



TOWN OF BELLINGHAM

OFFICE OF TOWN CLERK

TOWN HALL
P. O. BOX 367
BELLINGHAM, MASSACHUSETTS 02019

OCTOBER 19, 1978

TOWN CLERK
BERTRAND Z. REMILLARD

TELEPHONE
966-0040

PUBLICATION OF TOWN BY-LAWS

THE ATTACHED AMENDMENTS TO THE ZONING BY-LAWS ADOPTED UNDER ARTICLES 8, 9 AND 10 OF THE WARRANT FOR THE ANNUAL TOWN MEETING OF MARCH 24, 1978, INCLUDING THE ADJOURNED SESSIONS OF APRIL 21, 1978, JUNE 7, 1978 AND JUNE 21, 1978, HAVING BEEN APPROVED BY THE ATTORNEY GENERAL ON OCTOBER 16, 1978, ARE HEREBY PUBLISHED. ANY CLAIM OF INVALIDITY BY REASON OF DEFECT IN THE PROCEDURE OF ADOPTION OR AMENDMENT MAY ONLY BE MADE WITHIN NINETY DAYS OF THIS POSTING, IN WRITING, TO THE TOWN CLERK. A COPY OF THIS BY-LAW MAY BE EXAMINED OR OBTAINED IN THE TOWN CLERK'S OFFICE.

ATTEST:

Bertrand Z. Remillard
BERTRAND Z. REMILLARD, CMC
BELLINGHAM TOWN CLERK

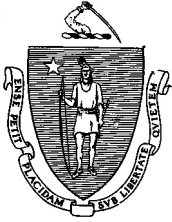
POSTED AT THE FOLLOWING PLACES:

- PRECINCT #1: TOWN CLERK'S OFFICE (TOWN HALL) AND HOWE PHARMACY
- PRECINCT #2: NORTH BELLINGHAM COMMUNITY BUILDING AND
CUMBERLAND FARMS STORE
- PRECINCT #3: MURRAY MEMORIAL BUILDING AND GAGNE'S DRUG STORE

I HEREBY CERTIFY THAT I HAVE POSTED ATTESTED COPIES OF THE ABOVE NOTICE AT THE PLACES INDICATED.

DATE POSTED 10-19-78

Richard D. Maroney
CONSTABLE OF BELLINGHAM



FRANCIS X. BELLOTTI
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE ATTORNEY GENERAL
JOHN W. MC CORMACK STATE OFFICE BUILDING
ONE ASHBURTON PLACE, BOSTON 02108

RECEIVED & FILED
BELLINGHAM TOWN CLERK

October 16, 1978

OCT 18 1978

Bertrand Z. Remillard. CMC
Town Clerk
Town of Bellingham
Bellingham, MA

Dear Mr. Remillard:

I enclose the amendments to zoning by-laws adopted under Articles 8, 9 and 10 of the warrant for the Bellingham Annual Town Meeting which convened March 24, 1978, with the approval of the Attorney General endorsed thereon and on the flood maps pertaining to Article 9.

Very truly yours,

Henry F. O'Connell /s/

Henry F. O'Connell
Assistant Attorney General
By-Laws Division

HFO'C/jmc
enclosure



TOWN OF BELLINGHAM

OFFICE OF TOWN CLERK

TOWN HALL
P. O. BOX 367
BELLINGHAM, MASSACHUSETTS 02019

TOWN CLERK
BERTRAND Z. REMILLARD

TELEPHONE
966-0040

July 21, 1978

The Honorable Francis X. Bellotti
Attorney General of Massachusetts
State House
Boston, Mass. 02133

RE: Annual Town Meeting VOTES,
Zoning By-Law Changes

Dear Attorney General:

I hereby certify that the following motions were adopted under Articles 8, 9 and 10 by voters of the Town of Bellingham at the Annual Town Meeting of March 24, 1978, including the adjourned sessions of April 21, 1978, June 7, 1978 and June 21, 1978:

