, approved by Attorney General 6-11-2014

§174-59 **New Construction or Substantial Improvement:**

New construction or substantial improvement\* [repair, construction or alteration containing fifty percent (50%) or more of the market value of the structure before improvement or, if damaged, before the damage occurred] of residential structures shall have the lowest floor, including basement, elevated to not less than base flood elevations. New construction or substantial improvement of nonresidential structures shall either be similarly elevated or, together with attendant utility\*\* and sanitary facilities, be floodproofed to not less than base elevations.

**NOTES:**

\* Substantial improvement will have been deemed to occur when the first alteration of any structural part of the building commences.



**\*\*Utilities include electrical, heating, ventilation, plumbing, air-conditioning equipment and sanitary and other service facilities.**

**§174-60 Certification of Floodproofing Methods:**

Where floodproofing is required in accordance with §174-59, a registered engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

**§174-61 Compliance with State Building Code:**

Any new construction or substantial improvement to be undertaken within said zones shall be in accordance with the Massachusetts Uniform Building Code, Section 744.0, as amended. The Building Inspector shall review all proposed development within the flood zones to assure that all necessary permits which are obtainable at such time have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Amendments of 1972, 33 U.S.C. § 1334, and obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, local or other source as criteria for requiring that new construction, substantial improvements or other development in Zone AE meet floodplain zone provisions.

History: Amended 5-5-2014, ATM, Article 15, approved by Attorney General 6-11-2014

**§174-62 Development within V Zones:**

No land within areas designed as V (velocity) Zones on the Federal Emergency Management Agency Flood Insurance Rate Maps shall be developed unless such development is demonstrated by the application to be located landward of the reach of the mean high tide. Notwithstanding the applicable provisions of the Massachusetts Uniform Building Code, all new construction and substantial improvement within the V Zones shall be elevated on adequately anchored pilings or columns and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation, and certified by a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash. The following shall be prohibited within said V Zones:

- A. Any man-made alteration of sand dunes which might increase the potential for flood damage.
- B. Use of fill for structural support for new construction or substantial improvement of structures.
- C. Manufactured homes, except in existing manufactured home parks and existing manufactured home subdivisions.

History: Amended 5-5-2014, ATM, Article 14, approved by Attorney General 6-11-2014.

**§174-63 Variation of Restrictions:**

The Zoning Board of Appeals may vary the restrictions and requirements set forth in this Article in the case of new structures or where there is to be substantial improvement or other development on a lot of one-half (1/2) acre in size or less, contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, provided that the following are met:

- A. A showing of good and sufficient cause.



- B. A determination that failure to grant the Special Permit would result in exceptional hardship to the applicant.
- C. A determination that the granting of the Special Permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense or any conflict with requirements in accordance with Chapter 40A of the Massachusetts General Laws.
- D. The Zoning Board of Appeals has notified the applicant for the Special Permit, in writing, that the actuarial rates will increase as the first-floor elevation level increases risks to life and property.

**§174-64 Record and Report of Special Permits:**

Upon the granting of such Special Permits, the Zoning Board of Appeals shall require that the Town of Mashpee shall maintain a record of all Special Permit actions, including justification for their issuance, and report such Special Permits issued in its annual report to the Food Insurance Administrator in accordance with the Department of Housing and Urban Development guidelines.

**§174-65 Manufactured Home Parks and Subdivisions:**

Notwithstanding the applicable provisions of the Massachusetts Uniform Building Code within Zones AE, for new manufactured home parks and manufactured home subdivisions and for exiting manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, lots are to be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level; adequate surface drainage and access for a hauler must be provided; and, in the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten (10) feet apart and reinforcement must be provided for pilings more than six (6) feet above the ground level.

History: Amended 5-5-2014, ATM, Article 15, approved by Attorney General 6-11-2014.

**§174-66 Manufactured Homes not in Parks or Subdivisions:**

Notwithstanding the applicable provisions of the Massachusetts Uniform Building Code, in all manufactured homes to be placed within Zones AE but not into a manufactured home park or manufactured home subdivision:

History: Amended 5-5-2014, ATM, Article 14, approved by Attorney General 6-11-2014.

- A. Manufactured Homes must be elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level.
- B. Adequate surface drainage and access for a hauler must be provided.
- C. In the instance of elevation on pilings, lots must be large enough to permit steps, piling foundations must be placed in stable soil no more than ten (10) feet apart and reinforcement must be provided for piers more than six (6) feet above ground level.

**§174-67 Historic District Procedures:**

The Zoning Board of Appeals may grant a Special Permit for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in §174-62 above.



