

Amend Zoning Bylaw, Section 4100, Flood Plain Overlay District

To see if the Town will vote to amend Article IX (the Zoning Bylaw), section 4100 (Flood Plain Overlay District) as follows:

1) Delete section 4130 and replace with the following:

4130. Location. The Flood Plain Overlay District shall consist of the several areas shown as flood plains on the following described maps or as otherwise described:

Flood Plain Boundaries

The Flood Plain District is herein established as an overlay district. The District includes all “special flood hazard areas inundated by 100-year flood” within the Town of Sudbury designated as Zones A and AE and “floodway areas in Zone AE” 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 Sudbury are panel numbers 25017C0362F, 25017C0363F, 25017C0364F, 25017C0366F, 25017C0367F, 25017C0368F, 25017C0369F, 25017C0386F, 25017C0388F, 25017C0501F, 25017C0502F, 25017C0506F, 25017C0507F, 25017C0508F and 25017C0509F dated July 7, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated July 7, 2014. The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission and Engineering Department.

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.

The areas in the Flood Plain Overlay District are hereby deemed to be subject to seasonal or periodic flooding, and the use of land in any such area is hereby declared to be dangerous to the health and safety of occupancy thereof, and each said area shall be known as a Flood Plan.

2) Delete section 4143 and replace with the following:

4143. Encroachments, including fill, new construction, substantial improvements and other development within any floodway shown on the Middlesex County Flood Insurance Rate Map for the Town of Sudbury Community No. 250217, dated July 7, 2014, prepared by the Federal Emergency Management Agency under the National Flood Insurance Program (on file with the Town Clerk and incorporated herein by reference), which would result in any increase in the 100-year flood level are prohibited, and no special permit shall be issued to allow such encroachments.

3) Delete section 4181 and 4183 and replace with the following:

4181. Massachusetts State Building Code as to floodplain and coastal high hazard areas (currently 780 CMR);

4183. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

Or act on anything relative thereto.

PLANNING BOARD REPORT:

The changes proposed in this article have been recommended by the Department of Conservation and Recreation Flood Hazard Management Program, which is the State Coordinating Office for the National Flood Insurance Program State Flood Hazard Mapping office, and reflect the new Federal Emergency Management Act (FEMA) flood maps that are expected to become effective in summer 2014 for the Concord-Sudbury-Assabet Watershed. FEMA has been working with MA communities to review existing zoning bylaws and to ensure that communities do not get suspended from the National Flood Insurance Program (NFIP). The National Flood Insurance Program is a federal program, administered by FEMA, which makes subsidized flood insurance available in communities that agree to adopt corrective and preventative floodplain management regulations that will reduce future flood damages. Communities that participate in the NFIP must adopt and abide by a floodplain district bylaw or ordinance that regulates development within their flood hazard areas as shown on their FEMA *Flood Insurance Rate Map*. Most of the minimum NFIP standards are included in the State Building Code, Wetlands Act and Title V. However, additional provisions are also required in the Flood Plain Overlay District Bylaw. The Sudbury Flood Plain Overlay District bylaw was originally adopted in 1962, and the major changes contemplated in this article are updates to FIRM map numbers and flood zone designations.