

ARTICLE 26 REDLINED CHANGES

Section 5.03 Flood Hazard Overlay District

(a) Purpose ~~and Administration~~

The Flood Hazard Overlay District is herein established as an overlay district to:

- (i) ~~Ensure public safety through reducing threats to life and personal injury~~
- (ii) ~~Eliminate new hazards to emergency response officials~~
- (iii) ~~Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding~~
- (iv) ~~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~~
- (v) ~~Eliminate costs associated with the response and cleanup of flooding conditions~~
- (vi) ~~Reduce damage to public and private property resulting from flooding waters~~
- (vii) ~~Establish uses that are compatible with areas prone to flooding.~~

~~protect human life and property from the hazards of periodic flooding, to facilitate accurate insurance ratings, and to promote awareness and availability of flood insurance. It is also intended to preserve natural flood control characteristics and flood storage capacity of the flood plain and to preserve and maintain the ground water table and water recharge areas within the flood plain.~~

~~The Town of Mendon hereby designates the position of Conservation Agent to be the official floodplain administrator for the Town.~~

(b) Flood Hazard Overlay District Delineation

The Flood Hazard Overlay District includes all special flood hazard areas within the Town of Mendon designated as Zones A and AE, on the Worcester 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 Worcester County FIRM that are wholly or partially within the Town of Mendon are panel numbers 25027C0864E, ~~25027C0868E~~, 25027C1030E, 25027C1031E, ~~25027C1032E~~, 25027C1033E, ~~and 25027C1034E~~, ~~dated July 4, 2011~~ and ~~25027C0868F, 25027C1032F, and 25027C1055F~~ ~~25027C1055E~~ dated ~~July 8, 2025~~.

~~July 4, 2011~~. The exact boundaries of the Flood Plain District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July ~~8, 2025~~~~4, 2011~~. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Building Inspector.

(c) ~~Special Permits Development Regulations~~

~~A Special Permit is required for all proposed construction or other development in the Flood Hazard 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. All development, as well as the permitted uses and requirements of the underlying district, must comply with all requirements and laws relevant to uses allowed in the Flood Hazard Overlay District.~~

~~(i) Requirements~~

- 1) ~~The Town of Mendon requires a Special Permit to be issued by the Planning Board for all proposed use, construction, or other development as defined by FEMA in the Flood Hazard Overlay District including, but not limited to,~~

~~2) Special Considerations~~

- a) ~~In A and AE zones, storage of 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.~~

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- b) In the case of a use not included above, the floodplain administrator will determine whether a special permit is required.
- 3) No special permit may be issued unless the proposed use or structure is in compliance with MGL c. 131, § 40, and with demonstrated evidence of acquisition of and compliance with all other necessary permits as outlined below. 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.
- a) a) The section of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas (currently 780 CMR 115G, Flood Resistant Construction and Construction in Coastal Dunes), as may be amended. [Amended 5-8-2023 ATM by Art. 20]
- b) b) Wetlands Protection Regulations, Department of Environmental Protection (DEP), currently 310 CMR 10.00, as may be amended.
- c) c) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP, currently 310 CMR 15, Title 5, as may be amended.
- d) d) The Mendon -Wetlands Protection Bylaw and accompanying regulations, as may be amended. [1] Editor's Note: See Ch. 95, Wetlands.
- e) e) Any regulations or bylaws adopted by the Mendon Board of Health.
- f) f) All other state and federal permits as required by the Massachusetts Department of Conservation and Recreation, Massachusetts Department of Environmental Protection, Environmental Protection Agency, Federal Emergency Management Agency, and/or other departments and agencies as may be amended
- (i) These regulations include the following:
- 1) Chapter 131, Section 40 of the Massachusetts General Laws;
- 2) Section of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas;
- 3) Wetlands Protection Regulations, Department of Environmental Protection (DEP) 310 CMR 10.00;
- 4) Inland Wetlands Restriction, DEP 310 CMR 13.00; and
- 5) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP 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.
- (ii) Special Permit Determination
- In addition to the foregoing requirements, the Planning Board shall consider the following in determining whether to issue a special permit:
- 1) In Zone AE along watercourses that have a regulatory floodway designated within the Town of Mendon on the Worcester County Flood Insurance Rate Maps, 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.
- 2) All development proposals, including subdivision proposals, in the floodplain overlay district shall be reviewed 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.
- 3) 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.

