

TOWN OF COLRAIN
Commonwealth of Massachusetts

Special Town Meeting Warrant
Fiscal Year 2026

FRANKLIN SS:

To either of the Constables of the Town of Colrain in the County of Franklin.

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said town, qualified to vote on town affairs, to meet at the Colrain Central School, located at 22 Jacksonville Road at 6:00 PM in said town on Tuesday the fourth day in November 2025, there and then to act on the following articles:

ARTICLE 1. To see if the Town will vote to raise and appropriate, transfer from available funds, or otherwise provide the cost of FY26 Smith Vocational Tuition and transportation costs in the total amount of \$31,000, or pass any vote or votes in relation thereto.

ARTICLE 2. To see if the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide, a sum of money for the purchase and equipping of a fire truck apparatus and all related and incidental items, or pass any vote or votes in relation thereto.

2/3 Vote Required.

ARTICLE 3. To see if the Town will vote to authorize the Select Board to petition the General Court for the enactment of special legislation as set forth below to allow the Fire Chief to continue in such position, despite having reached the maximum age established by law; provided however, that the General Court shall be authorized to changes of form only to said bill without the approval of the Select Board, and to authorize the Select Board to approve such amendments as are within the public purpose of the petition, or pass any vote or votes in relation thereto.

An Act Authorizing the Town of Colrain to Continue the Employment of the Fire Chief

***Be it enacted by the Senate and House of Representatives in General Court assembled,
and by the authority of the same as follows:***

SECTION 1. Notwithstanding chapter 32 of the general laws or of any other general or special law to the contrary, Nicholas Anzuoni, chief of the fire department of the town of Colrain, may continue to serve in such position beyond the age of 65; provided, however, that Nicholas Anzuoni remains physically and mentally capable of performing the duties of fire chief, and, provided further that Nicholas Anzuoni shall not remain in

service beyond the age of 70. The town of Colrain may require Nicholas Anzuoni to undergo an examination, at the expense of the town, by an impartial physician designated by the town to determine his fitness to remain in service. This act shall not entitle Nicholas Anzuoni to remain in service to the town of Colrain if otherwise removed or suspended from office in accordance with applicable laws, rules and regulations

SECTION 2. No further deductions shall be made from Nicholas Anzuoni's regular compensation under chapter 32 of the General Laws for any service performed subsequent to reaching the age of 65. Upon his retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired upon reaching age 65, if any.

SECTION 3. This act shall take effect upon its passage.

2/3 Vote Required.

ARTICLE 4. To see if the Town will vote to authorize the Select Board to petition the General Court for the enactment of special legislation as set forth below to allow the Deputy Fire Chief to continue in such position, despite having reached the maximum age established by law; provided however, that the General Court shall be authorized to changes of form only to said bill without the approval of the Select Board, and to authorize the Select Board to approve such amendments as are within the public purpose of the petition, or pass any vote or votes in relation thereto.

An Act Authorizing the Town of Colrain to Continue the Employment of the Deputy Fire Chief

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding chapter 32 of the general laws or of any other general or special law to the contrary, Kevin Worden Sr., deputy chief of the fire department of the town of Colrain, may continue to serve in such position beyond the age of 65; provided, however, that Kevin Worden, Sr. remains physically and mentally capable of performing the duties of deputy fire chief, and, provided further that Kevin Worden Sr. shall not remain in service beyond the age of 70. The town of Colrain may require Kevin Worden Sr. to undergo an examination, at the expense of the town, by an impartial physician designated by the town to determine his fitness to remain in service. This act shall not entitle Kevin Worden Sr. to remain in service to the town of Colrain if otherwise removed or suspended from office in accordance with applicable laws, rules and regulations

SECTION 2. No further deductions shall be made from Kevin Worden Sr.'s regular compensation under chapter 32 of the General Laws for any service performed subsequent to reaching the age of 65. Upon his retirement, he shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired upon reaching age 65, if any.

SECTION 3. This act shall take effect upon its passage.

2/3 Vote Required.

