

PROPOSED ZONING BYLAW AMENDMENTS TO CREATE FLOODPLAIN OVERLAY DISTRICT

1) AMEND ARTICLE II, SECTION 2.1 AS FOLLOWS:

Section 2.1 LAND USE DISTRICTS

2.1-1 For the purpose of this bylaw, the Town of Shutesbury is divided into the following land use districts:

| | |
|----------------------|----|
| Forest Conservation | FC |
| Roadside Residential | RR |
| Town Center | TC |
| Lake Wyola | LW |

In addition, there shall be a Floodplain Overlay District as defined herein in Section 8.9.

2) ADD NEW SECTION 8.9 TO ARTICLE VIII (See below)

SECTION 8.9 FLOODPLAIN OVERLAY DISTRICT

8.9-1 STATEMENT OF PURPOSE

The purposes of the Floodplain Overlay District are 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 a reduction in water quality, contamination, and/or 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. Reduce costs associated with the response and cleanup of flooding conditions;*
- 6. Reduce damage to public and private property resulting from flooding waters.*

8.9-2 FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

- A. *The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Shutesbury Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated June 18, 1980 as Zone A and A1, which indicates the 100-year regulatory floodplain. The exact boundaries of the District are defined by*

the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated December 1979. The FIRM and FIS reports are incorporated herein by reference and are on file with the Town Clerk, Zoning Board of Appeals, Planning Board, Building Inspector, and Conservation Commission.

- B. *Floodway Data: In Zones A and A1, 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.*
- C. *Base Flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 3 lots or 5 acres, whichever is less, within unnumbered A zones.*

8.9-3 NOTIFICATION OF WATERCOURSE ALTERATION

The Shutesbury Conservation Commission shall notify the following of any alteration or relocation of a watercourse, in a riverine situation:

- *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*

8.9-4 USE REGULATIONS

A. Reference To Existing Regulations

All development in the Floodplain 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 (the Wetlands Protection Act) and with the following:

- *Sections of the Massachusetts State Building Code (780 CMR) which address floodplain hazard areas;*
- *Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);*
- *Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and*
- *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.

B. 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.*

3) ADD THE FOLLOWING NEW DEFINITIONS TO ARTICLE XIII, SECTION 13.2, DEFINITIONS IN THIS ZONING BYLAW:

Base Flood: *The flood having a one percent chance of being equaled or exceeded in any given year (also known as the “one-hundred-year flood”).*

Base Flood Elevation (BFE): *The elevation of the flood that has a 1 percent chance of occurring in a given year. Also known as the 1 percent annual chance flood or the 100-year flood.*

Federal Emergency Management Agency (FEMA): *The federal agency that administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.*

Flood Insurance Rate Map (FIRM): *An official map of a community on which FEMA has delineated both the Special Flood Hazard Areas and the Risk Premium Zones applicable to the community.*

Floodway: *The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.*

One-Hundred-Year Flood: *see Base Flood.*

Regulatory Floodway: *See Floodway.*

Riverine: *Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.*

Special Flood Hazard Area: *The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A or A1.*

Zone A: *The 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data as outlined in the State Building Code.*

Zone A1: The 100-year floodplain area where the base flood elevation (BFE) has been determined.

Zones B and C: Areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard.

4) ADD THE FOLLOWING AMENDED DEFINITION TO ARTICLE XIII, SECTION 13.2, DEFINITIONS, IN THIS ZONING BYLAW:

Structure: A static construction of building materials affixed to the ground, including but not limited to a building, dam, display stand, gasoline pump, installed mobile home or trailer, reviewing stand, shed, sign, swimming pool, tennis court, storage bin, or wall. *For floodplain management purposes, structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.*