

**2010 Special Town meeting**

**Warrant Articles**

**Article . Planning Board Engineering, Consulting and Master Plan Expenses**

To see if the Town will vote to raise and appropriate, or appropriate and transfer from available funds, the sum of Seven Thousand, Five Hundred Dollars (\$7,500.00), or any other sum, to be added to any balance remaining and previously appropriated for this purpose, to be expended by the Planning Board for Planning Board engineering, consulting services and master plan expenses; or to take any other action relative thereto.

(Planning Board)

*The Finance Committee.....*

**Article: Flood Plain/Wetland Overlay District**

To see if the Town will vote to amend the Zoning Bylaw by amending Sections 2.3.8 and 5.1 to read in their entirety as stated below in subsections (A), (B), (C), (D), and (E) of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

(Planning Board)

**A. Amend Section 2.3.8 to read in its entirety as follows:**

2.3.8 The Flood Plain/Wetlands District shall include all lands designated in the following maps and reports. In the event there is a discrepancy in the flood plain boundary designation, the boundary that includes a larger area of flood plain shall apply.

Boundary lines outlining the flood plain of the Assabet River shall be the limits of the Standard Project Flood Modified delineated on the plan entitled "Flood Plains & Profiles", sheets 2, 3, and 4 of the Assabet River Technical Report, Department of the Army, Corps of Engineers, dated June, 1966 and on file with the Town Clerk.

Boundary lines outlining the flood plain of Heath Hen Meadow Brook shall be the limits of the 100-year design storm flood plain delineated on the plan entitled "Flood Plain - Plan and Profile Heath Hen Meadow Brook, Stow, Massachusetts", by BSC Engineering, Inc., dated February 21,1975, revised May 2, 1975, and on file with the Town Clerk.

All special flood hazard areas within the Town of Stow designated as Zone A, AE, AH, AO and A99 on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National

Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Stow are panel numbers 25017C0333E, 25017C0334E, 25017C0341E, 25017C0342E, 25017C0343E, 25017C0344E, 25017C0353E, 25017C0354E, 25017C0361E and 25017C0363E dated June 4, 2010. The exact boundaries of the District shall be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Planning Board.

**B. Amend Section 5 by adding a new subsection 5.1.2 to read in its entirety as follows:**

- 5.1.2 Floodway Data - In Zones A 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.
- 5.1.2.1 Base Flood Elevation Data - Base flood elevation data is required for subdivision proposals or other developments greater than 5 acres, within unnumbered A zones.

**C. Amend Section 5 by adding a new subsection 5.1.3 to read in its entirety as follows:**

- 5.1.3 Notification Of Watercourse Alteration  
In a riverine situation, the Town of Stow shall notify the following of any alteration or relocation of a watercourse:
- Adjacent Communities
  - NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
  - NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

**D. Amend Section 5 by adding a new subsection 5.1.4 to read in its entirety as follows:**

- 5.1.4 Other Regulations  
In Zones AE, along watercourses that have a regulatory floodway within the Town of Stow designated on the Middlesex County FIRMs encroachments are prohibited in the

regulatory floodway, which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**E. Amend Section 5 by adding a new subsection 5.1.5 to read in its entirety as follows:**

5.1.5 Reference To Existing Regulations

- The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

**PLANNING BOARD SUMMARY**

This article is meant to update the Floodplain/Wetlands Overlay District for purposes of Stow's continued participation in the National Flood Insurance Program.

Subsection A adds necessary language in order to reflect Federal Emergency Management Agency's (FEMA) Countrywide mapping format.

Subsections B, C and D contains additions that are necessary to remain compliant with the National Flood Insurance Program. This information is from contained in the Code of Federal Regulations 44CFR 60.3.

Subsection E contains language recommended by FEMA. The Flood Plain/Wetlands Overlay District Bylaw is part of a federal requirement for communities that choose to participate in the

National Flood Insurance Program. However, the state already administers regulations that take care of many floodplain management concerns. Referencing existing regulations is important to ensure that projects have been reviewed under the appropriate state regulations and that variances to the conditions of the bylaw do not erroneously allow variances to state requirements.