ARTICLE 5. To see if the Town will vote to transfer the care, custody and control of a portion of the Town-owned property located at 17 Main Road, as approximately shown on the plan entitled “Main Road Detail of Septic Line Encroachment,” a copy of which is on file with the Town Clerk, from the board or officer having custody thereof for the purposes for which said parcel is currently held to the Select Board for general municipal purposes and for the purposes of conveyance of an easement thereon for a septic line and related appurtenances, for the benefit of the property located at 15 Main Road, and to authorize the Select Board to convey an easement on such terms and conditions and for such consideration, which may be nominal consideration, as the Select Board deems to be in the best interests of the Town; and, further, to authorize the Select Board to enter into any and all agreements and take such actions as may be necessary or appropriate to carry out the purpose of this article, or pass any vote or votes in relation thereto.

2/3 Vote Required.

ARTICLE 6. To see if the Town will vote to amend the Town’s General Bylaws, Section titled ‘Building (Street) Numbering’ by deleting the language in strikethrough and inserting the language in bold, as set forth below, or pass any vote or votes in relation thereto.

BUILDING (STREET) NUMBERING

Annual Town Meeting, May 3, 1993, Article 26

Amended Special Town Meeting, June 28, 2004, Article 10

Street numbers have been assigned to each dwelling, place of business, shop, industrial structure or any other structure not deemed to be accessory; therefore, a permanent, weatherproof, reflective sign ~~three (3)~~ **four (4) inches** in height must be attached to the structure or, if the building cannot easily be seen from the public way, displayed prominently on a post placed at the entrance of the driveway. If the number is displayed on a post or mailbox the number must be displayed on each side. The number will be assigned to each structure as determined by the street numbering committee of Colrain.

Any new building requiring numbering will be assigned the number through the process of obtaining a building permit.

The building owner must display the assigned number within ninety (90) days of adoption of this by-law and thereafter maintain the assigned number in a sightly and readable fashion.

ARTICLE 7. To see if the Town will vote to amend the Town’s General Bylaws, by inserting a Section titled ‘Council on Aging By-Law’, as set forth below, or pass any vote or votes in relation thereto.

COUNCIL ON AGING BY-LAW

Pursuant to the provisions of the General Laws, Chapter 40, Section 8B, there is hereby established a Council on Aging, appointed by the Select Board, consisting of nine members, who shall be voters and residents of the Town. They shall be appointed with staggered terms as follows: three members for three years, three members for two years, and three members for one year. The Council shall annually elect from its membership a Chair, Vice-Chair and Clerk to conduct its business.

The Duties of the Council shall be to: Identify the total needs of the community's aging population; educate the community and enlist support and participation of all citizens to respond to these needs; design, promote, or implement services to fill these needs; coordinate present existing services in the community; and promote, support any additional programs designed to assist elders in the community.

Said Council shall cooperate with the Commonwealth of Massachusetts, Executive Office of Aging and Independence (AGE) and shall be cognizant of all State and Federal legislation concerning funding, information exchange, and program planning which exists for better community programming for aging adults.

Said Council on Aging shall give an annual report to the Select Board with a copy of that report directed to the Commonwealth's Executive Office of Aging and Independence (AGE).

ARTICLE 8. To see if the Town will vote to amend the Town's General Bylaws, Section titled 'Finance Committee By-Law' by deleting the language in strikethrough and inserting the language in **bold**, as set forth below, or pass any vote or votes in relation thereto.

FINANCE COMMITTEE BY-LAW

Annual Town Meeting February 1, 1960, Article 28

Amended Annual Town Meeting May 7, 2002, Article 29

Amended Annual Town Meeting May 7, 2013, Article 41

Section 1. There shall be a finance committee of five (5) members, **each** with **three-year**, staggered ~~appointments~~, **to be appointed by the Moderator**, who shall reside in the Town and shall be registered voters therein. No officer or employee of the Town shall be eligible to serve on said committee. ~~The Moderator shall within sixty (60) days after final adjournment of each annual meeting, appoint three (3) members of said committee to serve for three (3) years, and all appointments to the committee heretofore made and in effect at the time of the adoption of this by-law shall continue in force.~~

Section 2. In the event of a vacancy upon said committee, the Moderator shall forthwith make an appointment to ~~fulfill~~ said vacancy for the unexpired term.