ARTICLE 8. NEW STATE ZONING ACT - ZONING BY-LAW REVISION

VOTED: Unanimously voted that the Town accept the provisions of Chapter 808 of the Acts of 1975 as amended, and to amend the Bellingham Zoning By-Law as follows;

Step 1. ADMINISTRATION AND PROCEDURE

Delete ARTICLE I ADMINISTRATION AND PROCEDURE in its entirety, substituting the following in place thereof:

"ARTICLE I ADMINISTRATION AND PROCEDURE

1100. Purpose The purpose of this By-Law is to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water supply, drainage, schools, parks, open space, and other public requirements to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the recommendations of the master plan, if any, adopted by the Bellingham Planning Board and the comprehensive plan, if any, of the Metropolitan Area Planning Council; and to preserve and increase amenities, pursuant to Chapters 40A, 40B, and 41 of the Massachusetts General Laws as amended, and Article 89 of the Amendments to the Constitution.

1200. Administration

1210. Responsibility This By-Law shall be enforced by the Inspector of Buildings, who shall take such action as may be necessary to enforce full compliance with the provisions of this By-Law and of permits and variances issued hereunder, including notification of non-compliance and request for legal action through the Board of Selectmen to the Town Counsel.

1220. Compliance Certification No "development" shall be undertaken without certification by the Inspector of Buildings that such action is in compliance with then applicable zoning or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification. "Development": for these purposes shall mean erecting, moving, substantially altering or changing the use of a building, sign, or other structure, or changing the principal use of land.

1230. Submittals - In addition to any information which may be required under the Massachusetts State Building Code, the Inspector of Buildings shall require of applicants such information as he deems necessary to determine compliance with this Zoning By-Law. This may include such things as a Site Plan indicating land and building uses and provisions for vehicular parking and egress, location of flood plain control elevations, and evidence of performance compliance under Section 3200. Environmental Controls.

1240. Expiration - Construction or operations under a Building or Special Permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1250. Penalty - Any person violating any of the provisions of this By-Law, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals shall be fined not more than \$100 for each offense. Each day that such violation continues shall constitute a separate offense.

1300. Board of Appeals

1310. Establishment - The Board of Appeals shall consist of five members and three associate members, who shall be appointed by the Selectmen and shall act in all matters under this By-Law in the manner prescribed by Chapters 40A, 40B and 41 of the General Laws.

1320. Powers - The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

1321. To hear and decide applications for Special Permits upon which the Board is empowered to act under this By-Law, in accordance with Section 1500. Special Permits.

1322. To hear and decide appeals or petitions for variances from the terms of this By-Law, including variances for use, with respect to particular land or structures. Such variance shall be granted only in cases where the Board of Appeals finds all of following:

- a) A literal enforcement of the provisions of this By-Law would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.
- b) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
- c) Desirable relief may be granted without either:
 - (1) substantial detriment to the public good; or
 - (2) nullifying or substantially derogating from the intent or purpose of this By-Law.

1323. To hear and decide other appeals. Other appeals will also be heard and decided by the Board of Appeals when taken by:

- a) Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of Chapter 40A, G.L.; or by
- b) The Metropolitan Area Planning Council; or by
- c) Any person including any officer or Board of the Town of Bellingham or of any abutting town, if aggrieved by any order or decision of the Inspector of Buildings or other administrative official, in violation of any provision of Chapter 40A, G.L.; or this By-Law.

1324. To issue Comprehensive Permits. Comprehensive Permits for construction may be issued by the Board of Appeals for construction of low or moderate income housing by a public agency or limited dividend or non-profit corporation, upon the Board's determination that such construction would be consistent with local needs, whether or not consistent with local zoning, building, health, or subdivision requirements, as authorized by Sections 20-23, Chapter 40B, G.L.

1325. To issue withheld Building Permits. Building Permits withheld by the Inspector of Buildings acting under Section 81Y, Chapter 41, G.L., as a means of enforcing the Subdivision Control Law may be issued by the Board of Appeals where the Board finds practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building be related to a way shown on the subdivision plan in question.