**Annotated Version**

**Additions are underlined**

**Deletions are strike through**

- 2.3.8 ~~*Boundary lines outlining the flood plain of the Assabet River shall be the limits of the Standard Project Flood Modified delineated on the plan entitled "Flood Plains & Profiles", sheets 2, 3, and 4 of the Assabet River Technical Report, Department of the Army, Corps of Engineers, dated June, 1966 and on file with the Town Clerk. Boundary lines outlining the flood plain of Heath Hen Meadow Brook shall be the limits of the 100-year design storm flood plain delineated on the plan entitled "Flood Plain - Plan and Profile Heath Hen Meadow Brook, Stow, Massachusetts", by BSC Engineering, Inc., dated February 21, 1975, revised May 2, 1975, and on file with the Town Clerk. The Flood Plain/Wetlands District shall also include all lands designated as Zone A, AO, AH or Zone A1-30 and A99 on the Town of Stow Flood Insurance Rate Map (FIRM), panel 250216-0005, dated August 1, 1979 as amended.*~~

*The Flood Plain/Wetlands District shall include all lands designated in the following maps and reports. In the event there is a discrepancy in the flood plain boundary designation, the boundary that includes a larger area of flood plain shall apply.*

*Boundary lines outlining the flood plain of the Assabet River shall be the limits of the Standard Project Flood Modified delineated on the plan entitled "Flood Plains & Profiles", sheets 2, 3, and 4 of the Assabet River Technical Report, Department of the Army, Corps of Engineers, dated June, 1966 and on file with the Town Clerk.*

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*All special flood hazard areas within the Town of Stow designated as Zone A, AE, AH, AO and A99 on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Stow are panel numbers 25017C0333E,*

25017C0334E, 25017C0341E, 25017C0342E, 25017C0343E, 25017C0344E, 25017C0353E, 25017C0354E, 25017C0361E and 25017C0363E dated June 4, 2010. The exact boundaries of the District shall be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Planning Board.

## **5.1 Flood Plain/Wetlands District**

The Flood Plain/Wetlands District is intended to protect the public health and safety, persons and property against the hazards of flood water inundation; to preserve and maintain the GROUND WATER table; to protect the community from the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to floods; and to conserve natural conditions, wildlife, and OPEN SPACES for the education, recreation and general welfare of the public. The provisions applicable to the Flood Plain/Wetlands District shall be considered as overlapping other zoning districts. In those cases where the Flood Plain/Wetlands District overlaps another zoning district, the provisions of the Flood Plain/Wetlands District shall be controlling.

### **5.1.1 Uses Permitted:**

- 5.1.1.1 Conservation areas for water, water supply, plants and wildlife, and dams necessary for achieving this purpose;
- 5.1.1.2 Farming and horticulture, including raising and harvesting crops, truck gardening, grazing and livestock raising, but not including piggeries or the raising of animals for fur;
- 5.1.1.3 Nurseries, forests and tree farms, provided that any equipment necessary for these uses is normally stored so it is not visible from district or property boundaries;
- 5.1.1.4 Recreation, including golf courses, municipal, county or state parks (but not an amusement park), boating, fishing, hunting (where legally permitted), MARINAs, landings and any non-commercial recreation use;
- 5.1.1.5 In a business, commercial or industrial district, any of the foregoing uses which are conducted for profit, or for which a fee or similar charge is made, and allowed within the Flood Plain/Wetlands District, provided that such uses are otherwise permitted in the district overlapped by the Flood Plain/Wetlands District;
- 5.1.1.6 Subject to General Laws, Chapter 131, Section 40 and 40A access across land within the district overlapped; and
- 5.1.1.7 The Board of Appeals may grant a special permit to allow any use or STRUCTURE otherwise permitted in the district overlaid by the Flood Plain/Wetlands District if it is clearly shown that the land intended for said use or structure is included within the Flood Plains/Wetlands District through mapping error, or that no portion of said proposed new use or structure will be below the flood plain elevation as defined in this Bylaw.

**5.1.2 Floodway Data - In Zones A 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.**

**5.1.2.1 Base Flood Elevation Data - Base flood elevation data is required for subdivision proposals or other developments greater than 5 acres, within unnumbered A zones.**

**5.1.3 Notification Of Watercourse Alteration**

**In a riverine situation, the Town of Stow shall notify the following of any alteration or relocation of a watercourse:**

- **Adjacent Communities**
- **NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104**
- **NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110**

**5.1.4 Other Regulations**

**In Zones AE, along watercourses that have a regulatory floodway within the Town of Stow designated on the Middlesex County FIRMs encroachments are prohibited in the regulatory floodway, which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

**5.1.5 Reference To Existing Regulations**

- **The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:**
- **Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");**
- **Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);**

- *Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);*
- *Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);*

*Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.*