Section 3. The Finance Committee shall elect its own ~~Chairman~~, **Vice-Chair** and ~~Secretary~~ **Clerk** and there will be a minimum of three (3) **members required** to transact business.

Section 4. The Finance Committee shall consider all municipal questions relating to appropriations and may consider any municipal questions. It shall hear members of town departments and citizens of the town relative to any matter before the committee and shall make such recommendations as the committee deem advisable upon all subjects considered by it. It shall submit its recommendations and report to each town meeting, regular or special, and may also prepare and cause to be mailed a copy of such report and recommendations to each registered voter of the town at least seven (7) days prior to each town meeting regular or special.

ARTICLE 9. To see if the Town will vote to amend the following sections of the Town of Colrain Zoning Bylaws related to Large Scale Ground Mounted Solar-Photovoltaic System Bylaw by

removing the language below in strikethroughs and inserting the language **in bold**, or pass any vote or votes in relation thereto.

2/3 Vote Required.

~~Section 2 Definitions—Current State~~

~~Large-Scale Ground-Mounted Solar Photovoltaic System—A Solar Photovoltaic System which has a footprint greater than 0.10 acres.~~

Section 2 Definitions

Large-Scale Ground-Mounted Solar-Photovoltaic System—A Solar-Photovoltaic System that is structurally mounted on the ground and is not roof-mounted and occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW or greater).

And add:

Medium-Scale Ground-Mounted Solar-Photovoltaic System— A Solar-Photovoltaic System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a nameplate capacity of about 10 – 250kW)

Small-Scale Ground-Mounted Solar-Photovoltaic System— A Solar-Photovoltaic System that occupies 1,750 square feet of surface area or less (equivalent to a nameplate capacity of about 10kW or less).

~~Section 4: Use Regulations—Current State~~

Use	Village Districts	Rural District	Commercial-Industrial Districts
Large-Scale Ground-Mounted Solar Photovoltaic System with a footprint greater than 0.10 acres up to 1.0 acres^{3,4} (See Section 15)	SPR	SPR	SPR
Large-Scale Ground-Mounted Solar Photovoltaic System with a footprint greater than 1.0 acres^{3,4} (See Section 15)	N	SP/SPR	SP/SPR

~~4.2.3 Small-scale ground-mounted solar photovoltaic systems (occupying a footprint less than or equal to 0.10 acres and building-mounted solar photovoltaic systems do not need to comply with Section 15 but shall require a building permit and must comply with all other applicable local, state, and federal requirements.~~

Section 4: Use Regulations

Use	Village Districts	Rural District	Commercial-Industrial Districts
Small-Scale Ground-Mounted Solar Photovoltaic System – 1750 sq ft. or less (See Section 15)	Y	Y	Y

Medium-Scale Ground-Mounted Solar Photovoltaic System – Greater than 1750 sq ft. but less than 40,000 sq ft. (See Section 15)	SPR	SPR	SPR
Large-Scale Ground-Mounted Solar Photovoltaic System – 40,000 sq ft. Or greater. (See Section 15)	N	SP/SPR	SP/SPR

4.2.3-Small-scale ground-mounted solar-photovoltaic systems (occupying a footprint less than or equal to 0.10 acres and building-mounted solar-photovoltaic systems do not need to comply with Section 15 but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

~~Section 13: Development Site Plan Review—Current State~~

~~13.3.6 Construction, operation, and/or repair of Large Scale Ground Mounted Solar Photovoltaic Systems occupying a footprint greater than 0.10 acres.~~

Section 13: Development Site Plan Review

13.3.6-Construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems and Medium-Scale Ground-Mounted Solar-Photovoltaic Systems.

~~15.1 Purpose—Current State~~

~~The purpose of this bylaw is to regulate the creation of Large Scale Ground Mounted Solar Photovoltaic Systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such Solar Photovoltaic Systems that address public safety; minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for the eventual decommissioning of such Solar Photovoltaic Systems.~~

~~15.1.1 Applicability. This section applies to Large Scale Ground Mounted Solar Photovoltaic Systems proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of Solar Photovoltaic Systems and/or related equipment.~~

~~15.1.1.1 The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large Scale Ground Mounted Solar Photovoltaic Systems.~~

~~15.1.1.2 Smaller scale ground-mounted solar photovoltaic systems (occupying a footprint less than or equal to 0.1 acres) and building-mounted solar photovoltaic systems do not need to comply with this section but shall require a building permit and must comply with all other applicable local, state, and federal requirements.~~

15.1-Purpose

The purpose of this bylaw is to regulate the creation of Ground-Mounted Solar-Photovoltaic Systems by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such Solar-Photovoltaic Systems that address public safety, utility interconnection, and provide adequate financial assurance for the eventual decommissioning of such Solar-Photovoltaic Systems.

