

Proposed Draft Amendments to Section 2.4 and 6.6 to Comply With NFP Requirements

Deleted Language is ~~Struck Out~~

Added Language is Underlined and Blue Text

Changes based of RM comments are highlighted in Yellow.

2.1 Classes

Floodplain District – adopted at the 2004 Annual Town Meeting.

2.4 Floodplain District Delineation

~~The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Belmont 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. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Belmont are panel numbers 25017C0412E, 25017C0414E, 25017C0416E, 25017C0418E and 25017C0419E dated June 4, 2010. 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 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 Town Clerk.~~

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town designated as Zone A or AE, on the 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 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 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, Conservation Commission, and DPW Engineering Division.

*Note: §2.4 was amended by Article ?? at the 2025 Annual Town Meeting.
§2.4 was amended by Article 24 at the 2010 Annual Town Meeting.*

6.6 Floodplain District

Note: §6.6 was adopted under Article 26 at the 2004 Annual Town Meeting.

6.6.1 Purposes

~~The purposes of this Section are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve natural flood control characteristics, to maintain the flood storage capacity of the floodplain, and to bring the Town of Belmont into compliance with the National Flood Insurance Program (42 U.S. Code 4001-4128), and regulations adopted pursuant thereto.~~

The purposes of the Floodplain District are to:

- a) [Ensure public safety through reducing the threats to life and personal injury](#)
- b) [Eliminate new hazards to emergency response officials](#)
- c) [Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding](#)
- d) [Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the ~~community~~ Town beyond the site of flooding](#)
- e) [Eliminate costs associated with the response and cleanup of flooding conditions](#)
- f) [Reduce damage to public and private property resulting from flooding waters](#)

Note: §6.6.1 was amended under Article ?? at the 2025 Annual Town Meeting.

6.6.2 Definitions

*Note: §6.6.2 was amended by Article ?? at the 2025 Annual Town Meeting.
 §6.6.2 was amended by Article 28 at the 2006 Annual Town Meeting.*

Unless otherwise defined below, the terms used throughout this Section 6.6 shall have the definition provided in the current edition of 780 CMR.

~~Area of Special Flood Hazard – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.~~

Development - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations [or storage of equipment or materials.](#) [[US Code of Federal Regulations, Title 44, Part 59](#)]

~~District - Floodplain District.~~

Flood Boundary and Floodway Map - An official map of [the Town](#) ~~a community~~ issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

~~**Flood Hazard Boundary Map (FHBM)** – An official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or AE. Note: §6.6.2 was amended by Article 24 at the 2010 Annual Town Meeting. §6.6.2 was amended by Article 28 at the 2006 Annual Town Meeting.~~

~~*Note: §6.6.2 was amended by Article 24 at the 2010 Annual Town Meeting.
 §6.6.2 was amended by Article 28 at the 2006 Annual Town Meeting.*~~

Flood Hazard Boundary Map (FHBM) - [An official map of the Town ~~a community~~ issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.](#) [[US Code of Federal Regulations, Title 44, Part 59](#)]

Flood Insurance Study - An examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Floodway - The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

Functionally Dependent Use - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure. [US Code of Federal Regulations, Title 44, Part 59]

Historic Structure - Any Structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

New Construction - Structures for which the Start of Construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New Construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

Recreational Vehicle - A vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and

- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
 - i. [US Code of Federal Regulations, Title 44, Part 59]

Regulatory Floodway see **Floodway**

Special Flood Hazard Area - The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH. [Base Code, Chapter 2, Section 202]

Start of Construction - The date of issuance for New Construction and substantial improvement to existing structures, provided the actual Start of Construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual Start of Construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "Start of Construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

Substantial Repair of a Foundation - When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the Inspector of Buildings shall determine it to be substantial repair of a foundation. Applications determined by the Inspector of Buildings to constitute Substantial Repair of a Foundation shall require all existing portions of the entire building or Structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

Substantial Damage - Damage of any origin sustained by a Structure whereby the cost of restoring the Structure to ~~it's~~ before its pre-damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred.

