



TOWN OF ROCKLAND

Planning Board
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Rockland, Massachusetts 02370

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Alt. Member:

TOWN CLERK, ROCKLAND
JUL 6 21 AM 8:37

Notice of Planning Board Hearing Relative to Proposed Zoning By-Law Amendments Pursuant to M.G.L. c 40A, § 5

The Planning Board of the Town of Rockland, 242 Union Street Rockland, MA 02370 will hold a public hearing to discuss proposed amendments to the Town of Rockland's zoning code bylaw. The public hearing will be held as follows:

Place: Rockland High School Public Hearing, Tuesday, July 27, 2021
Time: 7:00PM

The subject matter of the proposed amendments is/are as indicated below. The complete text of the amendments and maps relative to the proposed amendments are available for inspection by contacting:

Place: Board of Selectmen's Office, 242 Union Street, Rockland, MA 02370
Place: Rockland Town Clerk's Office, 242 Union Street, Rockland, MA 02370

The Subject of Proposed Changes are as follows:

In accordance with Mass. Gen. L. c. 40A §5, the Town of Rockland Planning Board will for purpose of accepting public comments on the following proposed amendment submitted by the Board of Selectmen to the Town of Rockland Zoning By-laws will hold a public hearing at 7:00 pm on Tuesday, July 27, 2021 at the Rockland High School Auditorium to consider proposed changes and amendments to the Rockland General Code Zoning By-Laws and Zoning Map: **Proposed Zoning Amendments to Add Flood Plain Overlay District: ARTICLE# TBD** - Will the Town vote to amend Article III, Establishment of Districts, §415-3 of the Rockland General Code Zoning By-laws by adding a new district entitled the Floodplain Overlay District to the existing list of zoning districts; **ARTICLE# TBD** - Will the Town vote to amend Article III, Establishment of Districts, §415-4, Zoning Map of the Rockland General Code Zoning By-laws that depicts the boundary lines of the enumerated zoning districts by adding the zoning district entitled the Floodplain Overlay District to include includes all special flood hazard areas within the Town of Rockland designated as Zone A, AE, AH, AO, A99, V, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021. 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 Plymouth County Flood Insurance Study (FIS) report dated of July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, Conservation Commission and Board of Selectmen; **ARTICLE# TBD** - Will the Town vote to amend Article IV, Permitted Uses, by inserting a proposed new Zoning Overlay District. §415-21.5 Floodplain Overlay District.

Any interested person(s) shall be given the opportunity to be heard. The full texts of the amendments and maps of these articles are available by requesting a copy from the Board of Selectmen's and/or the Town Clerk's office. The Rockland Planning Board will make recommendations and have a report relative to the adoption of the preceding articles at the Monday, September 13, 2021 Annual Town Meeting.

Mike Corbett, Chairman, Rockland Planning Board
Dated: June 29, 2021

7/5/21 & 7/12/2021 PL



TOWN OF ROCKLAND Planning Board

ARTICLE# TBD

Will the Town vote to amend Article III, Establishment of Districts, §415-3 of the Rockland General Code Zoning By-laws by adding a new district entitled the Floodplain Overlay District to the existing list of zoning districts as follows:

P. Floodplain Overlay District.

Or take any other action relative thereto?

Board of Selectmen

Explanation: The Board of Selectmen are proposing a change to the town's zoning bylaws to establish a Floodplain Overlay District that is required in order to maintain eligibility for flood insurance programs and in order to regulate structures and uses in areas that are prone to flooding. This article creates the overlay district.

ARTICLE# TBD

Will the Town vote to amend Article III, Establishment of Districts, §415-4, Zoning Map of the Rockland General Code Zoning By-laws that depicts the boundary lines of the enumerated zoning districts by adding the zoning district entitled the Floodplain Overlay District to include includes all special flood hazard areas within the Town of Rockland designated as Zone A, AE, AH, AO, A99, V, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021. 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 Plymouth County Flood Insurance Study (FIS) report dated of July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, Conservation Commission and Board of Selectmen.

Or take any other action relative thereto?

Board of Selectmen

Explanation: The Board of Selectmen are proposing a change to the town's zoning bylaws to establish a Flood Plain Overlay District that is required in order to maintain eligibility for flood insurance programs and in order to regulate structures and uses in areas that are prone to flooding. This article amends the official zoning map of the town to show the newly proposed flood plain overlay district.

ARTICLE# TBD

Will the Town vote to amend Article IV, Permitted Uses, by inserting a proposed new zoning overlay district, as follows:

§415-21.5 Floodplain Overlay District.

A. Purpose. The purposes of this bylaw are to: (1) ensure public safety through reducing the threats to life and personal injury; (2) eliminate new hazards to emergency response officials; (3) prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding; (4) 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 beyond the site of flooding; (5) eliminate costs associated with the response and cleanup of flooding conditions; and (6) reduce damage to public and private property resulting from flooding waters; and (7) ensure that the Town of Rockland qualifies for participation in the National Flood Insurance Program. □

B. Applicability.

The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Rockland designated as Zone A, AE, AH, AO, A99, V, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021 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 Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, Conservation Commission and Board of Selectmen. In the event any provisions of this bylaw are in conflict with requirements for any other districts, the more restrictive regulation shall take precedence.

C. Abrogation and conflicting bylaws.

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

D. Disclaimer of liability.

The degree of flood protection required by this Floodplain Overlay District bylaw is considered reasonable but does not imply total flood protection.

