

ARTICLE 32: To see if the Town will vote to amend Chapter 174 of the Code of the Town of Southborough, Massachusetts, Zoning; by amending those sections redlined within the following text:

Chapter 19. FLOOD INSURANCE

[HISTORY: Adopted 5-27-1975 Annual Town Meeting, Art. 46. Amendments noted where applicable.]

§ 19-1. Compliance with ~~Federal Insurance Administration~~~~National Flood Insurance~~ Program.

The Town assures the ~~Federal Insurance Administration~~~~Federal Emergency Management Agency~~ that it will enact as necessary, and maintain in force for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in ~~Section 60 of the National Flood Insurance Program Regulations found in 44 CFR. Section 1910 of the National Flood Insurance Program Regulations.~~

§ 19-2. Responsibility and authority of Selectmen.

The Town vests the Board of Selectmen with the responsibility, authority and means to:

- A. Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.
- B. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain.
- C. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain areas and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards.
- D. Submit on the anniversary date of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

§ 19-3. Record of elevations to be kept.

The Town appoints the Board of Selectmen to maintain for public inspection and to furnish upon request a record of elevations, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

§ 19-4. Other action to be taken.

The Town agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Chapter 174. ZONING

Article III. Use Regulations

§ 174-8.9. WFP Wetland and Floodplain District.

[Added 4-12-1993 ATM, Art. 43; amended 4-12-2011 ATM, Art. 32]

A. The Wetland and Floodplain District is considered to be an overlay district. The District includes all special flood hazard areas within the Town of Southborough designated as Zone A and AE, on the Worcester 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 Worcester County FIRM that are wholly or partially within the Town of Southborough are Panel Numbers 25027C0654E25027C0654F, 25027C0658E25027C0658F, 25027C0659E25027C0659F, 25027C0662E25027C0662F, 25027C0666E25027C0666F, 25027C0667E25027C0667F, 25027C0668E25027C0668F, 25027C0669E25027C0669F, 25027C0678E25027C0678F and 25027C0686E25027C0686F, dated July 4, 2011July 16, 2014. The exact boundaries of the District may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Department of Public Works.

B. Base flood elevation and floodway data.

- (1) 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.
- (2) Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A zones.

C. Notification of watercourse alteration. In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- (1) Adjacent communities.
- (2) NFIP State Coordinator:

Massachusetts Department of Conservation and Recreation

251 Causeway Street, Suite 600-700

Boston, MA 02114-2104

- (3) NFIP Program Specialist:

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110

D. Reference to existing regulations.

- (1) The Floodplain District is established as an overlay district to all other districts. All development in the District, including structural and nonstructural 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:
 - (a) 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~~).
 - (b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00).
 - (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00).
 - (d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- (2) 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.

E. Other use regulations.

- (1) All subdivision proposals must be designed to assure that:
 - (a) Such proposals minimize flood damage;
 - (b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposure to flood hazards.
- (2) In Zones AE, along watercourses in the Town of Southborough that have a regulatory floodway designated on the Worcester County FIRM, 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.

Sponsored by: BOARD OF SELECTMEN AND PLANNING BOARD

Board of Selectmen Recommendation: At Town Meeting

Advisory Committee Recommendation: At Town Meeting

Summary: *This article replaces the Town's zoning regulations relative to development within floodplains, including adoption of newly amended Flood Insurance Rate Maps to establish the Wetland and Floodplain District. Amendment of the floodplain bylaw is required to maintain compliance with FEMA's National Flood Insurance Program.*