

TOWN OF HOPKINTON
ZONING BYLAW
ARTICLE X
Floodplain District
[Added 11-22-1982 STM, Art. 20]

~ 210-49. Purpose.

The purposes of the Floodplain District are to protect public health, safety and general welfare; to protect human life and property from the hazards of periodic flooding; to preserve natural flood control characteristics and the flood storage capacity of the floodplain; and to preserve and maintain the groundwater table and water recharge areas within the floodplain.

~ 210-50. District delineation.

- A. The general boundaries of the Floodplain District are shown on the Hopkinton Flood Insurance Rate Map (FIRM), dated July 5, 1982, as Zones A, A1, A2, A3, A4 and A6 to indicate the one-hundred-year-floodplain. The exact boundaries of the district are defined by the one-hundred-year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated January 5, 1982. The floodway boundaries are delineated on the Hopkinton 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, Conservation Commission and Building Inspector.

- B. In Zones A, A1-30 and AE, along watercourses for which no regulatory floodway has been 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. **[Added 5-2-2000 ATM, Art. 24]**

~ 210-51. Use regulations. [Amended 5-2-2000 ATM, Art. 24]

The Flood Plain District is established as an overlay district to all other districts. Where there is a conflict between provisions of this article and other Zoning Bylaws, the more restrictive regulation shall take precedence. All development, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, ~ 40, and with the requirements of the Massachusetts State Building Code pertaining to construction in the floodplains (currently Section 3107).

~ 210-52. Permitted uses.

There shall be allowed the following uses, which create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, provided that they are permitted in the underlying district and that they do not require structures, fill or storage of materials or equipment:

- A. Agriculture uses, such as farming, grazing, truck farming and horticulture.

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- B. Forestry and nursery uses.
- C. Outdoor recreational uses, including fishing, boating and play area.
- D. Conservation of water, plants and wildlife.
- E. Wildlife management areas, foot, bicycle and horse paths.
- F. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
- G. Buildings lawfully existing prior to the adoption of these provisions.

~ 210-53. Special permits.

- A. In the Floodplain District, no building or structure shall be erected, constructed, moved or enlarged except for not more than 30% of the ground floor area of the existing structure, and no dumping, filling or earth removal or transfer shall be permitted unless a special permit is granted by the Board of Appeals in each instance.
- B. Within 10 days of receipt of an application for a special permit, the Board of Appeals shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until 35 days after the transmittal of the development plan to the Boards, whichever occurs first.
- C. The Board of Appeals may issue a special permit if the application complies with the following provisions:
 - (1) The proposed use shall comply in all respects with the provisions of the underlying district.
 - (2) In the floodway prohibit all encroachments, including fill, new construction, substantial improvement to existing structures and other development, unless the applicant shall provide certification by a registered professional engineer demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.
 - (3) The Board of Appeals may specify such additional requirements and conditions as it finds necessary to protect the health, safety and welfare of the public.

~ 210-54. Subdivision standards.

All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Floodplain District established under this Chapter, it shall be reviewed to assure that:

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- A. The proposal is designed so as to minimize the risk of damage due to flooding.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, and constructed so as to minimize or eliminate the risk of damage due to flooding.
- C. Adequate drainage systems are provided in order to reduce exposure to flood hazards.
- D. Base flood elevation data (the level of the one-hundred-year flood) is provided for all proposals for development within the Floodplain District.

~ 210-55. Health regulation.

The Board of Health, in reviewing all proposed water and sewer facilities to be located in the Floodplain District established under this Chapter, shall require that:

- A. New and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems; and
- B. New and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

~ 210-56. Conservation Commission duties.

The duties of the Conservation Commission shall be as follows:

- A. Notify, in riverine situations, adjacent communities and the Massachusetts Division of Water Resources, the State Coordinating Agency, prior to any alteration or relocation of a watercourse where an order of conditions has been issued, and submit copies of such notification to the Federal Insurance Administration.
- B. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.