



CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

May 13, 2010

The Honorable Board of Aldermen
Somerville City Hall
Somerville, MA 02143

RE: Ordinance Amending the Somerville Zoning Ordinance to modify the Floodplain Overlay District in Article 6 "Establishment of Zoning Districts" to Comply with 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations

Dear Honorable Board of Aldermen:

Attached is a proposed ordinance that will amend the Somerville Zoning Ordinance (SZO) to comply with 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations. These amendments are needed so that the City will meet FEMA's regulations. Approval by the Board is needed to remain in compliance the Program which allows community members to purchase flood insurance through NFIP, allows mortgage insurance in Special Flood Hazard Areas, and allows claims for flood disaster assistance.

Staff from OSPCD will be available to respond to any questions you may have.

Respectfully submitted,

Joseph A. Curtatone
Mayor






CITY OF SOMERVILLE, MASSACHUSETTS
Office of Strategic Planning and Community Development
JOSEPH A. CURTATONE, MAYOR

MEMORANDUM

Office of the Executive Director

MEMORANDUM

TO: Mayor Joseph A. Curtatone

FROM: Monica R. Lamboy, Executive Director 

DATE: May 13, 2010

SUBJECT: Ordinance Amending the Somerville Zoning Ordinance to modify the Floodplain Overlay District in Article 6 "Establishment of Zoning Districts" to Comply with 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

The Office of Strategic Planning and Community Development (OSPCD) respectfully request that you forward the attached proposed ordinance amending the Somerville Zoning Ordinance (SZO) to the Board of Aldermen for their review and consideration. This ordinance would bring the City into compliance with 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program regulations.

Background

The Federal Emergency Management Agency (FEMA) has updated the Flood Insurance Rate Map. In order to continue to be eligible for the National Flood Insurance Program (NFIP), the City must update the floodplain management ordinance to incorporate the change and meet or exceed the Program's minimum regulations. The City must adopt the regulations to avoid suspension of the program. If suspended, the community would become ineligible for flood insurance through NFIP; new insurance policies could not be sold, and existing policies could not be renewed. Also, mortgage loans for acquisition or construction within the Special Flood Hazard Areas subject to inundation by the base (1-percent-annual-change) flood guaranteed by the Department of Veterans Affairs, insured by the Federal Housing Administration, would be prohibited. Finally, suspension would affect disaster assistance in connection with a flood under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.

Proposed Ordinance

44 CFR 60.3(d) requires that all communities adopt a regulation that prohibits encroachments in a regulatory floodway unless a hydrologic and hydraulic analysis establishes that it would not result in any increase in flood levels during the base flood (a flood having a 1% chance of being equaled or exceeded in any given year). The amendments update the Somerville Floodplain Overlay District to reflect current flood plain maps and state building code references for construction in a flood plain.

The following sections of the Somerville Zoning Ordinance would be amended to incorporate the new regulations into our code.

- 6.1.18 B Compliance with Existing Regulations: Updates reference to existing version of the State Building Code
- 6.1.18 C Definitions: Updates the zone reference from zones A1-A30 to AE on the 100-year floodplain map
- 6.1.18 D Floodplain District Boundaries and Base Flood Elevation Data: Updates language to reflect new countywide flood maps and format
- 6.1.18 E Floodway Data: Changes references from zones A1-A30 to AE and updates language

FEMA is also requiring a notification requirement for the Conservation Commission. This will be incorporated into the Conservation Commission's regulations. That requirement is listed below:

