

Warrant Article- Mandatory Flood Plain District Updates

To see if the Town will vote to amend the Sherborn Bylaws to incorporate the Flood Plain District updates required by the State by amending Sections 240-5.5 C (3), (4), (5), (6) and (7); D, E (2), F. G and I (1)(b) as listed below;

240-5.5 Flood Plain District (Added 1970, amended 1980; 210;2014; 4-26-2022 ATM by Art, 22; 2025

C. **Regulations.** A Flood Plain District shall be considered to be an overlay district superimposed over any other district established by Sherborn Zoning Bylaw. Land in a Flood Plain District may be used for any purpose otherwise permitted in the underlying district except:

~~(3) If any land included in a Flood Plain District is found by the Board of Appeals not in fact to be subject to seasonal or periodic flooding, the Board of Appeals may grant a special permit in accordance with the provisions of § 240-6.2C for the use of such land for any purpose permitted in the underlying district. The Board of Appeals may consider the elevation of the particular land, its history of flooding and any other relevant evidence. The Board of Appeals may request and consider information on the question from any other public official, board, or agency.~~

~~(4)~~ (3) A portion of any lot in a Flood Plain District may be used to meet lot area requirements for the residential district over which the Flood Plain District is superimposed, provided that such portion in the Flood Plain District does not exceed 25% of the minimum lot area in Residence District A, 50% of the minimum lot area in Residence District B, and 60% of the minimum lot area in Residence District C. Land in the Flood Plain District may not be used to meet lot area requirements in business districts.

~~(5)~~ (4) Whenever an application is made for a building permit which the Building Inspector believes may involve the use of land in the Flood Plain District, the Inspector shall require the applicant for such permit to provide, as part of such application, a plan of the lot on which such building is intended to be built showing the land contours at two-foot intervals, related to elevations above mean sea level, indicating the bench marks used and certified by a registered land surveyor. [Amended 4-25-2023 ATM by Art. 23]

~~(6) The provisions of § 240-5.5 shall not apply to any building or structure in a Flood Plain District that was in existence at the time of the adoption of § 240-5.5. Notwithstanding the provisions of § 240-1.4, such buildings may be repaired, restored, altered, enlarged or rebuilt in compliance with all other zoning laws and applicable state and municipal laws and regulations, provided that any such altered, enlarged or rebuilt building shall not substantially interfere with the natural water storage capacity of the land or the natural flow of water.~~

~~(7)~~ (5) In A, A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready. Town of Sherborn, MA

D. Location of Flood Plain District. The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas *within Sherborn* designated *as Zone A, AE, AH, AO, A99, V or VE* on the *Town of Sherborn's Middlesex County* Flood Insurance Rate Map (FIRM) *dated July 8, 2025* 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 Sherborn are panel numbers 25017CO518F, 25017CO519F, 25017CO538F and 25017CO631F dated July 7, 2014, and 25017CO 39E, 25017CO632E, 25017CO633E, and 25017CO 634E, dated June 4, 2010, on the Flood Boundary and Floodway Map (if applicable) dated~~ These maps indicate ~~the 1%-chance regulatory floodplain.~~ The exact boundaries of the district shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report ~~dated July 7, 2014~~ *July 8, 2025*. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Conservation Commission, and are hereby made a part of the Zoning Map and are incorporated herein by reference. **[Amended 4-25-2023 ATM by Art. 23]**

E. Floodway and base flood elevation data.

(2) Designated regulatory floodways. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM or Flood Boundary and Floodway Map, encroachments are prohibited, *including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not in the regulatory floodway which would* result in any increase in flood levels within the community during the occurrence of the base flood discharge.

F. Notification of watercourse alteration. In a riverine situation, the Conservation Commission agent shall notify the following of any alteration or relocation of a watercourse:

Adjacent communities, especially upstream and downstream Bordering states, if affected

NFIP State Coordinator
Massachusetts Department of Conservation and
Recreation *251 Causeway Street, 8th Floor*
Boston, MA 02114

NFIP Program Specialist
Federal Emergency Management Agency,
Region I *99 High Street, 6th Floor*
Boston, MA 02110

G. Requirements to submit new technical data. If the Town/city acquires data that changes the base flood elevation in the FEMA mapped special flood hazard areas, the Town/city will, within six months, notify FEMA of these changes by submitting the technical or scientific data

that supports the change(s). Notification shall be submitted to:

NFIP Program Specialist
FEMA Region I Risk Analysis Branch Chief
99 High Street, 6th Floor Boston, MA 02110

And a copy of notification to:

Massachusetts NFIP State Coordinator
Massachusetts Department of Conservation and
Recreation 251 Causeway Street
Boston, MA 02114

I. **Variances.**

- (1) A variance from this floodplain section must meet the requirements set out by state law, and may only be granted if: **[Amended 4-25-2023 ATM by Art. 23]**
 - (a) Good and sufficient cause and exceptional nonfinancial hardship exist;
 - (b) The variance will not result in additional threats to public safety, extraordinary public expense, *creating nuisances*, *cause* of fraud *on* or victimization of the public; and
 - (c) The variance is the minimum action necessary to afford relief to the applicant.