



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MICHAEL A. CAPUANO, *ESQ.*
DANA LEWINTER, *ALT.*

June 1, 2010

The Honorable Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: Proposed Ordinance Amending the Floodplain Overlay District in the Somerville Zoning Ordinance 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:

In keeping with its lawful responsibilities, the Planning Board submits to your Honorable Board its recommendation on proposed amendments to the Flood Plain Overlay District. The proposed ordinance would bring the City into compliance with 44 Code of Federal Regulations (CFR) Section 60.3(d) of the National Flood Insurance Program (NFIP) regulations.

On June 1, 2010, at 6:00 p.m. the Planning Board held a duly advertised public hearing jointly with your Board's Land Use Committee in the Aldermanic Chambers, City Hall, 93 Highland Ave. The purpose of the hearing was to solicit public comments on the proposed amendments and to evaluate the amendments in the context of testimony received and the findings and analysis of the Planning Staff. The Planning Board voted to recommend **APPROVAL** of the proposed amendments, as amended to include section 6.1.18.H, Notification of Watercourse Alteration, as recommended by Planning Staff.



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FORMAT OF REPORTS

These amendments were addressed in an initial staff report provided to your Honorable Board on May 13, 2010, with the initial version of the proposed amendments.

At the meeting on June 1, 2010, OSPCD Staff submitted a supplemental report to the Planning Board (see Enclosure #1). The report contained a recommended amendment to the originally submitted proposal (see Enclosure #2). This amendment would add a section 6.1.18.H, titled Notification of Watercourse Alteration.

No one from the public testified in favor or in opposition of the amendment.

PLANNING BOARD RECOMMENDATION

Following discussion, Joseph Favaloro made a motion to approve the proposed amendment, as amended in the Staff report of June 1, 2010. Michael Capuano seconded the motion, which carried 4-0. Kevin Prior and James Kirylo were absent.

The Planning Board recommends APPROVAL of the attached zoning amendment.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth J. Moroney". The signature is fluid and cursive, with a large loop at the end of the last name.

Elizabeth Moroney
Acting Chair

Enclosures: 1. Report to the Planning Board
2. "Clean" copy of the recommended amendment



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Case #: PB 2010-12

Date: June 1, 2010

Recommendation: Approval

PLANNING STAFF RECOMMENDATION
PROPOSED ZONING AMENDMENT

Proposal: The proposed ordinance would amend 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

Date of Public Hearing: June 1, 2010 (Joint Land Use Committee and Planning Board)

I. BACKGROUND & PURPOSE OF THE AMENDMENTS

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.

44 CFR 60.3(d) requires all communities to 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 Flood Plain Overlay District to reflect current flood plain maps and state building code references for construction in a flood plain.

The Board of Health adopted the regulations at their May 20, 2010 meeting in order to meeting FEMA’s June 4, 2010 deadline and avoid suspension of the NFIP. If the Board of Alderman



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adopt the attached zoning ordinance, the regulations will be updated in the Zoning Ordinance and the Board of Health will no longer need to include the floodplain overlay district in their regulations.

II. RECOMMENDED CHANGES

The memo dated May 10, 2010 from OSPCD Staff indicated that FEMA's notification requirement in the case of an alteration to a watercourse would be included in the Conservation Commission's regulation. After further review, the notification requirement is best placed in the zoning ordinance. The attached zoning amendment (dated Draft 6-1-10) includes a new Section, 6.1.18.H, that incorporates the notification requirement to adjacent communities and the NFIP State Coordinator and Program Specialist.

III. PLANNING STAFF RECOMMENDATION

Planning Staff find that the proposed zoning would bring the Zoning Code in compliance with the state regulation that requires all communities to adopt and update a regulation floodplain management ordinance.

The Planning Staff recommend that the proposed zoning be **APPROVED** as amended in Section II, above.

Enclosures: Ordinance with Amendments Proposed in Section II (draft 6-1-10)

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 ~~2102~~ 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 AI ~~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.

5. Article 6: 6.1.18 H: Floodway Data is hereby added as follows (additions are underlined):

H. Notification of Watercourse Alteration. In a riverine situation, the Special Permit Granting Authority 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