Notification of Watercourse Alteration

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

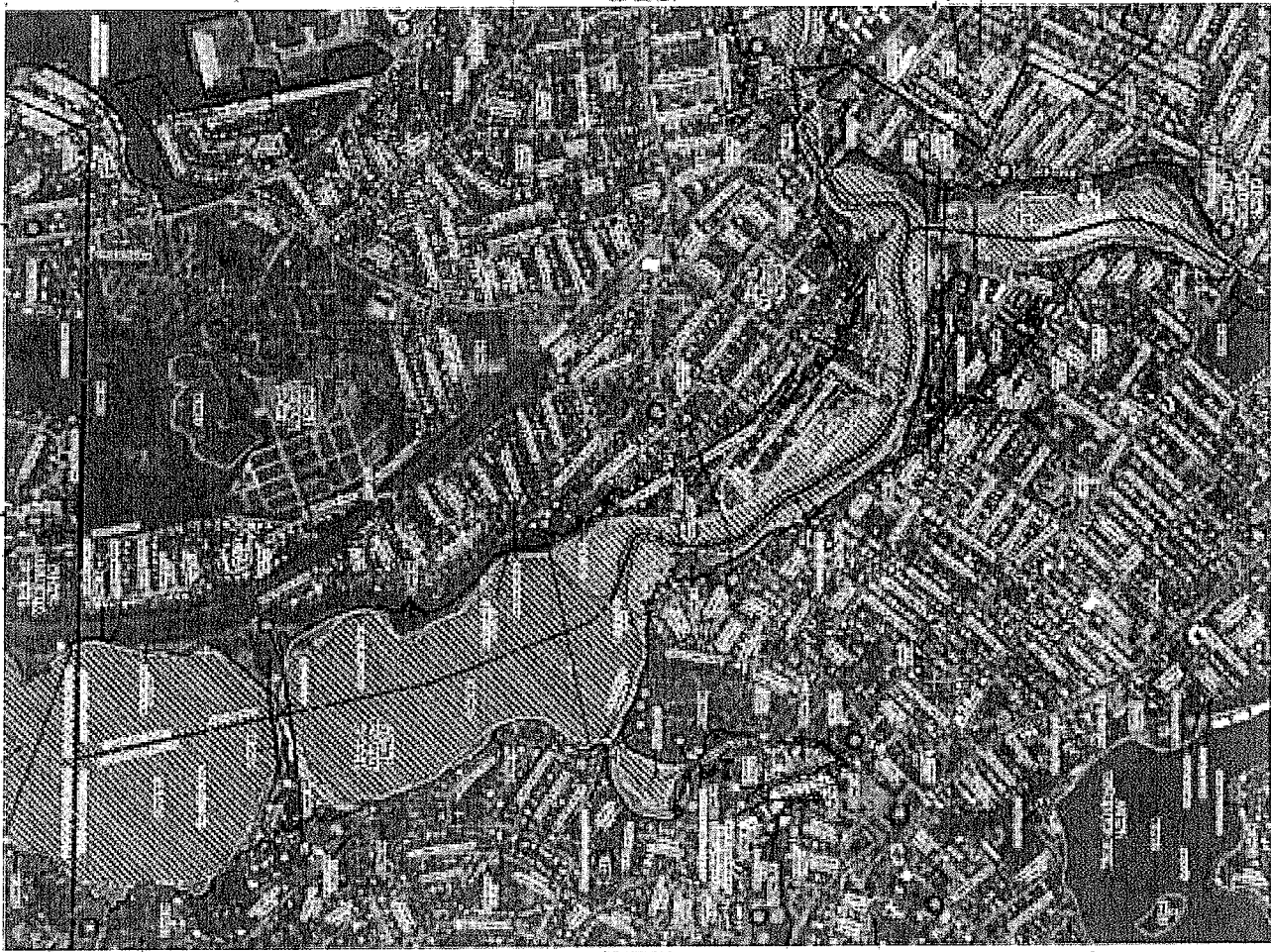
- Adjacent Communities
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Recommendation

It is recommended that the Board of Aldermen adopt the attached ordinance to amend provisions of the Floodplain Overlay District included in Article 6 of the Somerville Zoning Ordinance to continue eligibility in the NFIP.

NOTES TO USERS

The map is a reproduction of the original map. It is not a substitute for the original map. The map is a reproduction of the original map. It is not a substitute for the original map. The map is a reproduction of the original map. It is not a substitute for the original map.



LEGEND
This map is a reproduction of the original map. It is not a substitute for the original map. The map is a reproduction of the original map. It is not a substitute for the original map.

