

Chapter 108

FLOODPLAIN MANAGEMENT

[HISTORY: Adopted by the Special Town Meeting of the Town of Lee 6-27-1974 by Art. 4; amended 8-19-1974 (Secs. 11-5 and 11-6 of the 1971 Code). Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 241.

§ 108-1. Floodplain map and description adopted.

That certain floodplain map entitled "Delineation and Description of the Housatonic River Floodplain and the Inland Wetlands in the Town of Lee, Massachusetts, 1974," together with the description contained in a report entitled "Housatonic River Floodplain and the Inland Wetlands in the Town of Lee, Massachusetts, 1974," both prepared by Robert G. Brown and Associates, Inc., are hereby adopted as the official designation and description for wetlands and floodplain zones within the Town of Lee.

§ 108-2. Construction in floodplain areas.

- A. Certain areas of the Town of Lee are subject to periodic flooding and/or mudslides from Goose Pond, Laurel Lake and the Housatonic River and all their tributaries and all drainageways within the Town, causing serious damage to residential properties within these areas.
- B. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968, as amended.
- C. It is the intent of the Board of Selectmen to comply with land use and management criteria regulations as required in said Act.
- D. It is also the intent of the Board of Selectmen to recognize and duly evaluate flood and/or mudslide hazards in all official actions relating to land use in the floodplain and/or mudslide areas having special flood and/or mudslide hazards.
- E. Chapter 40A of the Massachusetts General Laws authorized this Town to adopt land use and control measures.
- F. The Board of Selectmen hereby assures the Federal Insurance Administration that it takes the following legislative action:
 - (1) It appoints the Building Inspector of the Town of Lee with the responsibility, authority and means to:
 - (a) Delineate or assist the Administrator, at his or her request, in delineating the limits of the areas having special flood and/or mudslide hazards on available

local maps of sufficient scale to identify the location of building sites;

- (b) Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain and/or mudslide area;
 - (c) Maintain for public inspection and furnish upon request, with respect to each area having special flood hazards, information on elevations (in relation to mean sea level) of the lowest floors of all new or substantially improved structures;
 - (d) Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain or mudslide areas and cooperate with neighboring communities with respect to management of adjoining floodplain and/or mudslide areas in order to prevent aggravation of existing hazards; and
 - (e) Submit, on the anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of the floodplain and/or mudslide area management measures.
- (2) It takes such other official action as may be reasonably necessary to carry out the objectives of the program.
- G. The Town of Lee had adopted and is enforcing the BOCA Building Code and Zoning Bylaw for the Town of Lee.
- H. Section 199-25 of the Zoning Bylaw as adopted by the Town of Lee prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Inspector and/or Zoning Board of Appeals.
- I. The Building Inspector must examine all plans and specifications for the proposed construction when application is made to him or her for a building permit.
- J. The Board of Selectmen of the Town of Lee resolves as follows:
 - (1) That the Building Inspector for the Town of Lee, when reviewing applications for building permits, including the plans and specifications for the proposed construction, will review all building permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.
 - (2) That the Building Inspector shall review all building permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.
 - (3) That the Building Inspector, in reviewing all applications for construction in flood hazard locations within the Town of Lee, shall require that any such proposed construction must:
 - (a) Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.

- (b) Use construction materials and utility equipment that are resistant to flood damage.
 - (c) Use construction methods and practices that will minimize flood damage.
 - (d) Provide adequate drainage in order to reduce exposure to flood hazards.
 - (e) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities to include sewer, gas, electrical and water systems.
- (4) It is further resolved that the Planning Board and Building Inspector in reviewing all subdivision applications shall make findings of fact and determine if:
- (a) All such proposed developments are consistent with the need to minimize flood damage.
 - (b) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (c) Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.
 - (d) All public utilities and facilities are located, elevated and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.