

2016 Fall Annual Town Meeting

Article __

REPORT AND RECOMMENDATION
OF THE PLANNING BOARD
ON THE PROPOSED AMENDMENT
TO THE ZONING BYLAW AND MAP
TO REDEFINE THE TOWN'S FLOODPLAIN DISTRICT

DATE OF PUBLICATION OF PUBLIC HEARING: August 3, 2016
August 10, 2016

DATE OF PUBLIC HEARING: August 22, 2016

VOTE: On August 22, 2016 the Planning Board voted unanimously (4-0) to recommend Town Meeting approve the following article to the Fall Annual Town Meeting.

NEED & JUSTIFICATION:

The 100-year floodplain is an area that on average is expected to have a 1% chance of being flooded in any given year. For example, during the life of a 30-year mortgage there is a 30% chance that your property will be flooded. These flood areas are mapped by the Federal Emergency Management Agency (FEMA). The maps can be examined at the Office of Planning and Development at the Town Hall.

The current floodplain maps were prepared by the Federal Emergency Management Group (FEMA) in 2006. FEMA has revised the maps and is requiring the Town to adopt the revised maps. In addition, FEMA is also requesting that the Town make several revisions to the current Floodplain Zoning District.

FEMA is the only source of flood insurance in the United States. Numerous property owners receive flood insurance through the National Flood Insurance Program. If the Town does not adopt the revised maps and text, these property owners will no longer be eligible for flood insurance.

EFFECT:

The effect of this amendment is to adopt revised and more accurate floodplain maps and to adopt text that is consistent with the National Flood Insurance Program requirements.

INTENT:

It is the intent of this amendment is to ensure that Plymouth's floodplain bylaw complies with federal requirement.

By adopting this bylaw, property owners located within flood prone areas will be able to maintain flood insurance for their homes and businesses.

VOTE:

Effective as of November 4, 2016:

To delineate the Floodplain District as all special areas designated A, AE, AO, and VE on the National Flood Insurance Program Flood Insurance Rate Maps, Town of Plymouth, Massachusetts, Plymouth County, map numbers

25023C0244K, 25023C0263K, 25023C0342J, 25023C0352K, 25023C0353J, 25023C0354J, 25023C0356K, 25023C0357K, 25023C0358K, 25023C0359K, 25023C0361J, 25023C0362J, 25023C0363J, 25023C0364J, 25023C0366J, 25023C0367J, 25023C0370J, 25023C0376K, 25023C0378K, 25023C0379K, 25023C0386K, 25023C0387K, 25023C0388J, 25023C0389J, 25023C0391K, 25023C0393K, 25023C0394K, 25023C0477J, 25023C0479J, 25023C0485J, 25023C0487J, 25023C0491J, 25023C0492J, 25023C0494J, 25023C0505J, 25023C0506K, 25023C0507K, 25023C0508K, 25023C0509K, 25023C0511J, 25023C0512J, 25023C0513J, 25023C0514J, and 25023C0516K,

Plans ending with the suffix J dated July 17, 2012 and plans ending with the suffix K dated November 4, 2016 as shown on National Flood Insurance Program Flood Insurance Rate Maps, Town of Plymouth, Massachusetts, Plymouth County on file with the Town Clerk.

And further to amend Section 205-58 Floodplain District as follows:

Underlined text added

~~Strikethrough text deleted~~

§ 205-58.Floodplain District (FP). [Added 4-5-1986 ATM by Art. 56; Amended 10-23-06 ATM by Art. 19; Amended 4-7-12 ATM by Art. 31]

- A. **Intent.** The purpose of this section is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
- (1) To protect human life and health;
 - (2) To minimize expenditures of public money for costly flood-control projects;
 - (3) To minimize the need for rescue and relief efforts associated with flooding;
 - (4) To ensure that those who occupy areas of special flood hazard assume responsibility for their actions.
- B. **Scope and authority.** The Floodplain District is herein established as an overlay district. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to the provisions of this district, as well as those of the Massachusetts State Building Code dealing with construction in floodplains.

- C. **Delineation of district.** The Floodplain District includes all special flood hazard areas within the Town of Plymouth, designated as Zone A, AE, AO, and VE on the Plymouth County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency, for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Plymouth are panel numbers 25023C0244KJ, 25023C0263KJ, 25023C0342J, 25023C0352K, 25023C0353J, 25023C0354J, 25023C0356KJ, 25023C0357KJ, 25023C0358KJ, 25023C0359KJ, 25023C0361J, 25023C0362J, 25023C0363J, 25023C0364J, 25023C0366J, 25023C0367J, 25023C0370J, 25023C0376KJ, 25023C0378KJ, 25023C0379KJ, 25023C0386KJ, 25023C0387KJ, 25023C0388J, 25023C0389J, 25023C0391KJ, 25023C0393KJ, 25023C0394KJ, 25023C0477J, 25023C0479J, 25023C0485J, 25023C0487J, 25023C0491J, 25023C0492J, 25023C0494J, 25023C0505J, 25023C0506KJ, 25023C0507KJ, 25023C0508KJ, 25023C0509KJ, 25023C0511J, 25023C0512J, 25023C0513J, 25023C0514J, and 25023C0516KJ, Plans ending with the suffix J dated July 17, 2012 and plans ending with the suffix K dated July 17, 2012 ~~November 4, 2016~~. 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 Plymouth County Flood Insurance Study (FIS) report dated November 4, 2016 ~~July 17, 2012~~. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

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 if 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 5 acres, whichever is the lesser, within unnumbered A zones.

Notification of Watercourse Alteration

In a riverine situation the Flood Coordinator 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. **Development regulations.** The following requirements apply in the Floodplain District:

- (1) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.

- (2) In the floodway, designated on the Flood Insurance Rate Map, the following provisions shall apply:
 - (a) All encroachments, including fill, new construction, substantial improvements to existing structures, and other developments, are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.
 - (b) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.
- (3) In Zones VE all new construction shall be located landward of the reach of mean high tide.
- (4) The placement of mobile homes in the Floodplain District is prohibited.

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 full compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code {780 CMR} which address floodplain and coastal high hazard areas~~which addresses floodplain and coastal high hazard areas (currently 780 CMR 3107, "Flood Resistant Construction")~~;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for 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.

Other Regulations

1. Within zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
2. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.
3. 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.

E. **Special permits.** Upon issuance of a special permit and subject to such conditions and safeguards as the Board of Appeals deems necessary to fulfill the purposes of this section, the requirements of this overlay district may be varied. In passing upon such special permit applications the Board shall consider:

- (1) The susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property.
- (2) The availability of alternative locations for the proposed use which are not subject to flooding or erosion.
- (3) The necessity to the facility of a waterfront location, where applicable.
- (4) A determination that the relief requested is the minimum necessary.

TOWN OF PLYMOUTH BY:

Timothy Grandy, Chairman

Ken Buechs

Paul McAlduff

Malcolm MacGregor

Robert Bielen

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: _____

DATE FILED WITH TOWN CLERK: _____

cc: Town Clerk
Board of Selectmen
Advisory and Finance Committee