FIRM
FLOOD INSURANCE RATE MAP
APPLICABLE TO THE
COMMERCIAL RISK CLASS
DATE OF ISSUE
JUNE 1, 1978

NOTES TO USERS

1. This report is prepared for the use of the client and is not to be used for any other purpose. The client is responsible for the accuracy and completeness of the information furnished to the engineer. The engineer is not responsible for the accuracy and completeness of the information furnished to the client.

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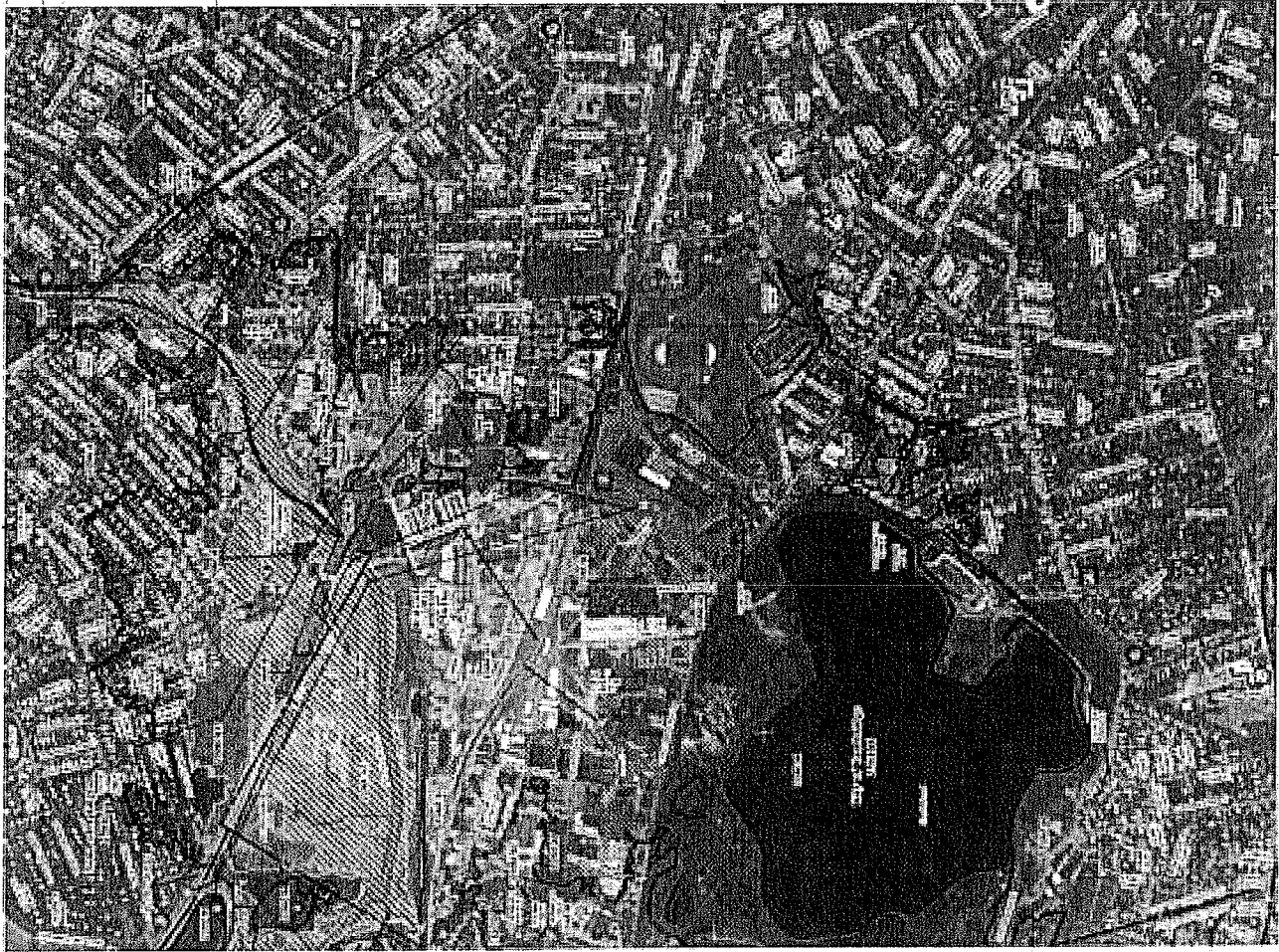
16. The engineer is not responsible for the accuracy and completeness of the information furnished to the client. The client is responsible for the accuracy and completeness of the information furnished to the engineer.