1330. Public Hearings - The Board of Appeals shall hold public hearings in accordance with the provisions of the General Laws on all appeals and petitions brought before it.

1340. Repetitive Petitions - Repetitive petitions for exceptions, appeals and petitions for variances, and applications to the Board of Appeals shall be limited as provided in Section 16, Chapter 40A, G.L.

1400. Planning Board

1410. Special Permits - In instances where this By-Law provides for Special Permits to be acted upon by the Planning Board, those actions shall be based upon the considerations of Section 1500. Special Permits.

1420. Site Plan Review

1421. Applications for permits for construction, if resulting in a total of 20 or more parking spaces on the premises, shall be accompanied by a fourth print of a plan of the lot. Within seven (7) days of application a copy of that plan shall be transmitted by the Inspector of Buildings to the Planning Board for its review and written advisory report. No Building Permit shall be issued prior to receipt of such report unless 28 days lapse from the date of application.

1422. Plans subject to Site Plan review shall be prepared by a registered Architect, Landscape Architect, or Professional Engineer. A Site Plan shall be submitted showing (1) location and boundaries of the site and of the lots in the proposed development; (2) existing and proposed land and building uses; (3) existing topography and proposed grading; (4) indication of wetlands or other areas potentially subject to the Wetlands Protection Act; (5) areas included in any Flood Plain District; (6) location of any proposed structures, streets, ways, retaining walls, hydrants, principal drives, fences, outdoor lighting, open space areas, recreation areas, egresses service entries, loading facilities, facilities for waste disposal or storage, and parking with individual spaces identified; (7) location, size, and design of all proposed signs; and (8) landscaping and screening, indicating distinctions between proposed and retained vegetation. Accompanying the Site Plan shall be ground floor plans and architectural elevations of any building proposed and drawings of any signs proposed.

1423. The Inspector of Buildings shall approve a Site Plan only upon his determination that:

a) The performance requirements of this By-Law (e.g., Section 3200. Environmental Controls) have been met.

b) For the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development could not reasonably be altered to:

- (1) improve pedestrian or vehicular safety within the site and egressing from it;
- (2) reduce the visual intrusion of parking areas viewed from public ways or abutting premises;
- (3) reduce the volume of cut or fill;

- (4) reduce the number of removed trees 4" trunk diameter or larger;
 - (5) reduce the extent of storm water flow increase from the site;
 - (6) reduce soil erosion;
 - (7) reduce hazard or inconvenience to pedestrians from storm water flow and ponding.
- c) Adequate access is provided to each structure for fire and service equipment.
 - d) Adequate utility service and drainage is provided, consistent with the Design Standards of the Subdivision Regulations of the Bellingham Planning Board, as in effect at the date of adoption of this By-Law.
 - e) No other zoning violations are observed.

1424. The Planning Board shall seek the advice and assistance of other town agencies in reviewing the Plan, potentially including the Highway Superintendent, Conservation Commission, Fire Department and Board of Health. The Board shall indicate its determinations regarding compliance with Section 1423 in writing to the Inspector of Buildings. The Inspector of Building shall explain in writing to the Planning Board any departure in his decision from the Planning Board's determinations.

1500. Special Permits

1510. Special Permit Granting Authority - Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

1520. Public Hearings - Special Permits shall only be issued following public hearings held within sixty-five days after filing with the Special Permit Granting Authority an application, a copy of which shall forthwith be given to the Town Clerk by the applicant.

1530. Criteria - Special Permits shall be granted by the Special Permit Granting Authority only upon its written determination that the proposed use will not have adverse effects which over-balance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following:

- a) Social, economic, or community needs which are served by the proposal;
- b) Traffic flow and safety;
- c) Adequacy of utilities and other public services;
- d) Neighborhood character and social structures;
- e) Qualities of the natural environment;
- f) Potential fiscal impact.