15.1.1-Applicability. This section applies to Ground-Mounted Solar-Photovoltaic Systems proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of Solar-Photovoltaic Systems and/or related equipment.

15.1.1.1-The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large and Medium Scale Ground-Mounted Solar-Photovoltaic Systems.

15.1.1.2-Small scale ground-mounted solar-photovoltaic systems and building-mounted solar-photovoltaic systems do not need to comply with this section but shall require a building permit and must comply with all other applicable local, state, and federal requirements.

~~15.3-Site Plan Review Requirements—Current State~~

~~All Large Scale Ground Mounted Solar Photovoltaic Systems with a footprint greater than 0.1 acres shall undergo Site Plan Review by the Planning Board pursuant to Section 13, Development Site Plan Review, prior to construction, installation or modification, and shall also comply with the additional provisions of this section.~~

~~15.3.1.4 Locations of any Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP) on or near the project site;~~

~~15.3.1.5 Locations of floodplains and inundation areas for moderate or high hazard dams that would impact the project site;~~

~~15.3.1.6 Locations of local or National Historic Districts. The owner shall obtain written local or national historical or archeological district verification from the Town Clerk as to whether or not the project is sited within such a district, then at the time of site plan submission to the Town Clerk, the owner must also complete a Project Notification Form (obtain from: <http://www.sec.state.ma.us/mhc/>) accompanied by standard documents, e.g., USGS locus map, sealed project plans showing existing and proposed conditions, and current photographs keyed to the plan);~~

~~15.3.2.1 Setbacks: All Large Scale Ground Mounted Solar Photovoltaic Systems shall have front, side, and rear yard setbacks of at least 50 feet. Acreage thresholds apply in the aggregate to new facilities and expansion of existing facilities. For expansions, the acreage of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas shall not be counted toward a facility's total acreage.~~

15.3-Site Plan Review Requirements

~~All Large Scale Ground Mounted Solar Photovoltaic Systems with a footprint greater than 0.1 acres shall undergo Site Plan Review by the Planning Board pursuant to Section 13, Development Site Plan Review, prior to construction, installation or modification, and shall also comply with the additional provisions of this section.~~

All Large-Scale and Medium-Scale Ground-Mounted Solar-Photovoltaic Systems shall undergo Site Plan Review by the Planning Board pursuant to Section 13, Development

Site Plan Review, prior to construction, installation or modification, and shall also comply with the additional provisions of this section.

- ~~15.3.1.4 Locations of any Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP) on or near the project site;~~
- 15.3.1.4 Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and “Important Wildlife Habitat” mapped by the DEP.**
- ~~15.3.1.5 Locations of floodplains and inundation areas for moderate or high hazard dams that would impact the project site;~~
- 15.3.1.5 Locations of floodplains or inundation areas for moderate or high hazard dams.**
- ~~15.3.1.6 Locations of local or National Historic Districts. The owner shall obtain written local or national historical or archeological district verification from the Town Clerk as to whether or not the project is sited within such a district, then at the time of site plan submission to the Town Clerk, the owner must also complete a Project Notification Form (obtain from: <http://www.sec.state.ma.us/mhc/>) accompanied by standard documents, e.g., USGS locus map, scaled project plans showing existing and proposed conditions, and current photographs keyed to the plan);~~

15.6-Abandonment or Decommissioning

15.6.3-Financial Surety. Proponents of projects shall provide a form of surety issued by an entity with sufficient financial strength, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the Solar-Photovoltaic System and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board and the Special Permit Granting Authority (where applicable), but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation. **The Town of Colrain shall be named as secondary insured and shall impose a lien on the property to maintain active status of bond in the event of abandonment.**

ARTICLE 10. To see if the Town will vote to amend the Town of Colrain Zoning Bylaws by adding Section 17, Short-Term Rental of Residential Properties, Section 2: Definitions and Section 4: Use Regulations – Use Table, as written below, or pass any vote or votes in relation thereto.