E. Severability.

If any section, provision or portion of this Floodplain Overlay District bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

F. Definitions.

The following definitions shall apply in the Floodplain Overlay District:

DEVELOPMENT means 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]

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of 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 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]

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 means 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 means 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 means 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 means 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.

[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, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements 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 means, 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 building official shall determine it to be substantial repair of a foundation. Applications determined by the building official 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]

VARIANCE means 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 means the failure of a structure or other development to be fully compliant with the community'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(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONES, FLOOD – The community shall use the pertinent definitions for flood zones delineated within the community. All of these terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

G. Designation of community floodplain administrator.

The Town of Rockland hereby designates the Building Commissioner/Zoning Enforcement Officer, or such other official as the Board of Selectmen, shall appoint by written appointment filed with the Town Clerk, to be the official floodplain administrator for the Town of Rockland.

H. Requirement to submit new technical data.

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

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110
And copy of notification to:
Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

I. Variances to building code floodplain standards.

The Town of Rockland 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 community’s files. The Town of Rockland 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 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.

J. Variances to local zoning bylaws (related to community compliance with the National Flood Insurance Program (NFIP)).

The Zoning Board of Appeals may grant a variance modifying the performance standards in §§ 415-21.5K where the proposed use or structure meets the requirements set out by state law, and where the Zoning Board of Appeals finds that there is: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and, 3) the variance is the minimum action necessary to afford relief.

K. Permits are required for all proposed development in the Floodplain Overlay District

(1) The Town of Rockland 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. The Town of Rockland Building Department permit review process includes the use of a checklist of 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 must submit the completed checklist demonstrating that all necessary permits have been acquired.

(2) Application for Flood Plain permit. Applications for Flood Plain permits shall be made to the Building Commissioner/Zoning Enforcement Officer except where indicated below. Applications shall contain:

(a) Elevation in relation to mean sea level of the lowest floor (including basements or cellars) of all existing and proposed structures.

(b) Elevation in relation to mean sea level of existing and proposed floodproofing.

(c) Signed statement by a registered professional engineer or architect that the requirements of this bylaw have been met. (Note: The above-referenced requirements may be met through submission of a FEMA elevation certificate.)

(d) Plans for any breakaway walls to be used to enclose space below the base flood elevation (in V Zones).

(e) Description of topographic alterations including existing and proposed grades and a delineation of the special flood hazard area boundary line.

(f) Site plan certified by a registered land surveyor showing all existing and proposed natural and constructed features on the property. The site plan shall include a notation of the special flood hazard area designation for all existing and proposed structures.

(g) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within Zone A, where such data is not provided on the FIRM.

(3) Standards for areas of special flood hazard. All permits granted under this bylaw above shall be subject to the following

provisions:

(a) All development and redevelopment, whether permitted by right or by special permit, shall be in accordance with the standards of the Massachusetts State Building Code, the Wetlands Protection Act (MGL c. 131, § 40) and regulations (310 CMR 10.00, 310 CMR 13.00, and 310 CMR 12.00), septic system regulations (310 CMR 15, Title 5), and all other applicable federal, state and local requirements. Any variance 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.

- (b) No alteration of topography shall be permitted where it may result in increased runoff or drainage to the detriment of other property owners or the Town.
- (c) Certification by a registered professional engineer or architect for all floodproofing measures shall be required.
- (d) Storage of fuel oil or toxic or hazardous materials below the base flood elevation shall be floodproofed.

(4) Within Zones AH and AO, adequate drainage paths must be provided around structures on slopes to guide floodwaters around and away from proposed structures

- (1) Uses that are encouraged. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying zoning district and they do not require structures, fill, or storage of materials or equipment:
 - (a) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
 - (b) Forestry and nursery uses.
 - (c) Outdoor recreational uses, including fishing, boating, play areas, etc.
 - (d) Conservation of water, plants, wildlife.
 - (e) Wildlife management areas, foot, bicycle, and/or horse paths.
- (f) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

L. Subdivision proposals

All subdivision proposals and development proposals in the Floodplain Overlay District shall be reviewed to assure that:

- (1) Such proposals minimize flood damage.
- (2) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (3) Adequate drainage is provided.

M. Base flood elevation data for subdivision proposals.

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.

N. Unnumbered A Zones.

In A Zones, in the absence of FEMA BFE data and floodway data, the building department 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 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.

O. Floodway encroachment.

In Zones A, A1-30, 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. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town of Rockland's FIRM or Flood Boundary & Floodway Map (choose map which delineates floodways for your community) 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.

P. Watercourse alterations or relocations in riverine areas.

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

- (1) Adjacent communities, especially upstream and downstream
- (2) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
- (3) NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Q. AO and AH zones drainage requirements.

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

R. Recreational vehicles.

In A1-30, AH, AE Zones, V1-30, VE, and V 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.

S. Local enforcement.

Enforcement of this Floodplain Overlay District bylaw shall be in accordance with the provisions of §415-90.

Or take any other action relative thereto?

Board of Selectmen

Explanation: The Board of Selectmen are proposing a change to the town's zoning bylaws to establish a Floodplain Overlay District that is required in order to maintain eligibility for flood insurance programs and in order to regulate structures and uses in areas that are prone to flooding. This article establishes the procedural and substantive requirements applicable to structures and uses in the new proposed Floodplain Overlay District.