



CITY OF AMESBURY IN THE YEAR TWO THOUSAND TWENTY-FIVE

SPONSORED BY: Kassandra Gove, Mayor **REVISED BILL No.** 2025-054

At the meeting of the Amesbury City Council held on June 24, 2025, the following action was taken:

An Ordinance to amend the Amesbury Zoning Ordinance and make revisions to existing Wetlands and Floodplain protection regulations by adopting additional floodplain management measures that meet the current standards of 44 CFR Part 60.3 (d) of the National Flood Insurance Program (NFIP) regulations.

Summary: Federal Emergency Management Agency (FEMA) has completed the final flood hazard determination for all jurisdictions in Essex County, Massachusetts. Further, a Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) have been completed and they will become effective on July 8, 2025. FEMA has indicated that all the standards specified in 44 CFR Part 60.3(d) of the National Flood Insurance Program (NFIP) regulations must be enacted, including adoption of the current effective FIS report and FIRM to which the regulations apply, and other modifications made by this map revision.

Prior to the effective date, the City of Amesbury is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3 (d) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature. The proposed amendments to the existing Wetlands and Floodplain Protection District are revisions needed to meet these minimum standards and requirements.

Be it Ordained by the City Council of the City of Amesbury assembled and by the authority of the same, as follows:

1. Amend Section XII – Wetlands and Floodplain Protection District

Amend the provisions of Section XII. The proposed amendments to this Section are attached hereto in document entitled “**FEMA Floodplain Management Measures – Amesbury - 05.02.2025 and Revised 06.18.2025.**”

2. Amend Section III – Establishment of Zoning Districts

- 1) **Amend Sub-Section 3.1.3:** The ~~Federal~~ *Wetlands and* Floodplain District is hereby established as an overlay district *as further described in Section XII, which and* is superimposed over all the ~~other zoning~~ districts. The underlying permitted uses are allowed provided that they meet the additional requirements specified in Section XII as well as those of the Massachusetts State Building Code dealing with construction in flood plains.

2) **Section III - 3.3 Boundaries of Districts:**

Strike subsection 3.3.5

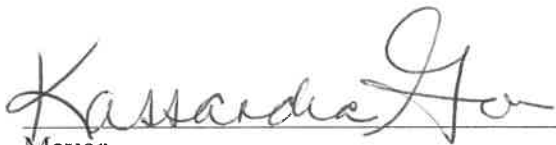
~~The Federal Flood Plain District shall include all special flood hazard areas designated as Zone A or Zone A1 through A30 on the National Flood Insurance Program Maps. The boundaries of the Federal Floodplain Districts shall be defined in the Flood Insurance Study, City of Amesbury, dated December 1979 and as shown on maps entitled Flood Boundary and Floodway (FLOODWAY), City of Amesbury, effective 1980, and Flood Insurance Rate Map (FIRM), City of Amesbury, effective June 18, 1980, which are on file with the City Clerk, Planning Board, and Inspector of Buildings. These maps and Flood Insurance Study are incorporated herein by reference.~~

Councilor Nicholas Wheeler moved to approve Bill 2025-054 as revised. He was seconded by Councilor Amanda Haggstrom. A roll call vote was taken, and the motion passed 8-0, with Councilor Claudel Frederique absent.

Witness my hand and seal for the City of Amesbury this 25th of June 2025.



City Clerk



Mayor

June 25, 2025
Date

SECTION XII

WETLANDS AND FLOODPLAIN PROTECTION DISTRICT

A. *1. Purpose:* The purpose of the Wetlands and Floodplain Protection District is to:

1. Protect the health and safety of persons and property against the hazards of flooding.
2. Preserve and maintain wetlands, the quality and level of the water table and flood storage areas for public health and safety, wildlife, fisheries, existing and future water supplies, pollution control, and open space.
3. Protect the City from the cost of unsuitable use or development of areas subject to flooding; eliminate costs associated with the response and cleanup of flooding conditions.
4. Prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding.
5. 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 the flooding.
6. Eliminate new hazards to emergency response officials.

B.

2. *Establishment:* The *Wetlands and Floodplain Protection District (W/F)* flood plain district is hereby established as an overlay district *and its boundaries shall extend over underlying zoning districts pursuant to Section XII.3 as further described below* ~~to all other districts. All~~ Any development in ~~the~~ *this overlay* district, including structural and non-structural activities, whether permitted by right or by special permit ~~must~~ *shall* be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

1. Section of the Massachusetts State Building Code with which addresses floodplain ~~and coastal high hazard~~ areas (currently 780 CMR);
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
4. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
5. Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5). ~~(11/15/05)~~

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

C.

