

**Floodplain Regulations
Littleton Board of Health
Adopted April 27, 2010**

Chapter 215: FLOODPLAINS

Section 215-1. Applicability.

All land lying below certain control elevation (United States Geological Survey datum) as shown on the Zoning Map shall be considered wetlands, deemed to be subject to seasonal or periodic flooding. And all special flood hazard areas within the Town of Littleton 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, shall be considered floodplains. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Littleton are panel numbers 25017C0209E, 25017C0216E, 25017C0217E, 25017C0218E, 25017C0219E, 25017C0228E, 25017C0236E, 25017C0237E, 25017C0238E, 25017C0239E, 25017C0241E and 25017C0243E dated June 4, 2010. The exact boundaries of the floodplain 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 Building Inspector. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant for a permit pursuant to this Chapter shall obtain any existing flood elevation data, which shall be reviewed by the Board of Health for its reasonable use toward meeting the requirements of this Chapter.

Section 215-2. Uses permitted.

In any area designated wetland or floodplain under Section 215-1, the following shall apply: a permit by the Board of Health is required for any new structure, for additions of ten percent (10%) or more to the ground-floor area of any building existing at the time of adoption of this section or for repairs or alterations totaling seventy-five percent (75%) or more of the actual cash value of the structure before initial improvement or, if damaged, before the damage occurred, for any construction or development, whether or not falling within the above requirements for a special permit, which in the opinion of the Board of Health can be presumed hazardous as defined in Section 215-3 below.

A. Application for such permit shall be referred to the Conservation Commission for an advisory report, and no decision on such permit shall be taken within thirty-five (35) days of such referral without receipt of such report.

B. Such permit shall be issued only if it is demonstrated by the applicant that the proposed development will pose no hazard to health or safety, for which demonstration the Board may require that the applicant submit professional hydrologic, sanitary or other studies of the site.

C. Any other bylaw or regulation to the contrary notwithstanding, no such permit shall be issued for construction in floodplains unless the Board of Health shall determine that all utilities are located, constructed or elevated so as to minimize or eliminate flood damage and that methods of disposal for sewage, refuse and other wastes and for providing drainage are adequate to reduce flood hazards, provided that such determination by the Board of Health shall not be required in cases where the Planning Board has conducted a similar review and approval under its regulations.

D. In the floodway, as designated on the FIRM, no such permit shall be issued unless

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certification by a registered professional engineer is provided, demonstrating that the proposed construction will not result in any increase in levels during the occurrence of the one hundred-year flood.

E. Floodway Data. 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.

F. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

G. All development in the floodplain, 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:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 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.

Section 215-3. Requirements.

Without limiting the generality of the foregoing, the following are presumed to be hazardous to the health or safety within wetlands and are among the criteria for the Board of Health's determination for floodplains as required under Section 215-B and Section 215-C above:

A. Floor level of structures for human occupancy established at an elevation lower than the control elevations defining wetlands or base flood elevations as designated on the FIRM.

B. Individual sewage disposal systems subject to inundation by flooding to the control elevations defining wetlands. Leach field drain tiles shall be not less than one hundred (100) horizontal feet inland from the control elevation defining wetlands or base flood elevations as designated on the FIRM.

C. Methods of filling or excavation subject to displacement by floodwaters.

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D. Construction, use and/or change of grade which will obstruct or divert flood flow, substantially reduce natural floodwater storage capacity or increase stormwater runoff velocity so that water levels on other land are substantially raised or so that danger from flooding is increased.

E. Failure to so design and secure any structure that it will not be floated off, battered off or swept away by flooding to the control elevations defining wetlands or base flood elevations as designated on the FIRM.

F. Lack of means of egress entirely above the control elevations defining wetlands or base flood elevations as designated on the FIRM.

G. Failure to protect against gas, electric, fuel or other utilities breaking, leaking, short-circuiting, grounding or igniting in the event of flooding to the control elevations defining wetlands or base flood elevations as designated on the FIRM.

H. Water supply systems subject to interruption or contamination by flooding to the control elevations defining wetlands or base flood elevations as designated on the FIRM.

Section 215-4. Notification of Watercourse Alteration

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

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

Section 215-5. Decision.

Such permit shall be issued only upon confirmation that the procedural requirements of the Wetlands Act of the Massachusetts General Laws (MGL C. 131, §§ 40 and 40A) will be met.