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4-1000 (Rev. 1-7-71)

FIRM

16300 PULVERISER RATE WAY
 BIRMINGHAM 13, ALA.
 TOLSON ENGINEERING

MEMBER AMERICAN SOCIETY OF CIVIL ENGINEERS

REGISTERED PROFESSIONAL ENGINEERS
 STATE OF ALABAMA

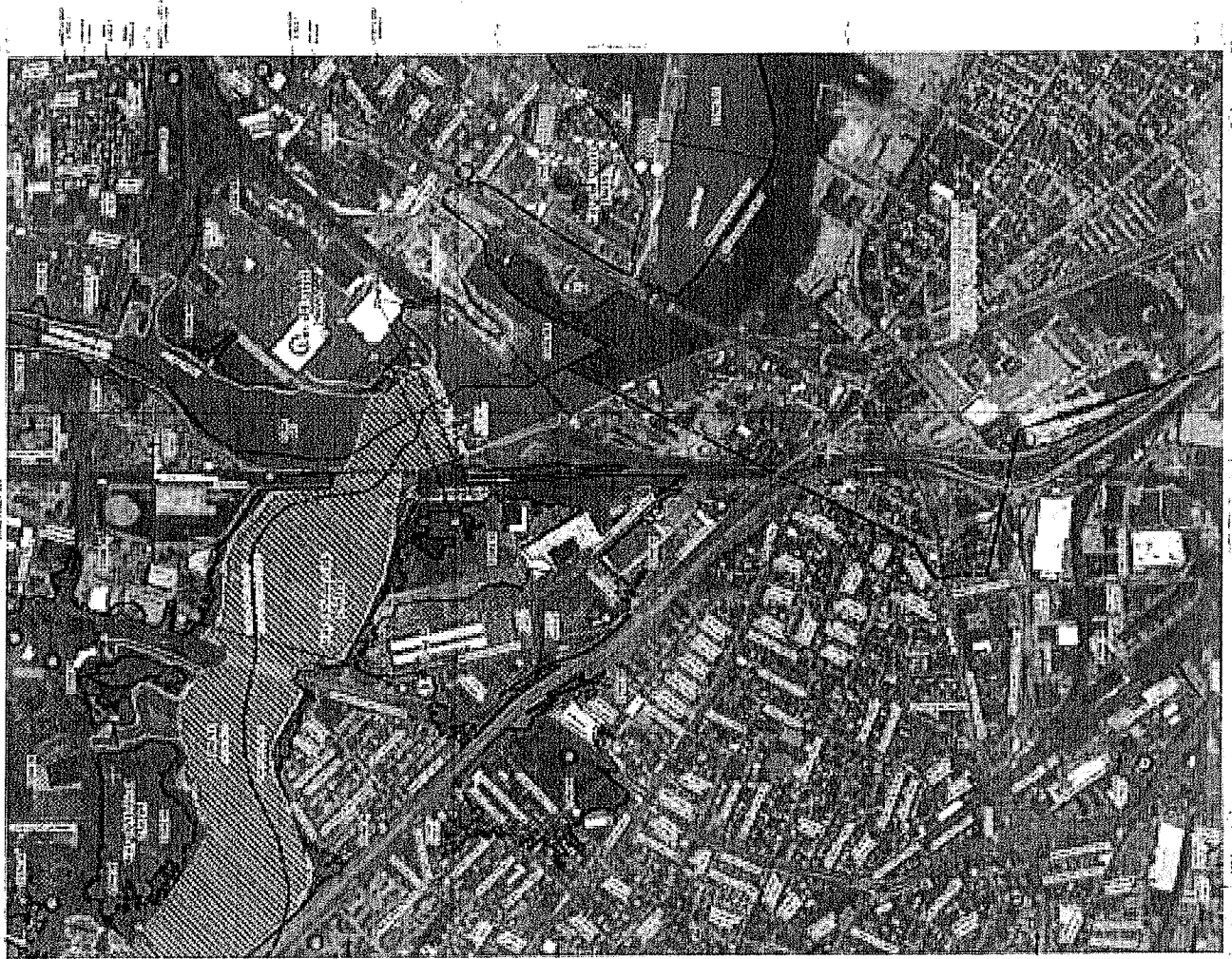
4-1000 (Rev. 1-7-71)