3. *District Boundary:* ~~(7/13/12)~~

1. ~~The Floodplain District is herein established as an overlay district.~~ The boundaries of the Wetlands and Floodplain Protection District includes all special flood hazard areas within the City of Amesbury designated as Zone A and AE, on the Essex 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 Essex County FIRM that are wholly or partially within the City of Amesbury are panel numbers 25009C0014F, 25009C0018F, 25009C0082F, 25009C0101F, 25009C0102F, 25009C0103F, 25009C0104F, 25009C0106F, 25009C0107F, 25009C0108F, and 25009C0109F dated effective day of July 3, 2012~~ *08, 2025* The exact boundaries of ~~the~~ *this* District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the

Essex County Flood Insurance Study (FIS) report dated *effective day of July 3, 2012 08, 2025*. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, ~~Planning Board, Conservation Commission,~~ and the Building Inspector.

2. The exact location of floodways and floodplains, determined by the Flood Insurance Rate Map dated *effective day of July 3, 2012 08, 2025* and the Flood Insurance Study, dated *effective day of July 3, 2012-08, 2025*; and the location of wetland boundaries, determined by the U. S. Fish and Wildlife Service Inland Wetlands Map (1977) and McConnell Land Use Map (1980), as shown as an overlay district on the City of Amesbury Overlay Zoning Map, *as amended* (1985), on file at the office of the City Clerk. Where the district boundary is in doubt or dispute, or where such boundary is not, in the opinion of the Planning Board, sufficient to determine the extent of all land subject to flooding, the burden of proof shall be upon the owners of the property in question to show where the boundary should be properly located. The applicant shall retain, or pay the City to retain, an appropriate professional to provide the Planning Board with data defining the base flood level or wetland boundary according to the criteria set forth by the Federal Emergency Management Agency Regulations (44 CFR 60-3), and the Inland Wetlands Regulations (CMR 10.00) respectively.
- ~~3. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within Zone AE. In Zone AE, along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvement, or other development shall be permitted, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood. "In Zone AE, along watercourses within the City of Amesbury that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory flood way which would result in any increase in flood levels within the community during the occurrence of the base flood discharge."~~
4. The provisions applicable to the Wetlands and Floodplain Protection District shall be considered as superimposed on other zoning districts and any use of land permitted in the districts so overlaid shall be permitted subject to the restrictions and regulations thereof, in addition to those set forth in *Section XII of the Zoning Ordinance* ~~the Wetlands and Floodplain Protection District.~~
- ~~5. The establishment of the Wetlands and Floodplain Protection District shall not constitute the representation that all land outside the district will be free from flooding, and said district may be amended from time to time to update the Wetland and Floodplain Map in accordance with the boundary definition set forth herein.~~
4. ***Definitions:*** *For the purposes of Section XII, the definition of any term in the list below shall apply and be used in place of its definition in Section II or otherwise used in any other Section of the Zoning Ordinance:*
 1. ***Development:*** *Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]*

2. ***Floodway:** The channel of the river, creek 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 more than a designated height. [Base Code, Chapter 2, Section 202]*
3. ***Functionally Dependent Use:** a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]*
4. ***Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]*
5. ***Historic Structure:** Any structure that is:
 - (a) *Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.*
 - (b) *Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.*
 - (c) *Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or*
 - (d) *Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) *By an approved state program as determined by the Secretary of the Interior or*
 - (2) *Directly by the Secretary of the Interior in states without approved programs.***[US Code of Federal Regulations, Title 44, Part 59]**
6. ***New Construction:** Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]*
7. ***Recreational Vehicle:** a vehicle which is:
 - (a) *Built on a single chassis.*
 - (b) *400 square feet or less when measured at the largest horizontal projection.*
 - (c) *Designed to be self-propelled or permanently towable by a light duty truck, and*
 - (d) *Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]**
8. ***Regulatory Floodway:** see Floodway.*
9. ***Special Flood Hazard Area:** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]*

10. *Start of Construction: a) The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. b) Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]*
11. *Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]*
12. *Substantial Repair of a Foundation: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]*
13. *Variance: a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]*
14. *Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]*

~~D.~~

5. **Permitted Uses:** The following uses are permitted without review by the Planning Board *but require administrative approval by the official floodplain administrator:*
 1. Wildlife management, nature study, boating, fishing, hunting, and other conservation and recreation use where otherwise legally permitted.
 2. Flower and vegetable gardens, agriculture, aquaculture, forestry, and garden sheds.
 3. Construction and maintenance of sidewalks, duck walks, duck blinds, lawns, bicycle, equestrian, and footpaths or bridges, and unpaved recreational areas provided that such uses do not alter the existing topography.

