



**ARTICLE 2: ZONING BYLAW AMENDMENT: SECTION 8.2.3 AND SECTION 8.2.8
(FLOOD PLAIN BYLAW)**

To see if the Town will vote amend the Ayer Bylaws, Chapter 320, Zoning, Article 3, Section 8.2.3, Scope of Authority and Section 8.2.8, Variances by deleting the strikethrough text and inserting the **underlined bold text** as follows:

8.2.3 Scope of Authority

~~The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, shall comply with MGL c. 131, § 40 and with the following:~~

The Town of Ayer hereby designates the position of Building Commissioner to be the official floodplain administrator for the Town.

The Floodplain District is established as an overlay district to all other districts. All development in the district, 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, shall comply with G.L. c. 131, s. 40 and with the following:

8.2.8 Variances

~~B. Certain communities have the authority to issues variances to the state building code. If your community has this authority from the BBRS, you will use this text for local adoption:~~

~~1. Variances to floodplain development regulations shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~2. A written justification for the variance will be maintained in the Town's/City's building permit files, delineating the technical reason for the variance, and stating that the variance is the minimum necessary (considering the flood hazard) to afford relief.~~

~~3. The Town 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.~~

~~4. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.~~

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

1. A variance from these floodplain bylaw must meet the requirements set out by State law, and may only be granted if: 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.

Or take any action thereon or in relation thereto.

Sponsor: Select Board

Planning Board: To report at Town Meeting Two-Thirds Majority Vote Required

Explanatory Note: This Article would amend the Flood Plain Bylaw as required because when the Flood Plain Bylaw was amended at the 2025 Annual Town Meeting, there was a clerical error, and two sections of the Model Bylaw were not properly referenced. This Article will correct these errors and make the Flood Plain Bylaw fully compliant with FEMA. The Planning Board held a Public Hearing on September 9, 2025. Brief presentation to be made at Town Meeting.

Christopher Tavares moved that the Town vote to amend the Ayer Bylaws, Chapter 320, Zoning, Article 3, Section 8.2.3, Scope of Authority and Section 8.2.8, Variances by deleting the strikethrough text and inserting the underlined bold text as contained in Article 2 as printed in the Warrant. Second from the floor. No discussion. Moderator declared Article passed by 2/3 vote.



Susan E. Copeland
November 12, 2025
A True Copy Attest