

forces and other factors associated with the 100-year flood.

8. No development shall obstruct or divert the flood flow, reduce natural storage or increase storm water runoff in such a manner that water levels on other land are substantially raised or danger from flooding increased;
 9. The carrying capacity of any altered watercourse shall be maintained;
 10. The proposed development, including public utilities and facilities, shall be designed to provide adequate drainage and minimize any potential flood damage. Any new and replacement water and sewer systems shall be so located and designed as to avoid impairment from floodwaters.
 11. Safe vehicular and pedestrian movement to, over and from the premises is provided in the event of flooding.
- b. The Building Inspector shall obtain and maintain records of elevations and flood proofing levels for all new or substantially improved structures as provided in the State Building Code, and keep records whether elevated structures contain a basement or not.

6.4.4 Notification Requirements

The Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator, Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist, Federal Emergency Management Agency, Region I

6.5 Lake and Pond Overlay District (LPOD)

6.5.1 Purpose

The Lake and Pond Overlay District (LPOD) is intended to protect and enhance the principal lakefronts and shorelines of the Town of Stockbridge; to maintain safe and healthful conditions; to prevent and control water pollution; and to preserve habitat, vegetative cover and natural beauty.

6.5.2 Description

This LPOD shall include:

- The lakefront of the Stockbridge Bowl, Lily Pond, Echo Lake, Mohawk Lake and Agawam Lake and one hundred fifty (150) feet back from the high water mark of these waterbodies;
- The shoreline of the Housatonic River and its permanent tributaries and one hundred fifty (150) feet back from the high water mark of the River and its permanent tributaries; and

- Kampoosa Bog, which shall include all the contiguous or hydrologically connected Wetland Resources Areas as defined under the Massachusetts Wetland Protection Act and Regulations (310 CMR 10), draining ultimately into Kampoosa Brook, upstream of the earthen berm that extends easterly from Route 7 shown on Stockbridge tax map #26, lot #49 and one hundred fifty (150) feet back from their boundaries.

6.5.3 Relation to Other Districts

The LPOD is an overlay district mapped over other districts. Where there is an inconsistency between the requirements of Section 6.5 and the regulations otherwise applicable in such other districts, the more restrictive provision shall be deemed to apply.

6.5.4 Applicability

a. Jurisdictional Activities

Except as otherwise provided in Section 6.5, no building, structure or land use activity shall be permitted except pursuant to a special permit issued by the Planning Board pursuant to the requirements of Sections 6.3 and 6.5.

For the purposes of Section 6.5, “land use activity” shall mean any significant change in the physical characteristics of land or the physical or chemical characteristics of the wastewater produced from a building or structure, but excluding any exempt uses listed in paragraph b of this subsection. Except as otherwise provided in said paragraph b, “land use activity” shall include, but not be limited to: any extension or alteration of an existing structure; any removal of vegetation; any road or driveway; any excavation for the purpose of removing earth materials off-site; and any facility designed to prevent or mitigate the impacts of stormwater or associated drainage.

b. Exempt Activities

The following activities do not require a special permit, but must nevertheless comply with the requirements of subsection 6.5.9:

- Any principal or accessory use, otherwise permitted by this Bylaw, to be located within an existing structure, provided that any extension or alteration of such structure does not increase the height of the structure and is no closer to the high water mark than the existing structure; the resulting structure complies with applicable yard, lot coverage and floor area requirements of Section 5.5; and the chemical characteristics of any wastewater produced from such use are not significantly changed;
- Ordinary repair or maintenance of, or interior alterations to, existing structures;
- Removal of dead, diseased or dying trees and vegetation;
- Ordinary pruning or maintenance of shrubs or trees;
- Other gardening uses that do not involve the cutting of shrubs or trees;

- Structures under one hundred (100) square feet in footprint area; and
- Recreational, municipal or governmental uses that, by their nature, must be located within the LPOD.

6.5.5 Prohibited Activities

The following activities shall be prohibited within the LPOD:

- The storage or dumping of any waste material, junk, refuse, or other debris;
- The discharge or application of wastewater or any pollutant except as specifically permitted by the Board of Health; and
- The relocation of perennial or intermittent watercourses, the filling or reclaiming of wetlands and watercourses, the mining or off-site removal of topsoil, subsoil, clay, peat, gravel, sand, shale or other similar materials.
- The painting of a dock with creosote or oil-based paint.
- The installation or construction of on-lot sewage disposal systems, such as septic tanks, cesspools, leaching fields, or drainage systems for waste water from showers, sinks or other indoor or outdoor sources; provided, however, that such a system may be authorized by special permit if the Planning Board determines that there is no practical way to locate it outside the LPOD.

