

Newton Conservation Commission
Flood Zone Compensatory Storage Policy

Approved: 1-30-20

- I. **PREAMBLE:** The state Wetlands Protection Regulations, 310 CMR 10.57, state that floodplains provide flood control and storm damage prevention; certain portions of Bordering Land Subject to Flooding (BLSF) are also likely to be significant to the protection of wildlife habitat. This guidance was created in recognition of the great ecological and hydrological value of BLSF, the realities of grading and construction projects, and the pressing concern of increased rainfall and flooding events due to climate change.
- II. **GOAL of this POLICY:** To support the interest of the Massachusetts Wetlands Protection Act of fully preserving flood storage capacity within Newton's bordering lands subject to flooding (BLSF) by requiring applicants to incorporate a small net gain of flood storage capacity into proposed plans for development within BLSF.
- III. **REASON for this POLICY:** The Newton Conservation Commission recognizes the importance of BLSF (as defined in the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and associated regulations 310 CMR 10.00 et seq.) in providing flood control and storm damage prevention and, possibly, significant wildlife habitat. The Newton Conservation Commission further recognizes that:
 - Fill within BLSF reduces overall flood storage capacity,
 - The precision of grades shown on proposed site plans and as-built plans is often insufficient to determine exact changes in flood storage capacity, and
 - Final landscaping with loam, sod, and mulch can result in unanticipated and unaccounted for increases in fill on a site.
- IV. **REQUIREMENT of this POLICY:** To protect Newton's residents from the adverse impacts of incremental fill in BLSF, it is the policy of the Newton Conservation Commission to ensure that any project which results in an increase in fill greater than 2 cubic yards, must supply an additional 10% of compensatory flood storage capacity (i.e., 110% compensation for fill brought into the floodplain elevation). This additional flood storage capacity shall be built into the project application filed with the Commission when proposing work within BLSF. This will help ensure that overall BLSF flood storage capacity will be maintained throughout Newton.
- V. **EXEMPTIONS:** If an applicant seeks an exemption from the requirements of this policy or any provision hereof, the burden shall be upon the applicant to prove that the proposed project:
 - Complies with the Wetlands Protection Act, and
 - Is the only reasonable alternative to achieve the stated project purpose, or
 - Will further a significant public interest, or
 - Is the only available alternative that does not constitute an unconstitutional taking of private property without just compensation.

If the Commission votes to allow an exemption to this policy, it may require the applicant to meet certain conditions that the Commission determines will result in improved protection of the wetland resource area.