

**ARTICLE ZC #**  
(Two-thirds vote)

**AMEND ZONING BYLAW**  
**FLOOD PLAIN DISTRICT**

To see if the Town will vote to amend the zoning bylaw as follows and to make this amendment effective on June 4, 2010:

A. Delete the second bullet of section 2.2 – Zoning Map, and replace it with a new second bullet as follows:

- “Flood Insurance Rate Map” (FIRM) for Middlesex County issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP), dated and effective beginning on June 4, 2010, Scale 1" = 500', consisting of the 14 map panels that are wholly or partially within the Town of Acton, designated herein as Map Number 2, and enumerated by FEMA as panels: 25017C0238E, 25017C0239E, 25017C0241E, 25017C0242E, 25017C0243E, 25017C0244E, 25017C0351E, 25017C0352E, 25017C0353E, 25017C0354E, 25017C0356E, 25017C0357E, 25017C0358E and 25017C0366E; and including the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010.

*[Note: The second bullet of section 22 currently reads:  
“Flood Insurance Rate Map”, dated January 6, 1988 (Scale 1" = 400' consisting of 8 sheets designated Map Number 2, Sheet 1 of 8 through 7 of 8 plus the map index and street index) and the associated data in the “Flood Insurance Study, Town of Acton, January 6, 1988”.]*

B. Amend Section 4.1 – Flood Plain District as follows:

a) Delete the introductory paragraph of section 4.1 and replace it with a new paragraph as follows:

**4.1 Flood Plain District** – The Flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw. The Flood Plain District includes all special flood hazard areas in Acton designated as Zones A and AE, shown on Zoning Map Number 2, which are the Acton Panels of the Middlesex County Flood Insurance Rate Map (FIRM), dated June 4, 2010.

*[Note: the introductory paragraph of section 4.1 currently states:  
Flood Plain District – The Flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw.]*

**Deleted:** ,  
**Deleted:** , AH, AO, AR, and A99 to the extent that they are  
**Deleted:** is

b) Insert the following new sentence at the end of su-bsection 4.1.2 (Purpose of the Flood Plain District):

“Further, the purpose of the Flood Plain District is to maintain the Town’s eligibility in the National Flood Insurance Program (NFIP) by adopting floodplain management regulations that meet the applicable standards of the NFIP regulations set forth in 44 CFR 60.3. In the event of a conflict between the NFIP regulations at 44 CFR 60.3 and the Flood Plain District regulations set forth in the Bylaw, the more stringent requirement shall control.”

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*[Note: Section 4.1.2 currently states:  
Purpose - The purpose of the Flood Plain District is to protect persons and property against*

the hazards of the Base Flood, to maintain the flood storage capacity and flow pattern of the Flood Plain for the Base Flood and to provide long-term control over the extent of land subject to inundation by the Base Flood.]

- c) Delete the introductory paragraph of sub-section 4.1.3 and replace it with a new paragraph as follows:

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4.1.3 Methods for Determining Flood Plain District Boundaries – The exact boundaries of the Flood Plain District shall be as shown by the 100-year Base Flood elevation(s) shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010, as determined by an actual field survey of the Base Flood elevation(s).

*[Note: The introductory paragraph of sub-section 4.1.3 currently reads:  
4.1.3 Methods for Determining Flood Plain District Boundaries – The exact zoning district boundaries of the Flood Plain District shall be the location on the ground, as determined by an actual field survey of the Base Flood elevation(s).]*

- d) Delete sub-section 4.1.3.1 and replace it with a new sub-section as follows:

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4.1.3.1 The Base Flood elevations for AE-Zones shall be the regulatory elevations from Table 8 and the cross section locations from the Flood Profiles contained in the “Middlesex County, Massachusetts, Flood Insurance Study, June 4, 2010” published by the Federal Emergency Management Agency (FEMA).

*[Note: Sub-section 4.1.3.1 currently reads:  
4.1.3.1 The Base Flood elevations for AE-Zones shall be the regulatory elevations from Table 3 and the cross section locations from the Flood Profiles contained in the “Flood Insurance Study, Town of Acton, January 6, 1988” published by the Federal Emergency Management Agency (FEMA).]*

- e) In sub-section 4.1.9.1, delete the first sentence and replace it with the following new sentence:

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“If a special permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience, and the NFIP regulations at 44 CFR 60.3 may require.”

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- f) Insert the following new subsection:

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4.1.9.2 All structural and non-structural activities and development in the Flood Plain District, whether allowed under this Bylaw by right or by special permit must be in compliance with applicable State laws and regulations as amended from time to time, including, but not limited to M.G.L. Ch. 131, S. 40; 780 CMR 120.G (Building Code); 310 CMR 10.00 & 13.00 (Wetlands Protection); and 310 CMR 15 (Title 5).

Deleted: 310 CMR 13.00;

, or take any other action relative thereto.

## SUMMARY

The Federal Emergency Management Agency (FEMA) has completed a re-evaluation and update of Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS). The FIRM identifies special flood hazard areas, i.e. areas subject to inundation at a one percent annual chance (100-year flood

plain). The new FIRM and FIS will become effective on June 4, 2010 and will be for the entire Middlesex County, rather than just for Acton. The FIRM includes 14 panels that show portions of the Town of Acton.

This article updates the references to and descriptions of the new FIRM and FIS in the zoning bylaw. The updates are only administrative in nature. The new FIRM and FIS do not physically change the 100-year flood plain in Acton. [A review of the Acton portion of the FIRM indicates that, as before, the FIRM only identifies special flood hazard areas in Acton designated as Zones A and AE.](#) Nevertheless, the updates are necessary in order to maintain Acton's eligibility in the National Flood Insurance Program (NFIP). Loss of NFIP eligibility would mean the loss of flood insurance subsidies to homes and properties and could bar the Town access to FEMA flood disaster mitigation funding.

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Selectman assigned:

**Board of Selectmen:**

**Finance Committee:**

**Planning Board:**