- 4) All applications for special permits shall include a site and development plan. Said plans shall, at a minimum, show existing contour intervals of site and elevations of existing structures.
- 5) There shall be established a "routing procedure" which will circulate or transmit one copy of the site and development plan to the Conservation Commission, Planning Board, Board of Health, Building Inspector, Town Engineer, Highway Surveyor, Select Board, and Board of Assessors for comments which will be considered by the Planning Board prior to issuing applicable permits.

~~(ii)~~ Floodway Data and Base Flood Elevation

~~4)(iii)~~ Floodway Data

~~In zones A and AE, along watercourses that have not had a regulatory floodway designation, 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. This data must be brought to the attention of the Building Inspector and reviewed for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.~~

~~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 lesser, within unnumbered A zones if said proposals include any work within the Flood Hazard Overlay District.~~

(d) Variances

(i) Granting Authority. 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 the State Building Code Appeals Board.

- 1) The applicant will provide the Town of Mendon, 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.
- 2) 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 the variance to construct a structure below the base flood level will result in an 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.
- 3) Such notification shall be maintained with the record of all variance actions for the referenced development in the Flood Hazard Overlay District.

(ii) Requirements. A variance from these Flood Hazard 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.

(e) Floodway Data and Base Flood Elevation

(i) Floodway Data & Floodway Encroachment

- 1) 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.
- 2) In Zone AE, along watercourses that have had a regulatory floodway designated on the Town's FIRM or Flood Boundary & Floodway 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

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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.

(ii) Base Flood Elevation Data

- 1) 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 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.

(d) Use Regulations

- (i) The following or similar uses are specifically prohibited and shall not be allowed:

- 1) The storage or disposal of any soil, loam, peat, gravel, rock, refuse, trash, hazardous materials or materials used for snow and ice control including salt and other deicing chemicals and sand;

- 2) (f) Draining, excavation, dredging, removal, relocation or transfer of earth, loam, peat, sand, gravel, or rock except as necessary to work that is permitted as of right or by a Special Permit granted by the Planning Board

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(e) Special Permit Criteria

- (i) In the Flood Hazard Overlay District, no new buildings shall be erected or constructed, and no existing buildings shall be enlarged or moved, except by Special Permit. The applicant shall forward one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, and Building Inspector for comments;

which will be considered by the appropriate permitting board prior to issuing applicable permits. All subdivision proposals must be designed to assure that:

- 1) such proposals minimize flood damage;
2) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
3) adequate drainage is provided to reduce exposure to flood hazards.

- (ii) Special Permits hereunder shall be granted only if the Planning Board determines that the proposed use:

(i) Complies in all respects with the requirements of the underlying zoning district in which the land is located, and

(ii) Will not result in any increase in flood levels during the occurrence of a statistical hundred (100)-year storm.

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(f)(g) Notification of Watercourse Alteration & Submittal of New Technical Data

- (i) In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

1) Adjacent Communities

2) Bordering states, if affected

3) NFIP State Coordinator

Massachusetts Department of Conservation and Recreation 251 Causeway Street, Suite 600-700

Boston, MA 02114-2104

4) NFIP Program Specialist

Federal Emergency Management Agency, Region I 99 High Street, 6th Floor

Boston, MA 02110

- (ii) If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town 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:

1) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

2) NFIP Program Specialist
Federal Emergency Management Agency, Region I

(h) Abrogation and Greater Restriction

The floodplain management regulations found in this Flood Hazard Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.

(i) Disclaimer of Liability

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

(g)(i) Severability

If any provision of these Flood Hazard District Regulations is held invalid by a court of competent jurisdiction, the remainder of the Flood Hazard District Regulations shall not be affected thereby.

Voted 5/7/1982; AG Approved 9/8/1982; Effective 5/7/1982

Voted 5/1/2009; AG Approved 8/11/2009; Effective 5/1/2009

Voted 6/28/2011; AG Approved 10/6/2011; Effective 6/28/2011

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