4. Maintenance and repair, but not substantial reconstruction (more than 50%), of existing structures, bridges, roadways, and utilities.
5. Construction and maintenance of public and private water supplies, pump stations, well fields, boat landings, at-grade unpaved parking areas, dredging required to maintain existing navigation channels, and accessory structures such as fences, patios, flagpoles, sheds, and free-standing signs insofar as said uses are constructed to minimize or eliminate flood damage and do not require the placement of fill within the district, *and*
6. Driveways, utilities, and associated facilities over any portion of the Wetlands and Floodplain Protection District to serve lands not in the district, provided that such uses shall not be permitted if there is other reasonable access to such land not in the district and further provided that such facilities require a minimum of filling.

E.

6. Prohibited Uses: Unless permitted above in Section XII-D, *no structural or non-structural activity(ies) shall be allowed and* no building permit(s) shall be issued for any development that proposes an alteration of the wetlands or flood way without a Special Permit (S1) under Section XII-F being *granted* issued by the Planning Board.

F. Special Permit Required: Within the Wetland and Floodplain Protection District, ~~no building or structure shall be constructed, no building or structure shall be expanded in its present use, and no land shall be filled, excavated, changed in grade or otherwise altered except pursuant to a special permit authorized by the Planning Board as hereinafter provided:~~

~~1. Procedure for Review by the Planning Board:~~

- ~~a. The Board shall, within ten (10) days of receipt at an application, refer the application and plans to the Conservation Commission, Board of Health, Permit Granting Authority, Water and Sewer Department, City Engineer, Building Inspector, and any other appropriate City board for written reports and recommendations. No special permits shall be issued until such reports are returned or thirty-five (35) days have elapsed following such referral.~~
- ~~b. Applications shall be submitted showing the boundaries and dimensions of the area, including the 100-year floodplain elevation and wetlands boundaries, the elevation of existing and proposed structures, existing and proposed contours at two-foot intervals, and other such information, including hydrologic calculations to indicate the complete physical characteristics of the area, proposed alteration of the area, and impacts thereof, as set forth in the special permit rules adopted by the Board.~~
- ~~c. If a special permit is granted, the Board shall impose conditions and safeguards in accordance with the purposes of this section, criteria for approval and special permit rules.~~

~~2. Criteria for Approval:~~

- ~~The Board may issue a special permit if it finds that the proposed construction and/or proposed change in grade will not derogate from the purposes of this district. In issuing special permits, the Planning Board shall assure that:~~
- ~~a. The lowest floor, including the basement or cellar of any new or substantially improved residential building, shall be at least one (1) foot above base flood~~

- elevation. Non-residential construction or improvement shall be elevated or floodproofed above the base flood elevation
- ~~b. The proposed construction and/or change in grade will not obstruct or divert flood flow, reduce natural flood storage, increase storm water runoff, or raise the base flood elevation of the land.~~
 - ~~c. The proposed system of drainage and sewage disposal will not cause pollution or otherwise endanger the public health and adequate drainage is provided to reduce exposure to flood hazards.~~
 - ~~d. The proposed construction will have sufficient structural safety to counteract any buoyancy or water impact.~~
 - ~~e. The proposed construction shall have street or other appropriate access above the base flood elevation and all proposed public utilities and facilities are located and constructed to minimize or eliminate flood damage.~~
 - ~~f. The proposed construction shall not cause erosion and sedimentation in accordance with sedimentation and erosion control measures.~~
 - ~~g. The proposed floodproofing or compensatory flood storage method shall be certified by a registered professional engineer. One hundred percent compensatory flood storage shall be provided at every flood interval, and compensatory wetland shall be planted with vegetation.~~
 - ~~h. In a riverine situation, the project proponent shall notify, prior to any alteration or relocation of a watercourse, the following:~~
 - ~~o Adjacent Communities~~
 - ~~o Bordering States (when necessary)~~
 - ~~o NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston MA 02114-2104~~
 - ~~o NFIP Program Specialist~~
 - ~~o Federal Emergency Management Agency, Region I~~
 - ~~o 99 High Street, 6th Floor~~
 - ~~o Boston MA 02110~~
 - ~~o Massachusetts Division of Water Resources~~