Variance - A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

Violation - The failure of a Structure or other Development to be fully compliant with the ~~community~~Town's flood plain management regulations. A Structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in Violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

Note: §6.6.2 was amended under Article ?? at the 2025 Annual Town Meeting.

6.6.3 Use Regulations

- a) The Floodplain District shall be considered an overlay district as overlying all other Districts as listed in §2.1 of these By-Laws. Any uses permitted or allowed by Special Permit in the portions of the Districts so overlaid shall continue to be permitted or allowed by Special Permit, subject to the provisions of this Section §6.6.
- b) The Floodplain District is herein established as an overlay district. The District includes all Special Flood Hazard Areas within the Town designated as Zone A or AE, on the 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 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 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Inspector of Buildings, Conservation Commission and DPW Engineering Division.
- c) The Town hereby designates the ~~position of~~ Inspector of Buildings to be the official floodplain administrator for the Town.
- d) Except as provided below in ~~Section §6.6.3.e)~~, the following shall be prohibited in the Floodplain District:
 1. ~~New buildings or structures~~
 - (1) Filling, dumping, excavation, removal, or transfer of any earth material which will restrict or increase flood water flow or reduce the flood water storage capacity.
- e) The following shall be permitted in the Floodplain District:
 - (1) Land use for conservation of water, plants, and wildlife.
 - (2) Recreation, including play areas, wildlife reserves, golf, boating, and fishing where otherwise legally permitted.
 - (3) Grazing, farming, forestry, and nurseries.
 - (4) Proper operation and maintenance of dams and other water control structures, including temporary alteration of water level for emergency purposes.
 - (5) Addition or alteration to an existing Structure, ~~but if constituting a substantial improvement (see definition),~~ that does not constitute a substantial improvement only if authorized by Special Permit from the Board of Appeals.
- f) Requirement to Submit New Technical Data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- [NFIP State Coordinator, Massachusetts Department of Conservation and Recreation](#)
- [NFIP Program Specialist, Federal Emergency Management Agency, Region I](#)

Note: §6.6.3 was amended under Article ?? at the 2025 Annual Town Meeting.

6.6.4 Requirements

All Development in ~~this~~ [the Floodplain](#) District, including structural and nonstructural activities, whether permitted by-right or allowed by Special Permit, must be in compliance [with Chapter 131, Section 40 of the Massachusetts General Laws](#) and the following:

- [Massachusetts State Building Code 780 CMR 120.G “Flood Resistant Construction and Construction in Coastal Dunes.](#)
 - [Massachusetts DEP Wetland Protection Act Regulations 310 CMR 10.0](#)
 - [Massachusetts DEP Inland Wetland Regulation 310 CMR 13.0](#)
 - [Massachusetts DEP “Title 5” Regulations 310 CMR 15.0](#)
- a) **[Permits Required For All Proposed Development in the Floodplain Overlay District](#)** - [The Town requires a permit for all proposed construction or other Development in the Floodplain overlay District, including New Construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other Development that might increase flooding or adversely impact flood risks to other properties.](#)
- b) **[Assure That All Necessary Permits Are Obtained](#)** - [The Town’s permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed Development in the floodplain overlay district. The proponent must acquire all necessary permits, and](#)
- c) **[Subdivision Proposals](#)** - [All subdivision proposals and Development proposals in the Floodplain overlay District shall be reviewed to assure that:](#)
- [Such proposals minimize flood damage.](#)
 - [Public utilities and facilities are located and constructed so as to minimize flood damage.](#)
 - [Adequate drainage is provided.](#)
- [When proposing subdivisions or other developments greater than 50 lots or 5 acres \(whichever is less\), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.](#)
- d) **[Recreational Vehicles](#)** - [In A, and AE 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.](#)
- e) **[Watercourse Alterations or Relocations in Riverine Areas](#)** - [In a riverine situation, the Inspector of Buildings 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
- NFIP Program Specialist, Federal Emergency Management Agency, Region I

- f) **Variations to Building Code Floodplain Standards** - The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the Variance, and will maintain this record in the communityTown's files.

