

ARTICLE VI

FLOODPLAIN DISTRICT

6.01 Purpose

The land located in the Floodplain District as hereinafter described and defined is deemed to be subject to seasonal or periodic flooding. The purposes of the Floodplain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the floodplain.

6.02 Description of District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Topsfield designated as Zone A or AE on the Essex 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 Essex County FIRM that are wholly or partially within the Town of Topsfield are panel numbers 25009C0261F, 25009C0262F, 25009C0263F, 25009C0264F, 25009C0266F, 25009C0267F, 25009C0268F, 25009C0269F, 25009C0401F, 25009C0402F, and 25009C0406F dated July 3, 2012. 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 Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference into the Town's Zoning Map approved by the Town Meeting on May 1, 2012 and are on file with the Town Clerk.

6.03 Uses in the Floodplain District.

A. The following uses only are permitted in the Floodplain District:

1. Farming, including forestry, nursery and truck gardening and the pasturing of livestock, but not the erection of permanent structures for use in connection with the above.
2. Conservation of water, plants, and wildlife, including the raising and management of wildlife.
3. Taking of water for irrigation, farming or agriculture.
4. Recreation, including play areas, nature study, golf, boating, fishing, and hunting, where legally permitted in the underlying basic District.
5. With the written approval of the Board of Appeals, which shall have found that the proposed use is not contrary to the purpose of this District.
6. The removal or deposit of earth products, as part of a flood control or other conservation program or in connection with the building of a driveway, or road provided that the Board of Appeals find such driveway or road does not interfere with natural drainage or result in any increase in flood levels during the 100-year flood in so far as such removal is in compliance with the Topsfield Soil Removal By-Law Chapter XLIX.
7. The discharge of stormwater run-off into a stream.
8. Shelters in connection with wildlife conservation and management or agriculture.
9. Boathouses and docks not accessory to a dwelling and having the same area requirements as the underlying basic District. (Art. 48, 5/9/78; Art. 6, 5/6/80; Art. 20, 5/4/93)

B. 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, with all other relevant Federal, State and Topsfield laws and regulations without limit, and with the following:

1. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;

2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
5. 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;
6. Topsfield Town Code, Chapter LXII - General Wetlands Bylaw, and associated regulations.

C. In Zones A and AE, along watercourses that have not had a regulatory floodway 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.

D. In Zone AE, along watercourses within the Town of Topsfield that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

E. All subdivision proposals must be designed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards.

F. The boundaries of the Floodplain District and the one hundred (100) year base flood elevations shall be provided with all proposals for development of land located within a Zone AE or Zone A which are submitted to the Board of Appeals in support of an application for a permit. The actual Floodplain District boundaries shall reflect the approved base flood elevations and the actual topography of the site.

G. If for any reason the restrictions or requirements contained in this Article VI shall be or become invalid or inoperative as to any land in the Floodplain District, then such land shall be subject to the Zoning uses and requirements of the basic underlying District in which such land is located.

H. If any land in the Floodplain District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for uses permitted in the underlying basic district as described in this By-Law, and that such land use will not increase the danger to the health or safety of the occupants thereof, the Board of Appeals may grant a special permit for such uses of said land as are permitted in the underlying basic district. The underlying basic districts are the districts described in Article II of the Topsfield Zoning By-Law and any amendments thereto.

I. Density and Dimension Requirements (Required Lot Area, Width, Yards, Coverage, Height) shall be as defined in the underlying basic district. Land within the Floodplain District and in the same ownership as an adjoining lot in the underlying basic District may be counted as part of such lot when determining the area, width, yards or coverage of such lot provided that no structure except one permitted in this section, is erected in the Floodplain District nor is any sewage disposal area constructed in the Floodplain District.

6.04 Prohibited Uses in the Floodplain District

In the Floodplain District, no building structure for human habitation or for any occupation, except as expressly permitted by other provisions of Section 6.03, shall hereafter be erected, altered, enlarged or moved.

6.05 Removal of Earth Products

In the Floodplain District, no earth products shall be removed or deposited except under the provisions of Section 6.03.

6.06 Notification of Watercourse Alteration

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

1. Adjacent Communities
2. NFIP Program Specialist
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

(Art. 48, 5/9/78; Art. 6, 5/6/80; Art. 20, 5/4/93; Art. 26, 5/3/94; Art. 32, 5/1/12)