G. Administration:

- ~~1. Special permit applications shall be submitted in accordance with the special permit rules of the Planning Board and conditions shall be imposed in accordance with the criteria for approval stated herein as further specified in the special permit rules.~~
- ~~2. If there is a question as to the applicability or coverage of the Wetlands and Floodplain Protection District and it is proven to the satisfaction of the Board and the Building Inspector, and at the owner's expense, that the land is not within the Wetlands and Floodplains Protection District, in accordance with methods set forth herein for establishing said boundary, the Planning Board may issue a special permit provided that the use of such land will not derogate from the purposes of this section and will comply in all respects with all other provisions of the underlying district and further provided that any and all necessary permits or approvals required by local, state, or federal laws shall have been obtained, including an Order of Conditions under MGL., Chapter 131, Section 40.~~

- ~~3. The Planning Board shall require the execution of bonds, covenants, or other securities to assure that the proposed construction and/or flood control method is properly completed in accordance with as-built plans.~~
- ~~4. The public hearing required for issuance of a special permit under this section may be held jointly with public hearings required for other laws, including but not limited to the Wetlands Protection Act.~~
- ~~5. All appeals of a Planning Board decision shall be made directly to the State Superior Court.~~

7. General Requirements:

- 1. The proponent shall obtain all local, state and federal permits that will be necessary in order to carry out the proposed development or activities in the Wetlands and Floodplain Protection District. The proponent shall make application as required in Section XII and provide copies of such approvals to the Floodplain Administrator before undertaking such activity within the W/F.*
- 2. 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.*
- 3. In Zone AE, along watercourses that have a regulatory floodway designated on the City's FIRM Map encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.*
- 4. In A Zones, in the absence of FEMA Base Flood Elevation (BFE) data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.*
- 5. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:*
 - (a) Such proposals minimize flood damage.*
 - (b) Public utilities and facilities are located & constructed so as to minimize flood damage.*
 - (c) Adequate drainage is provided.*
- 6. When proposing subdivisions or other developments greater than 50 lots or 5 acres, (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.*
- 7. In A and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.*

8. Administration:

1. *General:*

- a. *The City hereby designates the position of Zoning Compliance Officer to be the official floodplain administrator for the City.*
- b. *If the City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:*
 - i. *NFIP State Coordinator, Massachusetts Department of Conservation and Recreation*
 - ii. *NFIP Program Specialist, Federal Emergency Management Agency, Region I*
- c. *In a riverine situation, the Director of Department of Public Works shall notify the following of any alteration or relocation of a watercourse:*
 - i. *Adjacent Communities, especially upstream and downstream*
 - ii. *Bordering States, if affected, NFIP State Coordinator, NH Office of Planning and Development*
 - iii. *NFIP State Coordinator, Massachusetts Department of Conservation and Recreation*
 - iv. *NFIP Program Specialist, Federal Emergency Management Agency, Region I*

2. *Required Permits: A permit shall be required for all proposed construction, activity or other development in the Wetlands and Floodplain Protection District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties as described below:*

- a. *Special Permit: Within the Wetland and Floodplain Protection District, no building or structure shall be constructed, no building or structure shall be expanded in its present use, and no land shall be filled, excavated, changed in grade or otherwise altered without the grant of a special permit by the Planning Board.*
- b. *If there is a question as to the applicability or coverage of the Wetlands and Floodplain Protection District and it is proven to the satisfaction of the Board and the Building Inspector, and at the owner's expense, that the land is not within the Wetlands and Floodplains Protection District, in accordance with methods set forth herein for establishing said boundary, the Board may issue a special permit provided that the use of such land will not derogate from the purposes of this section and will comply in all respects with all other provisions of the underlying district and further provided that any and all necessary permits or approvals required by local, state, or federal laws shall have been obtained, including an Order of Conditions under MGL., Chapter 131, Section 40. All such decisions shall require a FEMA letter of map change as a condition of approval.*

