

SECTION 14B. FLOOD PLAIN OR WATERSHED PROTECTION DISTRICTS

A. Purposes

The purposes of Flood Plain Districts or Watershed Protection Districts are 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. Reduce damage to public and private property resulting from flooding waters by providing that land subject to seasonal or periodic flooding shall not be used for residence or for other purposes when such use will endanger the health or safety of occupants;
6. Assure the continuation of the natural flow pattern of water courses necessary to provide adequate and safe Floodwater Storage Capacity to protect persons and property against the hazards of flood inundation; and
7. Protect, preserve, and maintain the water table and water recharge areas so as to preserve present and potential water supplies.

B. Definitions

For the purposes of this Section the following terms shall be defined as follows:

Development - Any manmade 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.

C. Flood Plain District

1. District Boundaries and Base Flood Elevation Data
 - a. The Flood Plain District is herein established as an overlay district. The District includes all Special Flood Hazard Areas within the Town of Wellesley as shown on the Norfolk 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 Norfolk County FIRM that are wholly or partially within the Town of Wellesley are panel numbers

25021C0004E, 25021C0008E, 25021C0009E, 25021C0012E, 25021C0014E, 25021C0016E, 25021C0017E, 25021C0018E, 25021C0028E, and 25021C0036E. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM dated July 17, 2012 and further defined by Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012 are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Inspector of Buildings, and Wetlands Protection Committee.

- b. Base Flood Elevation Data. In Zones A and AE, along watercourses that have not had a regulatory Floodway designated, the best available Federal, State, local, or other 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. Notification of Watercourse Alteration

- a. In a riverine situation, the Planning Director shall notify the following of any alteration or relocation of a watercourse:
 - i. Abutting communities
 - ii. The National Flood Insurance Program State Coordinator
 - iii. The National Flood Insurance Program, Regional Program Specialist

D. Watershed Protection District

1. District Boundaries
2. The Watershed Protection District is herein established as an overlay district.

E. Exemption

To further protect persons and property now subject to flooding, all residential, commercial, industrial, and business buildings existing in Flood Plain or Watershed Protection Districts may be repaired, rebuilt, modified or flood-proofed in a manner which would not increase ground coverage, and any building or structure for which either a building permit was issued, or a notice of intent under Chapter 131, Section 40 of the Massachusetts General laws, was filed, prior to March 20, 1974, may be constructed and built in accordance with plans as lawfully approved and thereafter may be repaired, rebuilt, modified or flood-proofed in a manner which would not increase ground coverage.

F. Regulations and Restrictions

1. General Restrictions:
 - a. In Flood Plain or Watershed Protection Districts, except as provided in Section 14B.E. above, and except as provided in Section 14B.F.2. below, no new building or structure shall be constructed or used in whole or in part, and no existing building or structure lying wholly within a designated Flood Plain or Watershed Protection District shall be altered, enlarged, reconstructed or used in a manner

which would increase ground coverage within the Flood Plain or Watershed Protection District; no dumping of trash, rubbish garbage, junk or other waste materials shall be permitted; no filling, dumping, excavating, removal or transfer of gravel, sand, loam, or other material which will restrict floodwater flow or reduce the flood water storage capacity shall be permitted, except the surfacing or resurfacing of any existing parking area.

- b. All development in the Flood Plain or Watershed Protection 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 the following:
 - i. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
 - ii. Wetlands Protection Regulations, Department of Environmental Protection (310 CMR 10.00);
 - iii. Inland Wetlands Restriction, Department of Environmental Protection (310 CMR 13.00); and
 - iv. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 5).
- c. The portion of any lot delineated as being within a Flood Plain or Watershed Protection District may be used to meet the area and yard requirements for the district in which the remainder of the lot is situated.

2. Permitted Uses

- a. Use of any woodland, grassland, wetland, or agricultural use of land or water, not requiring filling or excavating shall be permitted such as:
 - i. Farming, grazing, and horticulture;
 - ii. Forestry and nursery uses;
 - iii. Conservation of water, plants, wildlife; and
 - iv. Wildlife management areas, foot, bicycle, and/or horse paths.
- b. The Special Permit Granting Authority may give permission, as hereinafter provided in Section 25 and subject to the provisions of Section 14B.F.3. below, for the following uses within Flood Plain or Watershed Protection Districts:
 - i. Any use, otherwise permitted by the underlying zoning district within which the land is situated, subject to the provisions of Section 14B.F.3. below;
 - ii. Construction, operation and maintenance of dams and other water control devices including temporary alteration of the water level for emergency purposes;
 - iii. Bridges and like structures permitting passages between lands of the same owner, provided that such bridges and structures shall be constructed, maintained and used at the expense and risk of such owner;

- iv. Driveways and walkways ancillary to uses otherwise permitted by this Section;
- v. Recreation, including golf courses, municipal, county or state parks (but not an amusement park), boating, fishing or any non-commercial open air recreation use;
- vi. Structures ancillary to farms, truck gardens, nurseries, orchards, tree farms and golf courses.

3. Project Approval

The provisions of Section 16A shall apply.

Plans submitted in accordance with Section 16A shall make adequate provision for:

- a. The protection, preservation and maintenance of the water table and water recharge areas;
- b. The preservation of the Natural River Channel plus sufficient width of overbank areas for the passage of flood flows;
- c. The retention of existing Floodwater Storage Capacity;
- d. The design of proposed construction in a manner which ensures anchoring to prevent flotation, collapse and/or excessive movement of structures; and
- e. The design of public utilities including sewer, water, gas and electrical systems in a manner which will minimize or eliminate flood damage.

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