

4.137 Floodplain District

1. **STATEMENT OF PURPOSE**

The purpose of the floodplain District is to:

- a. Ensure public safety through reducing the threats to life and personal injury.
- b. Eliminate new hazards to emergency response officials;
- c. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
- d. 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;
- e. Eliminate costs associated with the response and cleanup of flooding conditions;
- f. Reduce damage to public and private property resulting from flooding waters.

2. **FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD EVALUATION AND FLOODWAY DATA**

The Floodplain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the Massachusetts State Building Code, 780 CMR 120.0, "Flood Resistant Construction" and any other applicable local, state or federal requirements. The District includes all special flood hazard areas designated on the North Andover Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NEIP dated June 2, 1993 as Zone A, AE, AH, AO, A99, which indicate the 100 year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood evaluations shown on the FIRM and further defined by the Flood Insurance study booklet dated June 2, 1993. The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.

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3. **BASE FLOOD ELEVATION AND FLOODWAY DATA**

- a. **Floodway Data.** In Zone A, AH, A99 and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data as determined by the Building Inspector, in consultation with the Director of the Division of Public Works, 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. **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 the lesser, within unnumbered A zones.
- c. Areas designated as flood plain on the North Andover Flood Insurance Rate Maps may be determined to be outside the flood plain district by the Building Inspector, in consultation with the Director of the Division of Public Works, if an accurate topographic and property line survey of the area conducted by a registered professional engineer or land surveyor shows that the flood plain contour elevation does not occur in any area of proposed buildings, structures, improvements, excavation, filling, paving, or other work activity. The person requesting the determination shall provide any other information deemed necessary by the Building Inspector, in consultation with the Director of Division of Public Works to make that

determination. If the Building Inspector, in consultation with the Director of the Division of Public Works, determines that the Flood Insurance Rate Maps are in error, the subject area shall not be regulated as occurring within the Flood Plain District, and any such determination shall be noted on the Flood Insurance Rate Maps. Nothing in this section shall prohibit the Conservation Commission, Board of Health, or other Town officials or Board from making non-zoning determinations of the flood plain or performing their official duties.

**4. NOTIFICATION OF WATERCOURSE ALTERATION**

If a landowner or project proponent proposes to alter or relocate any watercourse, that person shall notify the following parties and provide evidence of such notification to every town board or official who has jurisdiction over such alteration or relocation prior to or at the time of applying for any approval that is required to perform such alteration or relocation:

- a. Notify in a riverine situation, the following of any alteration or relocation of a watercourse:
  - 1. Adjacent Communities
  - 2. Bordering States
  - 3. NFIP State Coordinator  
Massachusetts Office of Water Resources  
251 Causeway Street Suite 600-700  
Boston, MA 02114-2104
  - 4. NFIP Program Specialist  
FEMA Region I, Rm. 462  
J.W. McCormick Post Office & Courthouse  
Boston, MA 02109

**5. REFERENCE TO EXISTING 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. Section of the Massachusetts State Building Code which addresses Floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction");
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);
- d. Coastal Wetlands Restriction, DEP (currently 302 CMR 4.00);
- e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- f. 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.

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