

Filling in a Floodplain

Under the Zoning Bylaw, the Floodplain is a Conservancy District. Filling in a Conservancy District is generally prohibited with the following exceptions:

- Beach, Dune, Bank nourishment or restoration.
 - Driveway and Road maintenance.
 - Agriculture and Aquaculture.
 - Utilities including Septic Systems.
 - Town Landings.
 - 24" depth of Landscaping Materials adjacent to a building.
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The following are excerpts from the Protective Bylaw that pertain to Fill in a Floodplain.

Section IV.A.

4. Prohibited Uses

All activities, **except those needed to accomplish the [below] permitted uses**, shall be prohibited, including:

- a. **No person shall fill, place or dump in a Conservancy District** any soil, loam, peat, sand, gravel, rock or other material substance, refuse, trash, rubbish, debris or dredged material, except, with the exception of landscaping material as allowed under Section IV.B.4 of this Bylaw.
(5/9/16 ATM)

2. Permitted Uses

Notwithstanding any other provision of this Bylaw the following uses and activities are permitted in Conservancy Districts:

- a. Fishing, cultivation and harvesting of shellfish, worms for bait, and the **excavation and construction of areas for the cultivation and harvesting of shellfish and other marine foods**. Salt marsh haying, dune or marsh grass planting, and the manual harvesting (without use of machinery) of marine algae, Irish moss, wild shrub fruits and seeds.
- b. Outdoor recreation activities including, hiking, boating, trapping, hunting, fishing, horseback riding, skeet and trap shooting, and shooting preserves, provided any structures related thereto do not destroy the beneficial character of the Conservancy District.
- c. The installation of floats, provided they are located below mean low water, or the Natural High Water Mark on fresh water ponds, and are permitted by the Harbormaster.
- d. The **maintenance of legally permitted fences and driveways** that exist as of July 16, 2014.
(5/9/16 ATM)
- e. **The installation, operation and maintenance of** underground and overhead **utilities** limited to electrical, communication, sewer, potable water and gas lines, provided the surface vegetation is restored substantially to its original condition.
- f. The use or improvement of land or water for **agricultural purposes** provided, however, that any subsequent non-agricultural uses of land which was altered for agricultural purposes may be regulated, restricted or prohibited in accordance with any condition stated herein.

- g. The **dredging of navigational channels or mooring basins** by the Town, State or Federal government.
- h. The **construction and maintenance of Town Landings, public boat launching ramps, public beaches, including beach nourishment of Town owned beaches and landings**, except on salt marsh and land containing shellfish as identified by the Shellfish Warden and the Division of Marine Fisheries.
- i. **Mosquito control** as approved and carried out by the Cape Cod Mosquito Control Project.
- j. **Maintenance dredging of existing private channels and marine facilities** provided that such maintenance dredging shall not increase the scope of the original dredge project licensed under MGL Ch. 91.
- k. **Expansion dredging of existing private channels or marine facilities** with the approval of the Shellfish Warden, Conservation Commission, Division of Marine Fisheries, the Division of Waterways, and the U. S. Army Corps of Engineers. Said expansion shall be accomplished without dredging in marsh areas or land containing shellfish as identified by the Shellfish Warden and the Division of Marine Fisheries.
- l. **Beach nourishment** except on salt marsh areas or productive shellfish tidal flats as identified by the Division of Marine Fisheries or the local Shellfish Department; **dune nourishment; nonstructural bank and dune stabilization; and coastal engineering structures** which are otherwise approved under MGL c. 131 Sec. 40 and the Town of Chatham Wetlands Protection Bylaw, and not prohibited by a restriction filed in the Barnstable County Registry of Deeds pursuant to MGL c. 130 Sec.105. (10/24/89 STM).

Section IV.B.

- d. **Landscape material** up to two feet in depth at the foundation and tapered to meet grade within ten feet (10) of the foundation shall not be calculated towards grade plane and shall not be considered fill as regulated in Section IV.A.4 of this Bylaw. (5/9/16 ATM)