

SECTION XIII

FLOOD PLAIN DISTRICT REGULATIONS

I. FLOOD PLAIN DISTRICT

The Flood Plan District is herein established as an overlay district (the “Floodplain Overlay District”). The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Holden Flood Insurance Rate Maps, (FIRM), and the Flood Boundary and Floodway Maps, dated July 2, 1981, on file with the Town Clerk, Planning Board and Building Commissioner. The maps as well as the accompanying Holden Flood Insurance Study are incorporated herein by reference. 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 Worcester County Flood Insurance Study (FIS) report dated January 2, 1981. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Conservation Commission.

A. The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 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;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions; and
- 6) Reduce damage to public and private property resulting from flooding waters.

II. DEVELOPMENT REGULATIONS

The following requirements shall apply within the Flood Plain District:

A. 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’s FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Unnumbered A Zones.

In A Zones, in the absence of FEMA BFE data and floodway data, the building department 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 and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

B. 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.

C. Subdivision proposals.

All subdivision proposals and development proposals in the Floodplain Overlay District shall be reviewed to assure that:

1. Such proposals minimize flood damage.
2. Public utilities and facilities are located & constructed so as to minimize flood damage.
3. Adequate drainage is provided.

D. Base flood elevation data for subdivision proposals.

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

E. Other Jurisdictions

Regulations within the Floodplain District Bylaw shall not supersede other regulatory requirements under other jurisdictions.

F. 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.

G. Watercourse alterations or relocations in riverine areas.

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

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator- Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist- Federal Emergency Management Agency, Region I

H. Requirement to submit new technical data.

If the Town acquires data that is different from the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these discrepancies by submitting the technical or scientific data. Notification shall be submitted to:

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

I. Variances to State Building Code floodplain standards.

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town 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 community official that (i) 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 \$100 of insurance coverage and (ii) 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.

J. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP).

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

III. Administration

A. Designation of community Floodplain Administrator.

The Town hereby designates the position of Building Commissioner to be the official Floodplain Administrator.

B. Permits are required for all proposed development in the Floodplain Overlay District.

A permit is required for all proposed construction or other development in the Floodplain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

C. Assure that all necessary permits are obtained.

The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Floodplain Overlay District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.