

Section VII 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 general boundaries of the Flood Plain District are shown on the Rochester Flood Insurance Rate Map (FIRM) dated July 5, 1982, as Zone A, A 1-30 to indicate the 100-year flood plain. The exact boundaries of the district are defined by the 100-year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated July 5, 1982. The floodway boundaries are delineated on the Rochester Flood Boundary Floodway Map (FBFM), dated July 5, 1982, and further defined by the floodway data tables contained in the Flood Insurance Study. These two maps as well as the accompanying study are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

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.

3. Use Regulations

The flood plain district is established as an overly district to all other districts. All development, 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 requirements of the Massachusetts State Building Code pertaining to construction in the flood plains (currently Section 744).

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.

b. 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.