




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.