1540. Conditions - Special Permits may be granted with such reasonable conditions, safeguards, or limitations on time or use as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

1550. Expiration - Special Permits shall lapse within 12 months of Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in Section 17, Chapter 40A, G.L., from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause.

1600. Amendments - This By-Law may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided in Section 5, Chapter 40A, G.L., and any amendments therein.

1700. Applicability - Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this By-Law shall control.

1800. Effective Date - The effective date of any amendment of this zoning by-law shall be the date on which such amendment was voted upon by a Town Meeting, as provided by Section 5, Chapter 40A, G.L.

1900. Separability - The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

Step II. USE AND INTENSITY REGULATIONS

- A) Amend the last sentence of Section 2210 by deleting it in its entirety, substituting the following in place thereof:

"Symbols employed shall mean the following:

Yes - A permitted use

No - An excluded or prohibited use

Use authorized under Special Permit as provided for in Section 1500:

BA - Acted on by the Board of Appeals

PB - Acted on by the Planning Board

BS - Acted on by the Board of Selectmen"

- B) Delete Section 2300. Nonconforming Uses in its entirety, substituting the following in place thereof:

"2300. Nonconforming Uses and Structures - Legally preexisting nonconforming structures and uses may be continued, subject to the following:

2310. Change, Extension or Alteration. As provided in Section 6, Chapter 40A, G.L., a nonconforming single or two family dwelling may be altered or extended provided that doing so does not increase the nonconforming nature of said structure. Other pre-existing nonconforming structures or uses may be extended, altered, or changed in use on Special Permit from the Board of Appeals if the Board of Appeals finds that such extension, alteration, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

2320. Restoration - Any legally nonconforming building or structure may be reconstructed if destroyed by fire or other accidental or natural cause if reconstructed within a period of two years from the date of the catastrophe, or else such reconstruction must comply with this By-Law.

2330. Abandonment - A nonconforming use which has been abandoned, or discontinued for a period of two years, shall not be re-established, and any future use of the premises shall conform with this By-Law.

2340. Replacement - Replacement of mobile homes or commercial vehicles parked in nonconformity with Section 2400 is not permitted, even where such replacement does not increase the extent of non-conformity."

C) Amend Section 2400. Use Regulations Schedule as follows:

- 1) In the row "Major Commercial complex"³ under COMMERCIAL USES, delete the entry "SP"⁴ in the B-1, B-2 District and substitute the entry "PB"⁴ in place thereof.

- 2) Under INSTITUTIONAL USES, delete the rows "Nursery School...SP", "Other commercial schools...SP", and "Other schools...Yes" in their entirety, substituting the following two rows in place thereof:

"Educational use exempted
from zoning prohibition

by Sec. 3, Ch. 40A, G.L.	Yes	Yes	Yes	Yes	Yes
Other educational use	BA	BA	BA	BA	BA"

- 3) In the row "Multi-family" under RESIDENTIAL USES, delete the entry "SP"^{3,4} in the M District and substitute the entry "PB"^{3,4} in place thereof.

- 4) Under ACCESSORY USES, add the following row and entries immediately before the row "Other customary accessory uses":

"Accessory Scientific Use in
accordance with Sec. 4120

BA	BA	BA	BA	BA"
----	----	----	----	-----

- 5) Revise all remaining "SP" entries which appear in Section 2400 Use Regulations Schedule to read "BA" rather than "SP".

- D) Delete Section 2530 in its entirety, substituting the following in place thereof:

"2530. Isolated lots and Subdivisions - Any increase in lot area, frontage, or yard requirements of this By-Law shall not apply to erection, extension, alteration, or moving of a structure on a legally created lot not meeting current requirements provided that the applicant documents that:

- a) at the time such increased requirement became applicable to it, the lot:
 - (1) had at least five thousand square feet of lot area and fifty feet of frontage on a street; and
 - (2) was held in ownership separate from all other lots having frontage within 1,000 feet on that same street; and
 - (3) conformed to then-existing dimensional requirements; and
- b) the lot is to be used for a single-family dwelling or for a two family dwelling.