The Town/City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official the Inspector of Buildings that (i) the issuance of a Variance to construct a Structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all Variance actions for the referenced Development in the Floodplain overlay District.

- g) **Variations to Local Zoning Bylaws Related to Community Compliance with the National Flood Insurance Program (NFIP)** - A Variance from these floodplain bylaws this §6.6 must meet the requirements set out by State law, and may only be granted if:
- Good and sufficient cause and exceptional non-financial hardship exist;
 - the Variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
 - the Variance is the minimum action necessary to afford relief.
- h) **Abrogation and Greater Restriction Section** - The floodplain management regulations found in this Floodplain Overlay District section §6.6 shall take precedence over any less restrictive conflicting local laws, ordinances, or codes.
- i) **Disclaimer of Liability** - The degree of flood protection required by this §6.6 bylaw is considered reasonable but does not imply total flood protection.
- j) **Severability Section** - If any section, provision or portion of this §6.6 bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

*Note: §6.6.4 was amended by Article ?? at the 2025 Annual Town Meeting.
 §6.6.4 was amended by Article 24 at the 2010 Annual Town Meeting.
 §6.6.4 was amended by Article 26 at the 1995 Annual Town Meeting.*

6.6.5 Floodway Requirements

- a) ~~Floodway Data: In Zone A and Zone 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.~~

Note: §6.6.5 a) was amended by Article 24 at the 2010 Annual Town Meeting.

- b) ~~In the regulatory floodways designated on the Belmont FIRM or Flood Boundary and~~

~~Floodway Map no encroachments in the floodway shall be permitted which would result in any increase in the base flood discharge level.~~

~~Base Flood Elevation Data: Base Flood Elevation Data is required for subdivision proposals or other developments greater than 50 lots or five (5) acres, whichever is the lesser, within unnumbered A Zones.~~

- a) Floodway Encroachment - 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 Town during the occurrence of the base flood discharge.
- b) In Zone AE, along watercourses that have a regulatory Floodway designated on the Town's/City's FIRM 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 result in any increase in flood levels within the community Town during the occurrence of the base flood discharge.

*Note: §6.6.5 a) was amended by Article ?? at the 2025 Annual Town Meeting.
§6.6.5 a) was amended by Article 24 at the 2010 Annual Town Meeting.*

- c) Unnumbered A Zones - In A Zones, in the absence of FEMA BFE data and Floodway data, the building department Inspector of Buildings will obtain, review and reasonably utilize base flood elevation and Floodway data available from a Federal, State, or other source as criteria for requiring New Construction, substantial improvements, or other Development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

6.6.6 Special Permit

Upon being duly filed with the Town ~~their receipt~~, applications for Special Permits in the Floodplain District shall be referred to the Planning Board, Board of Health, and Conservation Commission for their review and comment. Special Permits for substantial improvements within the Floodplain District shall be approved only upon the Board of Appeals making the following determinations:

- a) All requirements of ~~Section this~~ §6.6, Floodplain District, are complied with.
- b) No substantial increase in hazard to occupants of the premises or to others will result from the proposed improvements.
- c) Reasonable efforts have been made, relative to the scale of the proposed improvements, to reduce any existing hazard or noncompliance with these requirements.

6.6.7 Waiver

If satisfied, based on a Letter of Map Amendment or Letter of Map Revision obtained by the applicant from FEMA, that the site of a proposed Development or improvement is above the

Base Flood Elevation shown on the FIRM, the ~~Building Commissioner~~ [Inspector of Buildings](#) may waive compliance with this [§6.6 Section](#), and a copy of such waiver shall be filed with the Town Clerk.

Note: §6.6.7 was amended by Article 31 at the 1995 Annual Town Meeting.