

CITY OF SOMERVILLE
ORDINANCE NO. 2012-04
IN THE BOARD OF ALDERMEN: April 12, 2012

AN ORDINANCE AMENDING THE SOMERVILLE CODE OF ORDINANCES TO ADDRESS PAVING AND INCREASES IN IMPERVIOUS AREA

WHEREAS, impervious surfaces can contribute to runoff that overburdens drainage facilities; and,

WHEREAS, the creation of additional impervious surfaces changes the nature of stormwater runoff and can create flooding on adjacent properties; and,

WHEREAS, the addition of significant asphalt on existing lots creates a 'heat island' effect that raises air temperatures on hot days; and,

WHEREAS, the addition of asphalt driveways and parking areas can be detrimental to character of Somerville's neighborhoods; and,

WHEREAS, it is necessary to ensure that lots in Somerville continue to provide open spaces for the benefit of the community; and,

WHEREAS, it is desirable to promulgate regulations to oversee the paving of surfaces in Somerville in order to reduce potential adverse impacts;

WHEREAS, it is desirable to grant authority to the City Engineer to promulgate regulations to codify the process for securing approval to increase impervious surfaces not otherwise subject to building permits;

NOW THEREFORE, be it ordained by the Board of Aldermen, in session assembled, that the Code of Ordinances of the City of Somerville is hereby amended as follows:

1. The provisions of Chapter 11, Section 11-33, Driveway Construction is hereby amended as follows (additions are underlined and deletions are ~~crossed out~~):

- (a) Curbcuts: The superintendent of highways, electric lines and lights is authorized to promulgate regulations and shall accept petitions from owners of residential property requesting that he or she cause the curb at the front of such property to be dropped to allow for the installation of a driveway. Upon approval of such petition by the superintendent he or she shall forthwith cause said curb to be dropped. The superintendent shall not approve a petition that does not conform to the Code of Ordinances, the Somerville Zoning Ordinance as applied through any special permit and/or variance granted by the Planning Board or Zoning Board of Appeals, and the paving and driveway permit regulations in Section 11-33(b) below. The fee for such service shall be \$600.00 and shall be set by the board of aldermen in accordance with Chapter 40, Section 22F of the General Laws.

- (b) Paving and Driveways: The City Engineer is hereby authorized to promulgate regulations and accept petitions from owners of property requesting to construct, alter, reconstruct, restore or expand driveways, whether pervious or impervious, and other impervious surfaces that would not otherwise require a building permit on lots within the City of Somerville. The regulations will include a required review of stormwater runoff, landscaping requirements, pervious surface requirements and other related regulations in one comprehensive process. The City Engineer may delegate the inspection and enforcement provisions of this regulation to the Superintendent of Inspectional Services. The fee for such permit shall be set accordance with Chapter 40, Section 22F of the General Laws. Petitions submitted by applicants seeking to replace existing driveways or other impervious surfaces without change to dimensions, pavement material and stormwater runoff shall not be denied.
- (c) Paving Contractor Registration: The construction, alteration, reconstruction, restoration or expansion of any impervious driveway, and any other impervious surface that would not otherwise require a building permit on any lot within the City of Somerville, (including but not limited to asphalt, concrete and compacted gravel) shall be made by a person who registers with the City Engineer. Every person registered as a paving contractor shall, before performing any work authorized thereby, execute an agreement or bond with one or more sureties satisfactory to the City Engineer, that he or she will restore any public infrastructure damaged by their operations. The value of the bond shall be determined by the City Engineer, but shall not be less than \$2500. No registered paving contractor shall perform any work such as is specified in Section 11-33b, without first following the regulations referenced therein. If a paving contractor shall fail to perform the requirements of this section or Section 11-33b, then the paving contractor shall not be entitled to receive another permit until said violation has been remedied. Failure to comply with the regulations of this section or Section 11-33b may result in the revocation of registration for a period of one year subsequent to the most recent violation.
- (d) Penalties for violations of these regulations are established per Section 1-11B of the Code of Ordinances.
2. The provisions of Chapter 11, shall be amended by adding a new Section 11-145, Stormwater Runoff, which shall be added as follows (additions are underlined):
- 11.145. – Stormwater Runoff
- On any lot in the City of Somerville, no impervious area shall be constructed, expanded or altered such that it generates an increase in stormwater runoff onto adjacent lots or any public or private right-of-way.
3. The provisions of Chapter 1, Section 1-11b, shall be amended by adding two new rows in the table of fines after the offence for ‘antilittering’ (additions are underlined):

Offense	Fine	Enforcing Personnel
<u>Paving and Driveway Permit</u> (Sec. 11-33b)	<u>\$300</u>	<u>City Engineer;</u> <u>Inspectional Services</u>
<u>Paving Contractor</u> (Sec. 11-33c)	<u>\$300</u>	<u>City Engineer;</u> <u>Inspectional Services</u>
<u>Stormwater Runoff</u> (Sec. 11-145)	<u>\$300</u>	<u>City Engineer;</u> <u>Inspectional Services</u>

4. This ordinance shall take effect on July 1, 2012.

Approved by the Board of Aldermen:

President