

TOWN OF HOPKINTON
ZONING BYLAW

**ARTICLE X
Floodplain District**

[Added 11-22-1982 STM, Art. 20, ATM 5-3-2010, Art. 42]

§ 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.

The Floodplain District is herein established as an overlay district to all other districts. The District includes all special flood hazard areas within the Town of Hopkinton designated as Zone A and AE on the Middlesex 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 Middlesex County FIRM that are wholly or partially within the Town of Hopkinton are panel numbers 25017C0489E, 25017C0493E, 25017C0494E, 25017C0513E, 25017C0602E, 25017C0605E, 25017C0606E, 25017C0610E, 25017C0626E, 25017C0627E, 25017C0628E and 25017C0629E dated June 4, 2010. 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 Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Conservation Commission and the Director of Municipal Inspections.**[Amended ATM 5-3-2010, Art. 42]**

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

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 780 CMR 120.G of the Massachusetts State Building Code which addresses construction in floodplains and floodways, 310 CMR 13.00, Inland Wetlands Restriction, Department of Environmental Protection, 310 CMR 12.00 Coastal Wetlands Restriction, Department of Environmental Protection, and Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (currently 310 CMR 15, Title 5).**[ATM 5-3-2010, Art. 42]**

§ 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. Agricultural uses. **[Amended 5-4-2009 ATM, Art. 25]**
- B. Forestry and nursery uses.
- C. Outdoor recreational uses, including fishing, boating and play area.

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- 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:

- 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.

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§ 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, the NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, and the NFIP Program Specialist, FEMA, Region 1, 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. **[Amended ATM 5-3-2010, Art. 42]**
- B. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.