Such nonconforming lots may be changed in size or shape or their land area recombined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots."

Step III. GENERAL REGULATIONS

- A) Redesignate paragraph 3310 d) as paragraph 3310 e), and insert the following as new 3310 d) (dealing with parking requirements):

"d) The Board of Appeals shall act as the Special Permit Granting Authority under Section 3310 e), 3330 b), and 3330 f), except that the Planning Board shall act as the Special Permit Granting Authority regarding any application subject to Section 1420 Site Plan Review."

- B) In Sections 3310 e), 3330 b), and 3330 f) (all dealing with parking requirements) delete the term "Board of Appeals" and insert "appropriate Special Permit Granting Authority (see sec. 3310 d))."

Step IV. SPECIAL REGULATIONS

- A) Amend the first paragraph under Section 4300. Cluster Development by deleting the words "Board of Appeals" and substituting the words "PLANNING BOARD" in place thereof, so that it reads as follows:

"Parcels in excess of ten acres located within the Agricultural (A) or Suburban (S) District may be subdivided and developed with clustered lots, if approved by the Planning Board for a Special Permit for Cluster Development."

- B) Amend Section 4310 (dealing with cluster developments) by deleting the words "Board of Appeals" and substituting the words "Planning Board" in place thereof, so that it reads as follows:

"4310. The proposed development shall be, in the judgment of the Planning Board, superior to a conventional plan..."

C) Recodify Section 4380 as Section 4390.

D) Delete Sections 4360 and 4370 (each dealing with cluster developments) in their entirety, substituting the following three sections in place thereof:

"4360. All such remaining land reserved in compliance with Section 4350 shall be designated "Common Open Land", and either be conveyed to the Town and accepted by it for park or open space use, or be conveyed to a nonprofit organization the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the plan. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. Building coverage shall not exceed 5% in such dedicated areas. Maintenance shall be permanently assured through an incorporated homes association, operating under a recorded land agreement through which each lot owner in the development is subject to a charge for a share of the homes association expenses; or through comparable arrangement satisfactory to the Planning Board.

4370. In any case where such Common Open Land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

4380. Application for a Special Permit for Cluster Development shall be accompanied by a preliminary subdivision plan designating streets, lots, and common open land."

E) Delete the first sentence of the second paragraph of Section 4422 (dealing with multifamily Special Permit procedures) in its entirety, substituting the following in place thereof:

"Within two working days of their receipt, one copy of each of the required plans shall be transmitted by the Planning Board to the Highway Department, Water Department, and Fire Department."

F) Amend the second sentence of the second paragraph of Section 4422 (dealing with multifamily Special Permit procedures) by deleting the words "within 45 days of such transmittal", substituting the words "within 35 days of such referral" in place thereof.

G) Delete Section 4423 (dealing with multifamily Special Permits) in its entirety, substituting the following in place thereof:

"4423. The Special Permit shall lapse upon transfer of ownership or within 12 months of Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in Section 17, Chapter 40A, G.L., from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause."

H) Amend Section 4710 (dealing with major commercial complexes) by deleting the words "Board of Appeals", substituting the words "Planning Board" in place thereof.

I) Amend Section 4100. Accessory Uses as follows:

- 1) Renumber and reformat only the first phrase of 4110. Home Occupations, so that it now reads as follows:

"4110. Home Occupations

4111. Home occupations are permitted only if conforming to the following conditions:"

- 2) Renumber Sections 4120, 4130, and 4140 as Subsections 4112, 4113 and 4114, respectively.
- 3) Add a new Section 4120. Scientific Uses to read as follows:

"4120. Scientific Uses. The Board of Appeals may grant a Special Permit for a use accessory to a scientific research, scientific development, or related production activity, whether or not on the same parcel as such activity. A Special Permit shall be granted where the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good."

