

## SECTION 9

### FLOODWAY AND FLOOD PLAIN DISTRICTS

#### 9.1 Purpose

The purposes of the Floodway and Flood Plain Districts are to protect the public safety, health 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 flood plain and to preserve and maintain the ground water table and water recharge areas within the flood plain; and to promote the safety and purity of the water, the containment and control of sewerage, and safety of utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting or the other dangers due to flooding.

#### 9.2 Establishment of Districts

Floodway and Floodplain Districts are established as overlay districts. The Floodway district is shown for Floodway Areas in Zone AE on the Middlesex County Flood Insurance Rate Maps for the City of Woburn, prepared by FEMA for the National Flood Insurance Program, dated June 4, 2010. The Floodplain District is shown for Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood in Zone AE on the Middlesex County Flood Insurance Rate Maps for the City of Woburn, prepared by FEMA for the National Flood Insurance Program, dated June 4, 2010, or as shown on the Local 100 Year Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas. (amended 5/6/2010)

#### 9.3 Application

Any proposed use to be located within the limits of the Floodway and Flood Plain District shall be governed by the regulations set forth in this Section as well as all other applicable provisions of this Ordinance.

Where a proposed use is determined to fall within the limits of the Floodway and Flood Plain District, but the applicant presents written certification from the Federal Emergency Management Agency that the site has been exempted and found by that agency to be outside of the limits of the 100-year flood area, the requirements of this Section shall not apply but all other applicable sections of this Ordinance shall apply.

## 9.4 Use Requirements

1. Within the floodway, no encroachments, including but not limited to fill, new construction, substantial improvements and other developments shall be permitted except that a special permit may be granted for the following use:
  - 1) Bridges and culverts
2. In areas included within a floodplain district, no building or other structure shall be erected, constructed, altered, enlarged or otherwise created for any residence or other purpose; no dumping of trash, rubbish, garbage, or junk or other waste materials shall be permitted; no filling, dumping, excavation, removal or transfer of gravel, sand, loam or other material which will restrict floodwater flow or reduce the floodwater storage capacity shall be permitted, except that a special permit may be granted for the following uses:
  - 1) Substantial improvements to or erection of any building or structure. For the purposes of this section, substantial improvement shall be taken to mean: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either
    - a) before the improvement is started or b) if the structure has been damaged and is being restored after the damage occurred.
  - 2) Construction, operation and maintenance of dams and other water control devices including temporary alterations of the water level for emergency or maintenance purposes and periodic cleaning, so as not to change the original dimensions.
  - 3) Bridges and like structures permitting passage between lands of the same owner, except that such bridges and structures shall be constructed, maintained and used at the expense and risk of such owner.
  - 4) Recreational development, related to boating, fishing, and any non-commercial open air recreation uses and structures ancillary to these uses.
  - 5) Agricultural uses and ancillary structures for farms, stock farms, truck gardens, nurseries, orchard and tree farms.
3. The portion of any lot within the area designated as located within the flood plain, but not within the 9-2 floodway, district may be used to meet the area and yard requirements as listed in Section 6 of this ordinance for the district or districts in which the remainder of the lot is situated provided that the portion within the flood plain district-does not exceed 20% of the minimum lot area as shown on a certified plot plan

prepared by a Registered Professional Engineer or a Registered Land Surveyor of the Commonwealth.

## **9.5 Procedures**

The procedures for special permit applications and hearings of Section 11 shall apply, and in addition, the following shall apply:

1. The application for a special permit shall contain plans certified by a registered land surveyor and/or engineer showing the location of proposed buildings or uses and any existing buildings.

Plans shall show existing and proposed finished ground contours at two foot intervals. Contours shall be delineated within two hundred feet of the proposed construction of development.

2. In granting a permit the City Council may impose reasonable restrictions based upon or in addition to the consideration listed in Section 9.6, and may set time limitations of the work to be done. The City Council may require that the applicant post a cash deposit or surety bond, in form acceptable to the City Treasurer in amount determined by the City Council to be sufficient to ensure satisfactory completion of the work in compliance with the permit and any specific restrictions and limitations thereof, or to restore any area or unfinished work to its original condition.
3. No occupancy permit shall be issued until the City Council, the Building Commissioner, Building Inspector, and the Board of Health have received and the City Clerk has filed a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all other permits are satisfied. (amended 5/6/2010)

## **9.6 Conditions for Approval of Special Permit Applications**

1. Within the flood plain or floodway, no new construction, improvement or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the one hundred-year flood.
2. For new construction and substantial improvements of existing structures, the following conditions shall apply:
  - 1) Within zone AE where base flood elevations are provided on the FIRM: exact base elevations should be located by using the flood profiles in the Flood Insurance Study.

Within the areas shown on the Local 100 Year Floodplain Map of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, dated June 4, 2010 for 100 Year Floodplain Areas, where the base flood elevation is not shown on the Map, the applicant shall obtain any existing base flood elevation data as a basis for the elevation and flood-proofing requirements of this section and shall submit such base flood elevation data to the City Council at the time of making application for a special permit under this section. Under the Wetland Protection Act Regulations, 310 CMR 10.57, applicants may be required to determine base flood elevations by engineering calculations. (amended 5/6/2010)

- 2) The structure will withstand the effects of flooding. The ground level around and extending 25 ft. outward from any building or structure in a Flood Plain District shall be raised as necessary so that no part of the ground level area so defined, shall be below the elevation shown on the FIRM. Embankments subject to possible scouring by flood waters shall be properly stabilized and protected to prevent erosion by flood waters.
- 3) The containment of sewerage, safety of gas, electric, fuel, and other utilities from breaking, leaking, short circuiting, grounding, igniting, electrocuting, or any other dangers due to flooding, will be adequately protected.
- 4) Safe vehicular and pedestrian movement to or over, and from the premises shall be provided on ways having a minimum profile elevation of no less than the base flood elevation.
- 5) Methods of drainage shall be adequate.
- 6) Other land in the Flood Plain District shall be protected from impacts resulting from all work of development both approved and not approved on the premises.
- 7) Where watertight floodproofing of a structure is permitted, a registered professional engineer or architect shall verify that the methods used will be adequate to withstand the flood depths, pressures and velocities, impact and uplift, and other factors associated with the 100-year flood.
- 8) A registered engineer or architect shall certify that the above minimum conditions are satisfied in the design proposal.

### **9.7 Reference to Existing Regulations**

The Floodway and Floodplain Districts are established as overlay districts to all other districts. All development in the districts, 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:

1. Appendices Section of the Massachusetts State Building Code seventh edition which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
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. Woburn Wetlands Ordinance (currently Title VII of the Woburn Municipal Code) and regulations promulgated there under.

(added 5/6/2010)

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