6.5.6 Required Findings

The Planning Board shall approve a special permit for any building, structure or land use activity within the LPOD if it finds that the building, structure or land use activity meets all application and site plan requirements set forth in Section 6.3 and subsection 6.5.8 and all applicable land use and development standards set forth in subsection 6.5.9.

6.5.7 Procedure

The procedure for review and approval under this section shall be as set forth in Sections 6.3 and 6.5.

A Site Plan satisfying the requirements of subsections 6.3.7 and 6.5.8 is required for any proposed building, structure or land use activity within the LPOD for which a special permit is required.

Special permit applications and site plans shall be submitted to the Board of Selectmen for its review and comment to the Planning Board.

6.5.8 Application and Site Plan Requirements

In addition to the application and site plan data required by Section 6.3, an Applicant for a special permit pursuant to Section 6.5 shall submit the following information to the Planning Board for its review:

- Boundaries of the property plotted to scale;
- Existing watercourses;
- A grading and drainage plan, showing existing and proposed contours at a two (2) foot contour in the area of activities for which a special permit under section 6.5 is being sought, and a five (5) foot contour elsewhere;
- The location and description of existing and proposed features;
- The location, design, and construction materials of all driveway, parking and loading areas;
- The location of all stormwater drainage areas (catchments) for each distinct receiving water/wetland area within and/or downgradient of activities for which a special permit under section 6.5 is being sought;
- Soils-based stormwater infiltration rates using the following table:

Texture Class	NRCS Hydrologic Soil Group	Design Infiltration Rate (inches per hour)
Sand	A	8.27
Loamy Sand	A	2.41
Sandy Loam	B	1.02
Loam	B	0.52
Silt Loam	C	0.27
Sandy Clay Loam	C	0.17
Clay Loam	D	0.09
Silty Clay Loam	D	0.06
Sandy Clay	D	0.05
Silty Clay	D	0.04
Clay	D	0.02

- Plans and specifications for soil erosion and sedimentation control measures;
- A timing schedule indicating anticipated starting and completion dates, the sequence of anticipated tasks, and the duration of exposure of each disturbed area prior to the completion of effective erosion and sediment control measures;
- For any land use activity involving the construction or expansion of a building or structure, the paving of roads, or the creation of driveway, parking and loading area, the results of a pollutant loading model demonstrating that stormwater flow on or from the site will not result in a discharge of any pollutant in violation of subsection 6.5.5. Such

model shall evaluate the loadings of nutrients (nitrogen and phosphorus), bacteria, metals and total suspended solids, the expected removal rates associated with any stormwater treatment facility and the resulting loads to the LPOD.

The site plan shall be developed subsequent to, and in accordance with an existing natural resources conditions inventory that shows topography including steep slopes (greater than 10%), severe slopes (greater than 20%), soils limitations (constraints related to septic system suitability and erosive characteristics as mapped by the USDA, Natural Resources Conservation Service) and vegetation.

6.5.9 Land Use and Development Standards

All buildings, structures and land use activities shall comply with the following standards:

a. Development of Lots

- The minimum setback from the high water mark for buildings and structures shall be one hundred (100) feet.
- The maximum lot coverage by buildings, structures and impermeable surfaces within the LPOD shall be fifteen (15) percent of the total lot area within the LPOD.
- All driveway, parking and loading areas shall be constructed of permeable materials.

b. Erosion and Sedimentation Control

- Natural vegetation shall be maintained on at least seventy-five percent (75%) of the total lot area within the LPOD.
- Grading shall not result in the creation of slopes greater than twenty percent (20%) within the LPOD.
- Activities that result in slopes exceeding ten percent (10%) shall incorporate the use of staked haybales, siltation fences, sedimentation basins and silt traps to control sedimentation and erosion during construction. Such practices shall be implemented within twenty-four (24) hours of clearing and excavation and shall be maintained until completion of all such activities.
- All activities shall be completed within 90 days from original clearing and excavation, except as otherwise authorized by the Building Inspector, in order to minimize exposure to sedimentation and erosion.
- In cleared areas surrounding the creation of new impermeable surfaces, temporary or permanent vegetative landscaping shall be employed within seven (7) days of initial clearing and excavation.
- Stockpiled soils or other erodible materials shall be securely covered and/or vegetated to avoid erosion and sedimentation during construction.