

Chapter 21.00 Zoning Overlay Districts

21.10 Flood Plain District

(Adopted: Article XXIX, June 14, 1982 Reconvened Annual Town Meeting)

1. Purpose

The purpose of the Flood Plain District is to protect the public health, safety, and general welfare; to protect human life and property from the hazards of periodic flooding; to preserve the natural flood control characteristics and the flood storage capacity of the flood plain; and to preserve and maintain the ground water table and water recharge areas within the flood plain.

2. District Delineation

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Rochester designated as Zone A and AE on the Plymouth 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 Plymouth County FIRM that are wholly or partially within the Town of Rochester are panel numbers 25023C0442J, 25023C0443J, 25023C0444J, 25023C0461J, 25023C0462J, 25023C0463J, 25023C0464J, 25023C0466J, 25023C0467J, 25023C0468J, 25023C0469J, 25023C0532J, 25023C0551J, 25023C0552J, 25023C0553J, 25023C0554J, 25023C0556J, and 25023C0558J dated July 17, 2012; and panel number 25023C0441K, dated July 16, 2015. 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 July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Inspector.”

(Amended: Article 12, May 21, 2012 Annual Town Meeting)

(Amended: Article 19, June 8, 2015 Annual Town Meeting)

Within Zone A, where the 100-year flood elevation is not provided on the FIRM, the developer/applicant shall obtain any existing flood elevation data, and it shall be reviewed by the planning board. If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this Bylaw and the State Building Code.

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

a. Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials and equipment:

1. Agricultural uses such as farming, grazing, truck farming, horticulture and including normally accepted cranberry bog maintenance procedure.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, play areas, etc.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas, foot, bicycle and/or horse paths.
6. Appropriate nonresidential structures used in conjunction with fishing, growing, harvesting storage/sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions.

Special Permits

No structure or buildings, other than permitted above, shall be erected, constructed, substantially improved, or otherwise created or moved unless a special permit is granted by the board of appeals. Said board may issue a special permit hereunder (subject to other applicable provisions of this By-Law) if the application is compliant with the following provisions:

1. The proposed use shall comply in all respects with the provisions of the underlying district, and
2. Within ten days of receipt of the application, the board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until thirty-five days have elapsed, and

3. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development 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 100-year flood, and
4. The board may specify such additional requirements and conditions it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.

Amended: Article 3, November 25, 2013, Special Town Meeting)

(Amended: Article 9, May 19, 2014, Annual Town Meeting)

- 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);

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.”

5. In a riverine situation, the Rochester Conservation Commission 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

6. 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

(Amended Article 9, ATM May 19, 2014)