Step V. DEFINITIONS

- A) Delete the definition of "Commercial Schools" in its entirety.

(Recommended by Planning Board)

(Recommended by Finance Committee)

ARTICLE 9. ZONING BY-LAW AMENDMENT - FLOOD HAZARD ZONING

VOTED: Unanimously voted that the Town amend the Bellingham Zoning By-Law as follows;

- 1) Replace Sections 4510 and 4520 under 4500 Flood Plain Requirements with the following, and recodify existing Section 4530 as Section 4550.

4510. Flood Hazard District

4511. District - A 'Flood Hazard District' is hereby created as an overlay district comprising all areas designated 'ZONE A' on Federal Insurance Administration (FIA) maps entitled 'FLOOD HAZARD BOUNDARY MAP H-01-10' revised 4/8/77, on file with the Town Clerk, plus all land lying below the following elevations (USGS datum):

Along the Charles River and its tributaries:

Pearl St. to Plymouth Rd. - 190' elevation
Plymouth Rd. to Maple St. - 195' elevation
Maple St. to Route 495 - 205' elevation
Route 495 to High Street - 210' elevation
High St. to Fourth Ave. extended - 215' elevation
Fourth Ave. to No. Main St. - 220' elevation
No. Main St. to the Box Pond Dam - 225' elevation
Box Pond Dam to Hartford Ave. - 230' elevation
Hartford Ave. to N.Y., N.H. & H. R.R. - 235' elevation

Along the Peters River and tributaries:

City Line to Paine St. - 185' elevation

Paine St. to Pulaski Blvd. - 190' elevation

Pulaski Blvd. to N.Y., N.H. & H. R.R. - 200' elevation

N.Y., N.H. & H. R.R. to Cross St. - 210' elevation.

4512. Base Flood Elevation - the 'Base Flood Elevation' shall be the level of flooding having a one percent chance of being equalled or exceeded in any given year, as designated on the above FIA map, or, in the absence of such designation, to be determined by the Building Inspector based upon the best available information regarding flood hazards, including any available USGS, SCS, and Corps of Engineers studies.
4520. Regulations - Any development within the Flood Hazard District shall be subject to all otherwise applicable requirements of the underlying zoning district in which it is located, including usual use and dimensional requirements, and also to the following requirements:
4521. All new construction and substantial improvements (repair, reconstruction, or alteration costing 50% or more of the market value of the structure before improvement or, if damaged, before damage occurred) shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure; be constructed with material and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage; evidenced by compliance with the Commonwealth of Massachusetts State Building Code, Section 748
4522. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the Base Flood Elevation. Non-residential structure shall either be similarly elevated or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
4523. The flood carrying capacity of any watercourse shall be maintained in the event of any alteration or relocation.
4530. Procedures
4531. To assure compliance with Flood Hazard Area Regulations, all new construction, substantial improvements, and other development within a Flood Hazard District shall be allowed only on Special Permit by the Board of Appeals.

Such Special Permit may even be granted for development which departs from requirements 4522 and 4523 above, but only in the case of structures such as boat houses which require water front location and are not continuously used for human occupancy, or in the case of development on a lot less than a half-acre which is surrounded by existing nonconforming structures, in either case provided that all of the following are shown:

- a. good and sufficient cause;
- b. failure to allow the departure would result in exceptional hardship to the applicant;
- c. allowing the departure will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other bylaws or regulations;
- d. the departure is the minimum necessary, considering the flood hazard, to afford relief.

4540. Applicability - Where these Flood Area Provisions impose greater or lesser restrictions or requirements than those of the underlying district or other applicable by-laws or regulations, the more restrictive shall apply."

MAP AMENDMENT

- 2) Amend the Zoning Map by adding the following notation thereon:

"Note: See separate maps on file with the Town Clerk delineating the Flood Hazard District, which differs from the Flood Plain Control Elevation inscribed hereon."

