Amendment to Frontage Requirement for Open Space Subdivisions

To see if the Town will vote to amend Section 4.5.6 Dimensional Requirements, Subsection E. Frontage of the Zoning Bylaw to add a requirement for a buffer zone along the frontage of an existing road and deleting the requirement that such frontage meet the frontage requirements for the applicable zoning districts. The revised subsection below indicates added text in **bold underline** and deleted text is in *strikethrough* text.

**E. Frontage.** On existing public roads, frontage of any Open Space Subdivision house lot shall **only be used for a minimum 50-foot wide buffer zone that is wooded or otherwise heavily vegetated to serve as screening to help preserve the scenic quality of the road.** be as required for a conventional lot in the relevant zoning district. On internal Open Space Subdivision roads, there is no numerical requirement for lot frontage. Each lot must have legal and functional vehicular access to an existing public road or an internal Open Space Subdivision road approved under the Subdivision Rules and Regulations, either directly across its own frontage or via a common driveway approved by special permit.

Or take any action relative thereto.
FLOOD PLAIN DISTRICT AMENDMENT

To see if the Town will vote to amend Section 5.5 Flood Plan District of the Zoning Bylaws by deleting it and replacing it with the following:


5.5.1 Purpose

The purpose of the Flood Plain District is to provide that lands in the Town of Sherborn subject to seasonal or periodic flooding as described herein shall not be used for residence or other purposes in order 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 water quality, contamination, and 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) Eliminate costs associated with the response and cleanup of flooding conditions
6) Reduce damage to public and private property resulting from flooding waters

5.5.2 Regulations

A Flood Plain District shall be considered to be an Overlay District superimposed over any other district established by Sherborn Zoning By-laws. Land in a Flood Plain District may be used for any purpose otherwise permitted in the underlying district except:

a) No building or structure may be erected in a Flood Plain District; with the exception that the Board of Appeals may grant a special permit in accordance with the provisions of Section 6.2.3 for the construction or use of a building or structure which:

1) will not be used for sustained human occupancy;
2) will not substantially interfere with the natural water storage capacity of the land or the natural flow of water;
3) will not constitute a danger to the public health or safety; and
4) will not cause any increase in the area of the 100-year flood plain.

b) No dumping, filling, dredging, excavation, transfer, or removal of any material which will reduce the natural flood water storage capacity of the land or will interfere with the natural flow of water over the land shall be permitted.
c) If any land included in a Flood Plain District is found by the Board of Appeals not in fact to be subject to seasonal or periodic flooding, the Board of Appeals may grant a special permit in accordance with the provisions of Section 6.2.3 for the use of such land for any purpose permitted in the underlying district. The Board of Appeals may consider the elevation of the particular land, its history of flooding and any other relevant evidence. The Board of Appeals may request and consider information on the question from any other public official, board, or agency.

d) The portion of any lot in a Flood Plain District may be used to meet lot area requirements for the Residential District over which the Flood Plain District is superimposed, provided that such portion in the Flood Plain District does not exceed 25% of the minimum lot area in Residence District A, 50% of the minimum lot area in Residence District B, and 60% of the minimum lot area in Residence District C. Land in the Flood Plain District may not be used to meet lot area requirements in Business Districts.

e) Whenever an application is made for a building permit, which the Building Inspector believes may involve the use of land in the Flood Plain District, the Inspector shall require the applicant for such permit to provide, as part of such application, a plan of the lot on which such building is intended to be built showing the land contours at two-foot intervals, related to elevations above mean sea level, indicating the benchmarks used and certified by a registered land surveyor.

f) The provisions of Section 5.5 shall not apply to any building or structure in a Flood Plain District that was in existence at the time of the adoption of Section 5.5. Notwithstanding the provisions of Section 1.4, such buildings may be repaired, restored, altered, enlarged or rebuilt in compliance with all other zoning laws and applicable state and municipal laws and regulations, provided that any such altered, enlarged or rebuilt building shall not substantially interfere with the natural water storage capacity of the land or the natural flow of water.

5.5.3 Location of Flood Plain District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Sherborn’s Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency 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 Sherborn are panel numbers 25017CO518F, 25017CO519F, 25017CO538F and 25017CO631F dated July 7, 2014, and 25017CO 39E, 25017CO632E, 25017CO633E, and 25017CO 634E, dated June 4, 2010, on the Flood Boundary & Floodway Map (if applicable) dated (FBFM effective date.) These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Conservation Commission, and are hereby made a part of the Zoning Map and are incorporated herein by reference.
5.5.4 Floodway and Base Flood Elevation Data

a) **Floodway Data.** In Zones A, A1-30, 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.

b) **Designated Regulatory Floodways.** In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town’s FIRM or Flood Boundary & Floodway Map, 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.

c) **Unnumbered A Zones.** In A Zones, in the absence of FEMA 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 as the basis for requiring elevation of residential structures to or above base flood level, for requiring floodproofing or elevation of nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

d) **Subdivisions and Other Developments.** In applications for 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. 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.

e) **Drainage Paths.** Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

5.5.5 Notification of Watercourse Alteration

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

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator
  Massachusetts Department of Conservation and Recreation
  251 Causeway Street, 8th floor
  Boston, MA  02114
- NFIP Program Specialist
5.5.6 Requirement To Submit New Technical Data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/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:

- FEMA Region I Risk Analysis Branch Chief
  99 High St., 6th floor,
  Boston, MA  02110

And copy of notification to:

- Massachusetts NFIP State Coordinator
  MA Dept. of Conservation & Recreation, 251 Causeway Street
  Boston, MA  02114

5.5.7 Permits in Floodplain District

a) All development in this 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 and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

b) The Town of Sherborn requires a permit for all proposed construction or other development in the floodplain overlay 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.
c) The Town of Sherborn’s permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

5.5.8 Variances

a) A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if:
   - Good and sufficient cause and exceptional non-financial hardship exist;
   - The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
   - The variance is the minimum action necessary to afford relief to the applicant.

b) If the State issues variances to the flood-resistant standards as found in the state building code, the community will use this text for local adoption:
   - The Town 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.
   - The Town 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.
   - Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

5.5.8 Administration

a) Abrogation and greater restriction. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

b) Disclaimer of Liability. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

c) Floodplain Administrator. The Town of Sherborn hereby designates the position of Building Inspector to be the official floodplain administrator.

d) 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.

Or take any other action relative thereto.