SECTION 17: SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

17.1 Purpose

Short-Term Rentals (STRs) as defined in this section are allowed for residential properties in conformance with the following regulations. These regulations aim to balance private, neighborhood, and public interests by establishing middle-ground intensity limits that will:

- 17.1.1 Protect and maintain the residential character of existing neighborhoods.
- 17.1.2 Preserve housing options by deterring commercial interests from buying housing to use primarily as short-term rental businesses.
- 17.1.3 Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.

17.2 Applicability

This section applies to any property owner who rents out one or more rooms on a single property, including rooms in a single-family home or an entire dwelling and/or outbuildings:

- 17.2.1 For a total of more than 14 days in a calendar year;
- 17.2.2 With any one rental period being no more than 31 days, and;
- 17.2.3 Where meals are *not* included in the rent.

17.3 General requirements for all Short-Term Rentals

- 17.3.1 The owner of the property to be used for STR must obtain a signed permit (“STRP”) from the Planning Board. There shall be a fee of \$100 to obtain an initial calendar-year permit for the purpose of notifying abutters. Extra funds, if any, will be returned after costs are determined. Subsequent annual permits will be at no cost.
- 17.3.2 An owner of more than one property in Colrain may use only one property at a time as a short-term rental. For purposes of this Bylaw, a person having a beneficial interest in a property shall be considered an “owner”.

Proposed Section 2: Definitions

ADD:

Short-Term Rental—An owner occupied, tenant-occupied, or nonowner 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 31 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.

Section 4.2: Use Regulations – Use Table Modifications/Additions

Use	Village Districts	Rural District	Commercial-Industrial Districts
Hotels	SPR	N	SPR
Motels	SP	N	N
Inns	SPR	SP	SP
Bed & Breakfast, up to 6 bedrooms²	SPR	Y	N
Bed and Breakfast Establishment (4 or more rooms)⁵	SPR/SPP (DOR Reg. req'd)	SPR/SPP (DOR Reg. req'd)	SPR/SPP (DOR Reg. req'd)
Bed and Breakfast Home (3 or fewer rooms)⁶	SPR/SPP	SPP	SPP
STR (< 14 days/yr)⁷	Y	Y	Y
STR (>= 14 days/yr)⁸	STRP (DOR Reg. req'd)	STRP (DOR Reg. req'd)	STRP (DOR Reg. req'd)

Footnotes:

⁵ See Section 4.2.2

⁶ See Section 4.2.2

⁷ No meals are provided.

⁸ No meals are provided. Short Term Rental Permit [STRP] Required.

ARTICLE 11. To see if the Town will vote to amend the Town of Colrain Zoning Bylaws by inserting Section 18, Floodplain Overlay District, amending Section 3.4, amending Section 8.6, and removing Sections 8.6.1 through 8.6.2.2, or pass any vote or votes in relation thereto.

2/3 Vote Required.

SECTION 18: FLOODPLAIN OVERLAY DISTRICT

18.1 Purpose

The purposes of the Floodplain Overlay District are to:

- 18.1.1 Ensure public safety through reducing flood threats to life and personal injury;
- 18.1.2 Eliminate new hazards to emergency response officials;
- 18.1.3 Prevent the contamination and pollution of water resources resulting from flooding, so as to protect public safety and avoid damage to wildlife habitat;
- 18.1.4 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;
- 18.1.5 Eliminate costs associated with the response and cleanup of flooding conditions; and
- 18.1.6 Reduce damage to public and private property resulting from flood waters.

18.2 Floodplain District

The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Colrain's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated July 2, 1980 and on the Flood Boundary & Floodway Map (FBFM) dated July 2, 1980. 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 January 1980 prepared by the U.S. Department of Housing & Urban Development Federal Insurance Administration and any amendments thereto. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk and Building Inspector. (<https://msc.fema.gov/portal/advanceSearch>)

18.3 General Information

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, bylaws or codes. The degree of flood protection required by this bylaw is considered reasonable by the Town but does not imply total flood protection.