(Recommended by Planning Board)
(Recommended by Finance Committee)

ARTICLE 10. ZONING BY-LAW AMENDMENT - FOUNDATION GRADE

VOTED: Unanimously voted that the Town amend the Bellingham Zoning By-Law by adding a new Section 3250. Foundation Grade under Section 3200. Environmental Controls to read as follows;

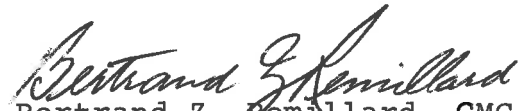
"3250. Foundation Grade

Finish grade shall slope continuously downward at a slope of 1% or more on paved surfaces and 2% or more elsewhere for at least ten feet in all directions from any dwelling foundation. Swales, drywells, or other positive means of assuring drainage from all low areas shall be used. Driveway and sidewalk grading shall prevent stormwater from entering the premises from the street."

(Recommended by Planning Board)
(Recommended by Finance Committee)

A true copy.

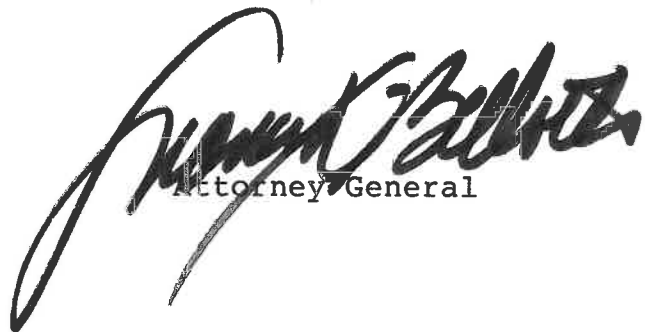
ATTEST:


Bertrand Z. Remillard, CMC
Bellingham Town Clerk

October 16, 1978

Boston, Massachusetts

The foregoing amendments to zoning by-laws adopted under Articles 8, 9 and 10, of the warrant for the Bellingham Annual Town Meeting which convened March 24, 1978, are hereby approved.