**§174-67.1 Subdivisions**

History: Added 5-5-2014 ATM, Article 14, approved by Attorney General 6-11-2014.

All Subdivision proposals shall be designed to ensure that:

- A. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- B. Adequate drainage is provided to reduce exposure to flood hazards.

**§174-67.2 Other Regulations**

History: Added 5-5-2014 ATM, Article 14, approved by Attorney General 6-11-2014.

In Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**§174-68 More Restrictive Regulations to Apply:**

Where these flood area provisions impose greater or lesser restrictions or requirements than those of other applicable bylaws or regulations, the more restrictive shall apply.

**ARTICLE XII - Mashpee River and Quashnet River-Protective Districts**

**§174-69 Purpose:**

The purpose of this Article is the preservation of the Mashpee River and Quashnet River and the protection of wildlife resources.

**§174-70 Designation of Areas:**

The area affected shall be the Mashpee River and Quashnet River marshes and uplands up to one hundred (100') horizontal feet from the natural bank of the Mashpee River and Quashnet River as delineated on the plan entitled "Mashpee River Protective Zoning Bylaw." All distances shall be measured in horizontal feet. In tidal areas, the area affected shall be measured from a line which is two and eight-tenths (2.8) feet above the National Geodetic Vertical Datum (formerly known as "mean sea level"). In freshwater wetland areas, this shall mean the landward edge of the freshwater marsh as defined in MGL C. 131, §40. The area subject to this Article shall be the source of the Mashpee River beginning at the northern point, thence running in a southerly direction along the natural bank to a depth of one hundred (100') feet on both sides of the Mashpee River terminating on the western bank of the river on the southern point of Parcel No 8 located on Assessor's Map 95, now or formerly of Herbert Stenberg, thence running southerly and terminating on the east side of the Mashpee River bounded by Parcel No. 24 located on Assessor's Map No. 90, also known as the northerly boundary of Pirate's Cove. The area known as Pirate's Cove and all areas south of Pirate's Cove shall be excluded from the provisions of the Article. The following area shall also be subject to this Article. The intersection of Quashnet River with the southern right-of-way boundary of State Route 151, thence running in a southerly direction along the natural bank, to a depth of one hundred (100') feet on both sides of the Quashnet River to its southern point at the intersection with the boundary between the Towns of Mashpee and Falmouth.



**§174-71 Prohibited Uses in any Area:**

- A. No structure of any kind may be located within the area subject to this Article with the exception of docks, which may be constructed in keeping with the state and local laws.
- B. No dumping, filling, removing of material or dredging, except for maintenance dredging, except for maintenance dredging of the Mashpee River and Quashnet River, may be done except as subject to the requirements of MGL C 131, §40, and all other applicable laws, bylaws and regulations.

**§174-72 Existing Uses:**

Any existing structure or use of such structure lawful at the effective date of this Article may continue although such structure or use does not conform to this Article. Any existing structure may be repaired, maintained and improved, but in no event made larger. Any nonconforming structure which is destroyed may be built on the same location, but no larger than the original overall square footage.

**§174-73 Previously Issued Building Permits:**

To avoid undue hardship, nothing in this Article shall be deemed to require a change in the design, construction or intended use of any structure with respect to which a Building Permit was legally granted prior to the effective date of this Article. Such construction must be substantially completed within a period of two (2) years from the effective date of this Article, or such construction shall be required to conform to this Article.

**§174-74 Application for Variance:**

Any owner of a lot which is buildable at the time of the effective date of this Article, but which is made unbuildable due to said Article, may apply to the Board of Appeals for variance.

**§174-75 Limit of Powers:**

Nothing contained in this Article is intended to override, restrict, impede or otherwise invalidate any of the rules, regulations, laws, or bylaws, etc., of the Mashpee Conservation Commission, the Town of Mashpee or the Commonwealth of Massachusetts which pertain to the subject matter of this Article. Unless otherwise indicated, this Mashpee River and Quashnet River Protective District Zoning Bylaw shall govern and supersede all other provisions of the Zoning Bylaw.

### **ARTICLE XIII - Groundwater Protection District**

**§174-76 Authority:**

This Article is adopted by the Town of Mashpee under its home rule powers, its police powers to protect the public health, safety and welfare and under powers authorized by Massachusetts General Laws, Chapter 41A, as amended.

**§174-77 Purposes:**

The purposes of this Article are to protect public health from the contamination of existing and potential public and private water supplies and to protect the general welfare by preserving limited water supplies for present and future use.