- c. Upon completion of any authorized work, an “as-built” plan, prepared by a MA Registered Professional Engineer or a MA Registered Land Surveyor, as appropriate to the data, of all improvements in the Flood Plain District shall be submitted to the Building Inspector and shall specify the elevation of the lowest floor including basement, the elevation to and method by which any structure has been floodproofed and the finished grades of all disturbed areas*
 - d. The Board shall require the execution of bonds, covenants, or other securities to assure that the proposed construction and/or flood control method is properly completed in accordance with as-built plans.*
 - e. If a special permit is granted, the Board shall impose conditions and safeguards as necessary in accordance with the purposes of this section, criteria for approval and findings under special permit requirements.*
- 9. Application and Procedural Requirements: An application for a special permit for a proposed use(s) subject to Section XII shall be made in accordance with the following procedures:*
 - 1. Administrative Procedures: Applications shall be administered pursuant to the provisions of Section X.J of the Zoning Ordinance.*
 - 2. Application Materials:*
 - a. A Special Permit application along with application materials and supporting information showing that the proposed use meets the General Requirements under Section XII.7 and design and construction performance standards under Section XII.10 as outlined in section XII.*
 - b. A Site Plan shall be prepared as further described in Section XI.C.5 of the Zoning Ordinance and submitted along with the special permit application. The Site Plan shall also show the boundaries and dimensions of the area, including the 100-year floodplain elevation and wetlands boundaries, the elevation of existing and proposed structures, existing and proposed contours at two-foot intervals, and other such information, including hydrologic calculations to indicate the complete physical characteristics of the area, proposed alteration of the area, and impacts thereof.*
 - 3. Additional Application Materials:*
 - a. Certification by a MA Registered Professional Engineer that any construction, improvements, or development meets the requirements of the rules and regulations stipulated in 44 CFR 60.3 (known as the Federal Emergency Management Agency's National Flood Insurance Program and known more specifically as Floodplain Management Criteria for Flood-Prone Areas).*
 - b. Detailed calculations and supporting materials prepared by a MA Registered Professional Engineer showing the existing and proposed flood storage volume of the site between the elevation of the property as it existed on July 2, 1980 and the elevation(s) of the base flood according to the flood insurance rate maps. In un-*

numbered A-Zones the supporting materials shall include the methods and all data used in determining the elevation of the base flood.

- c. Where floodproofing is used, certification by a MA Registered Professional Civil Engineer or a MA Registered Professional Architect shall be provided to show that the new construction will be compliant with 780 CMR, is adequate to withstand the forces associated with the base flood and that the methods used are adequate to withstand flood depths, pressures and velocities, impact and uplift forces and other factors associated with the base flood.*

10. Review Criteria: *The Planning Board may issue a special permit if it finds that the proposed construction and/or proposed change in grade will not derogate from the purposes of this district. In granting a special permit, the Planning Board shall assure that:*

- a. The lowest floor, including the basement or cellar of any new or substantially improved residential building, shall be at least one (1) foot above base flood elevation. Non-residential construction or improvement shall be elevated or floodproofed above the base flood elevation.*
- b. The proposed construction and/or change in grade will not obstruct or divert flood flow, reduce natural flood storage, increase storm water runoff, or raise the base flood elevation of the land.*
- c. The proposed system of drainage and sewage disposal will not cause pollution or otherwise endanger the public health and adequate drainage is provided to reduce exposure to flood hazards.*
- d. The proposed construction will have sufficient structural safety to counteract any buoyancy or water impact.*
- e. The proposed construction shall have street or other appropriate access above the base flood elevation and all proposed public utilities and facilities are located and constructed to minimize or eliminate flood damage.*
- f. The proposed construction shall not cause erosion and sedimentation in accordance with sedimentation and erosion control measures.*
- g. The proposed floodproofing or compensatory flood storage method shall be certified by a registered professional engineer. One hundred percent (100%) compensatory flood storage shall be provided at every flood interval, and compensatory wetland shall be planted with vegetation.*

11. Variances: *Any variances to specific regulations governing development subject to these provisions shall be granted as follows:*

1. Variances to building code floodplain standards:

- a. The City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.*

- b. The City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property, and*
 - c. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.*
- 2. Variances to local Zoning Ordinance related to community compliance with the National Flood Insurance Program (NFIP)*
 - a. A variance from these floodplain bylaws must meet the requirements set out by State law and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.*
- 12. Abrogation and greater restriction: The floodplain management regulations found in Section XII shall take precedence over any less restrictive conflicting local laws, ordinances or codes.*
- 13. Disclaimer of liability: The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.*
- 14. Severability: If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.*