2012
Commonwealth of Massachusetts
Town of Essex
Warrant for Special Town Meeting

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School on Monday, June 11, 2012 at 7:30 p.m. and there and then to act on the following Articles, viz:

ARTICLE 1

To see if the Town will vote to amend the Town of Essex Bylaws Chapter 6-10.2 Flood Plain Overlay District by deleting in its entirety the present bylaw text, which presently reads:

6-10.2 Flood Plain Overlay District.

6-10.2.1 Establishment.
The Flood Plain District is established, effective July 17, 1986, as an overlay district to all other districts. All development in the district, 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:

a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 3107, "Flood Resistant Construction")

b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)

c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)

d. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00)

e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewerage, 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.

The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30, V. and V1-30 on the Essex Flood Insurance Rate Maps (FIRM) dated July 17, 1986 and revised July 23, 1998 and July 2, 1992, and as revised by letter(s) of map amendment, and Flood Insurance study dated July 17, 1986, on file with the Town Clerk, Planning Board and Building Inspector. The Essex Flood Insurance Rate Maps (FIRM) and the accompanying Essex Flood Insurance Study are incorporated herein by reference.

6-10.2.2 Development Regulations.
The following requirements apply in the Flood Plain District:

a. UN-NUMBERED ZONE: Within any unnumbered Zone A, since the base flood elevation is not provided on the Flood Rate Insurance Map (FIRM), the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood-proofing requirements, as appropriate, of the State Building Code. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is lesser, within unnumbered Zone A.
b. ZONE V: Within areas designated as coastal high hazard areas (Zone V), all development shall be located landward of the reach of mean high tide, since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash.
c. Zone V1-30: Man-made alteration of sand dunes within Zones V1-30, VE and V which would increase potential flooding damage are prohibited.
d. SUBDIVISIONS: All subdivision proposals must be designed to assure that
    1. Such proposals minimize flood damage
    2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
    3. Adequate drainage is provided to reduce exposure to flood hazards.

6-10.2.3 Notification of Watercourse Alteration
In a riverine situation, upon submission of the application to the planning Board, evidence shall be provided that the following entities have been notified in writing, including a copy of the application and plans, of a pending zoning permit to alter or relocate a watercourse:

a. The adjacent communities of Gloucester, Hamilton, Ipswich and Manchester by the Sea.

b. National Floor Insurance Program (NFIP) State Coordinator

Massachusetts Dept. of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

c. NFIP Program Specialist

FEMA Region 1
99 High Street, 6th Floor
Boston, MA 02110;

and by replacing it with the following:

6-10.2 Flood Plain Overlay District.

6-10.2.1 Establishment.

The Flood Plain District is established, effective July 17, 1986, as an overlay district to all other districts. All development in the district, 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:

a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR).

b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)

c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)

d. Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00)

e. Minimum Requirements for the Subsurface Disposal of Sanitary Sewerage, 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.

The Flood Plain District includes only the Special Flood Hazard Areas (SFHAs) within the Town of Essex designated as Zone A, AE, and VE on the Essex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Essex are panel numbers 25023C0289F, 25023C0291F, 25023C0292F, 25023C0293F, 25023C0294F, 25023C0311F, 25023C0313F, 25023C0427F, 25023C0431F, 25023C0432F and 25023C0451F dated July 3, 2012. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the 100-year (1-percent-annual-chance flood plain boundary) flood elevations contained in the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Inspector.

6-10.2.2 Development Regulations.

The following requirements apply in the Flood Plain District:

a. UN-NUMBERED ZONE A: Within any unnumbered Zone A, since the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or flood-proofing requirements, as appropriate, of the State Building Code. Base flood elevation data is required for subdivision

proposals or other developments greater than 50 lots or 5 acres, whichever is lesser, within unnumbered Zone A.

b. Within areas designated as coastal high hazard areas (Zone VE), all development shall be located landward of the reach of mean high tide, since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash.

c. Man-made alteration of sand dunes within Zone VE which would increase potential flooding damage are prohibited.

d. SUBDIVISIONS: All subdivision proposals must be designed to assure that
    1. Such proposals minimize flood damage
    2. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
    3. Adequate drainage is provided to reduce exposure to flood hazards.

e. In Zone AE, along watercourses that have a regulatory floodway designated on the FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the Town during the occurrence of the base flood discharge (i.e., one-hundred year flood). 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 such encroachments.

6-10.2.3 Notification of Watercourse Alteration

In a riverine situation, upon submission of the application to the Planning Board, evidence shall be provided that the following entities have been notified in writing, including a copy of the application and plans, of a pending zoning permit to alter or relocate a watercourse:

a. The adjacent communities of Gloucester, Hamilton, Ipswich and Manchester by the Sea.
b. National Flood Insurance Program (NFIP) State Coordinator
   Massachusetts Dept. of Conservation and Recreation
   251 Causeway Street, Suite 600-700
   Boston, MA 02114-2104

c. NFIP Program Specialist
   FEMA Region 1
   99 High Street, 6th Floor
   Boston, MA 02110

6-10.2.4 Effective Date

The revisions to Section 6-10.2 made pursuant to Article 1 of the Special Town Meeting of June 11, 2012 shall not take effect until July 3, 2012.

; or take any other action relating thereto.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, fourteen days at least before the time for holding said meeting.

Given under our hand this 16th day of May, two thousand twelve.

Jeffrey D. Jones, Chairman

Lisa J. O'Donnell

Susan Gould Coviello

BOARD OF SELECTMEN
TOWN OF ESSEX

Return of the Warrant: Date: 5/23/12

I have served this warrant by posting attested copies thereof – one at the Post Office; one at the Town Hall; and, one at the Essex Elementary School in said Essex; at least fourteen days before the time for holding said meeting.

Constable