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

18.4 Designation of a Community Floodplain Administrator

The Town of Colrain hereby designates the position of Building Inspector to be the official Floodplain Administrator for the Town. The duties of the Floodplain Administrator include:

- 18.4.1 Applying the regulations for development in the Floodplain Overlay District;
- 18.4.2 Ensuring that permits are applied for when development of any kind is proposed in the Floodplain Overlay District;
- 18.4.3 Oversight of the application and review process for development in the Floodplain Overlay District;
- 18.4.4 Coordination with other local departments and municipal officials including the Building Inspector, Highway Department, Planning Board, Zoning Board of Appeals, and Conservation Commission;
- 18.4.5 Notifying adjacent communities prior to any alteration of a watercourse;
- 18.4.6 Coordinating compliance issues and enforcement actions with the Building Inspector such as activities to correct violations of the zoning bylaw, and working with the appropriate local staff to coordinate such efforts;
- 18.4.7 Maintaining records of floodplain development, and keeping current and historic FEMA maps available for public inspection; and
- 18.4.8 Notifying FEMA if the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, within 6 months of such changes by submitting the technical or scientific data that supports the changes to:

FEMA Region I Risk Analysis Branch Chief 99
High St., 6th Floor, Boston, MA 02110

and copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation,
251 Causeway Street, Boston, MA 02114

18.5 State Variances to Building Code Floodplain Standards

The Colrain Floodplain Administrator will request from the State Building Code Appeals Board a written and/or audible copy of the portion of any hearing related to a State Building Code variance granted for a property in the Town of Colrain and will maintain this record in the Town's files.

The Floodplain Administrator 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 Town official that

18.5.1 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 each \$100 of insurance coverage; and

18.5.1 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.

18.6 Variances from the Colrain Zoning Bylaw related to Community Compliance with the National Flood Insurance Program (NFIP)

An application for a variance from the requirements of the Floodplain Overlay District, requested from the Zoning Board of Appeals, must meet all the requirements set out by State law and the Zoning Bylaw (see Section 11.2). In addition to those requirements, a variance may only be granted if:

18.6.1 good and sufficient cause and exceptional non-financial hardship exist;

18.6.2 the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and

18.6.3 the variance is the minimum action necessary to afford relief.

18.7 Review by the Conservation Commission

The Town of Colrain, in addition to any Building Permit or other local, state or federal permits needed, requires a review and approval by the Conservation Commission for all proposed construction or other development in the Floodplain Overlay District. This includes new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities (with such review to be consistent with and to the extent permitted by G.L. c. 40A, §3), fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. The application for review by the Conservation Commission is available from the Conservation Commission or Floodplain Administrator.

18.8 Other Necessary Permits

The proponent must submit documentation that all necessary local, state and federal permits have been received in order to receive approval for the proposed development in the Floodplain Overlay District. Documentation must be submitted to the Town's Floodplain Administrator for their review and approval.

18.9 Subdivision & Development Proposals

All subdivision proposals and development proposals subject to Site Plan Review or requiring a Special Permit for property in the Floodplain Overlay District shall be reviewed by the Planning Board and/or Zoning Board of Appeals to assure that:

- 18.9.1 Such proposals minimize flood damage potential and, to the maximum extent feasible, locate all structures, roads, utilities and other infrastructure out of the Floodplain Overlay District;
- 18.9.2 Public utilities and facilities are located and constructed so as to minimize flood damage potential; and
- 18.9.3 Adequate drainage is provided.

Where such development is subject to a Special Permit or Development Site Plan Review under Sections 12 and 13 and any other sections of the Colrain Zoning Bylaws, the Planning Board or Zoning Board of Appeals shall incorporate these standards into their review. Where such development is subject to the Subdivision Regulations of the Town of Colrain, the Planning Board shall incorporate these standards into their Subdivision Plan review.

18.10 Base Flood Elevation Data for Subdivision Proposals

When proposing a subdivision or other development greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to establish base flood elevations for each developable parcel shown on the design plans.