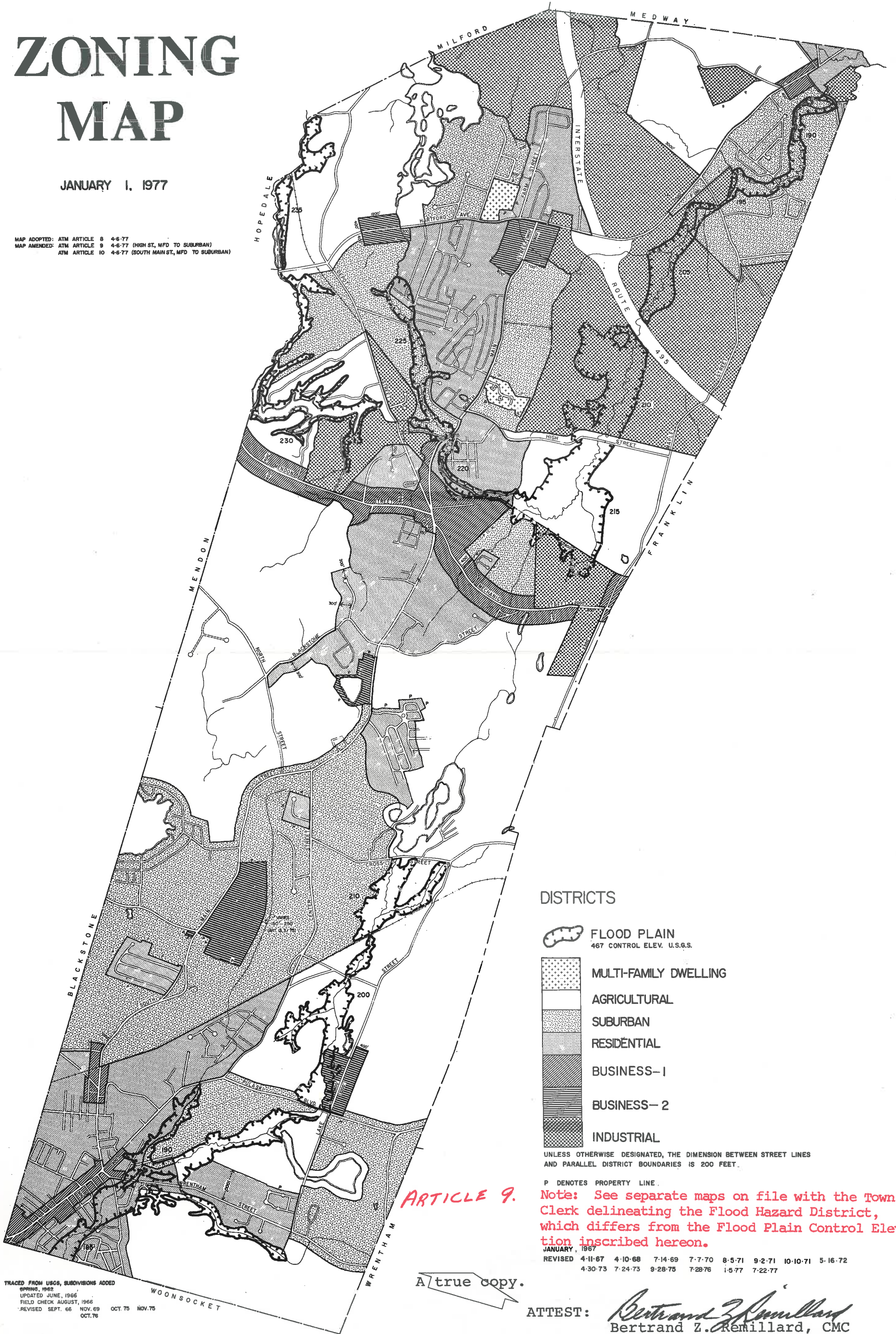


Raymond J. Bellizzi
Attorney General

ZONING MAP








JANUARY 1, 1977

MAP ADOPTED: ATM ARTICLE 8 4-6-77
MAP AMENDED: ATM ARTICLE 9 4-6-77 (HIGH ST, MFD TO SUBURBAN)
ATM ARTICLE 10 4-6-77 (SOUTH MAIN ST, MFD TO SUBURBAN)



DISTRICTS

 FLOOD PLAIN
467 CONTROL ELEV. U.S.G.S.

 MULTI-FAMILY DWELLING
 AGRICULTURAL
 SUBURBAN
 RESIDENTIAL
 BUSINESS-1
 BUSINESS-2
 INDUSTRIAL

UNLESS OTHERWISE DESIGNATED, THE DIMENSION BETWEEN STREET LINES
AND PARALLEL DISTRICT BOUNDARIES IS 200 FEET.

P DENOTES PROPERTY LINE.

ARTICLE 9. Note: See separate maps on file with the Town Clerk delineating the Flood Hazard District, which differs from the Flood Plain Control Elevation inscribed hereon.

JANUARY, 1967
REVISED 4-11-67 4-10-68 7-14-69 7-7-70 8-5-71 9-2-71 10-10-71 5-16-72
4-30-73 7-24-73 9-28-75 7-28-76 1-5-77 7-22-77

A true copy.

ATTEST:

Bertrand Z. Remillard
Bertrand Z. Remillard, CMC
Bellingham Town Clerk

800 0 1000 2000 3000 4000 FT

TRACED FROM USGS, SUBDIVISIONS ADDED
SPRING, 1963
UPDATED JUNE, 1966
FIELD CHECK AUGUST, 1966
REVISED SEPT. 66 NOV. 69 OCT. 75 NOV. 75
OCT. 76

PHILIP B. HERR & ASSOCIATES, PLANNING CONSULTANTS

PLANNING BOARD · BELLINGHAM · MASSACHUSETTS