LEGEND

1. This map is a preliminary flood hazard map... 2. Flood Hazard Areas are defined by... 3. Flood Hazard Areas are shown on this map by the following symbols...

FIRM

1. FIRM NUMBER: 15000
2. PROJECT NUMBER: 15000
3. DATE: 05/01/98



NOTES TO USERS

1. This map is a preliminary flood hazard map... 2. Flood Hazard Areas are defined by... 3. Flood Hazard Areas are shown on this map by the following symbols...

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CITY OF SOMERVILLE
ORDINANCE NO. _____
IN THE BOARD OF ALDERMEN: _____

**AN ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE TO
MODIFY THE FLOODPLAIN OVERLAY DISTRICT IN ARTICLE 6
“ESTABLISHMENT OF ZONING DISTRICTS” TO COMPLY WITH 44 CODE OF
FEDERAL REGULATIONS (CFR) SECTION 60.3(D) OF THE NATIONAL FLOOD
INSURANCE PROGRAM (NFIP) REGULATIONS**

WHEREAS, the City of Somerville is currently a participating municipality in the National Flood Insurance Program; and,

WHEREAS, the City must be in compliance with 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations to remain eligible for the program; and,

WHEREAS, the current language of Floodplain Overlay District does not satisfy the updated NFIP regulations; now,

THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that the below listed sections of the Somerville Zoning Ordinance are hereby amended as identified.

1. Article 6: 6.1.18 Floodplain Overlay District is hereby amended to read as follows (additions are underlined and deletions are ~~crossed out~~):

B. *Compliance with Existing Regulations.* All development in the district including structural and non-structural activities whether permitted by right or by special permit must be in compliance with the following:

- 780 CMR 120G ~~2402~~ of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas;
- 310 CMR 10.00, Wetlands Protection Regulations, Department of Environmental Protection (DEP);
- Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with required variance procedures of these state regulations.

2. Article 6: 6.1.18.C Definitions is hereby amended to read as follows (additions are underlined and deletions are ~~crossed out~~):

Zone AE A1 ~~A30~~ means the 100-year floodplain where the base flood elevation has been determined.

3. Article 6: 6.1.18.D Floodplain District Boundaries And Base Flood Elevation Data is hereby amended to read as follows (additions are underlined and deletions are ~~crossed out~~):

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the City of Somerville designated as Zone AE on the 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 City of Somerville are panel numbers 25017C0417E, 25017C0419E, 25017C0436E, 25017C0438E, 25017C0439E, 25017C0576E, 25017C0577E 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 City Clerk, Planning Board, Inspectional Services, Conservation Commission and City Engineer.

~~The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Somerville, MA Flood Insurance Rate Map (FIRM) issued by FEMA (successor to the U.S. Department of Housing and Urban Development, HUD) for the administration of the NFIP effective date July 17, 1986 as Zone A, both maps which indicate the 100-year regulatory floodplain. 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 Flood Insurance study booklet dated July 17, 1986 as it may be further amended. The FIRM and Flood Insurance Study booklet are incorporated herein by reference and are on file with the City Clerk, Planning Board, Inspectional Services, Conservation Commission and City Engineer.~~

4. Article 6: 6.1.18 E: Floodway Data is hereby amended to read as follows (additions are underlined and deletions are ~~crossed-out~~):

In "A" Zones, 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 AE A1-30, along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvement, or other development shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood. In Zones AE A1-30, along watercourses that have regulatory floodways designated within the City of Somerville on the Middlesex County FIRMs on the Somerville FIRM, 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.