18.11 Unnumbered A Zones

In A Zones, in the absence of FEMA base flood elevation data and floodway data, the Building Inspector 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 to comply with one or more of the following: elevating residential structures to or above base flood level; flood proofing or elevating nonresidential structures to or above base flood level; and prohibiting encroachments in floodways.

18.12 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 of Colrain's FIRM Maps, encroachments in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge are prohibited.

18.13 Watercourse Alterations or Relocations or in Riverine Areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

18.13.1 Adjacent Communities, especially upstream and downstream

18.13.2 Bordering States, if affected

18.13.3 NFIP State Coordinator

Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114

18.13.4 NFIP Program Specialist

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

18.14 AO and AH Zones Drainage Requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

18.15 Recreational Vehicles

In A1-30, AH, AE 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.

18.16 Local Enforcement

The Floodplain Administrator and/or Zoning Enforcement Officer will be responsible for issuing a notice of non-compliance to the property owner for any non-compliant floodplain development in the Floodplain Overlay District. Such notice will identify the non-compliant development and will contain instructions regarding the actions that the property owner must take in order to come into compliance. Such actions may include, but are not limited to, removal of the structures or paving that might increase flooding or adversely impact flood risks to other properties. Any person violating the Floodplain Overlay District Bylaw shall be subject to a penalty of \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

18.17 Definitions

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]

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 prepared in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) is the 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]

FLOODWAY means 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 – 2015 International Building 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:

- 18.17.1 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;
 - 18.17.2 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;
 - 18.17.3 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
 - 18.17.4 Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 18.17.4.1 By an approved state program as determined by the Secretary of the Interior or
 - 18.17.4.2 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 these provisions of the Colrain Floodplain Overlay District bylaw November 4, 2025. In addition, any subsequent substantial improvements to structures existing on or after November 4, 2025 will also be subject to the provisions of this bylaw. [New construction includes work determined to be substantial improvement. Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

18.17.5 Built on a single chassis;

18.17.6 Four hundred (400) square feet or less when measured at the largest horizontal projection;

18.17.7 Designed to be self-propelled or permanently towable by a light duty truck; and,

18.17.8 Designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use but not for use as a permanent dwelling. [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, AH, V, VO, VE or V1-30. [Base Code – 2015 International Building Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance of a building permit 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 date of 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.

For the purposes of establishing the Start of Construction, 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 – 2015 International Building 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 9th Edition of the State Building Code]

VARIANCE means a grant of relief by a community from the terms of a floodplain 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 floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in U.S. Code of Federal Regulations, Title 44, Part 60, §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

18.18 Definitions of Flood Zones

The Town shall use the pertinent definitions for flood zones delineated within the Town. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

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

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

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.

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.)

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.)

ZONES B, C, and X means 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.)

18.19 Regulations

The Floodplain Administrator may adopt regulations and standard forms for the purpose of administering and implementing this bylaw.

Amend Section 3.4 to read:

3.4 Floodplain **Overlay** District: The Floodplain **Overlay** District is herein established as an overlay district. The underlying permitted uses are allowed if they meet the requirements of Section 18 of this Bylaw as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain **Overlay** District includes all special flood hazard areas designated as Zone A, A1-30 on the Colrain Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway Maps, dated July 2, 1980, on file with the Town Clerk,

Planning Board and Building Commissioner. These maps as well as the accompanying Colrain Flood Insurance Study are incorporated herein by reference.

Amend Section 8.6 to read:

8.6 Additional requirements apply in the Floodplain Overlay District (See Section 18)

Remove Sections 8.6.1 – 8.6.2.2.

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And you are directed to serve this Warrant by posting up attested copies thereof at two usual places in said town, fourteen days at least, before the time of holding said meeting.

Hereof, fail not, and made due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place of meeting, as aforesaid.

Given under our hands this 14th day of October two thousand twenty-five.

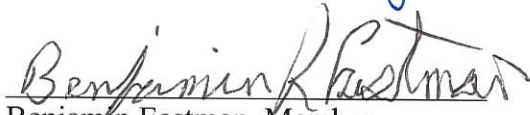
Colrain Select Board



Emily Thurber, Chair



Catherine 'Katie' Korby, Member



Benjamin Eastman, Member

A TRUE COPY.

Attest: _____
Constable