



7.1.1

Haverhill

Economic Development and Planning
Conservation Department
Phone: 978-374-2334 Fax: 978-374-2337
rmoore@cityofhaverhill.com
conservation@cityofhaverhill.com

MEMO TO: President John A. Michitson and Councillors
COPY TO: William Pillsbury, Economic Development and Planning Director (via email)
Mike Stankovich, Director of Public Works (via email)
Atty. William Cox, City Solicitor (via email)
Margaret Toomey, City Clerk
FROM: Robert E. Moore, Jr., Environmental Health Technician 
DATE: April 19, 2012
RE: Zoning Ordinance Amendment – Section 255-18, Floodplain District

I have reviewed the draft ordinance with Mr. Pillsbury, Mr. Stankovich, and Attorney Cox. I recommend the following revised language for Section F:

F. Notification of Watercourse Alteration.

In a riverine situation, any party proposing to alter or relocate a watercourse shall notify the following:

- **Adjacent Communities of Merrimac, West Newbury, Groveland, Boxford, North Andover, and Methuen, Massachusetts and Salem, Atkinson, Plaistow, and Newton, New Hampshire;**
- **NFIP State Coordinator – New Hampshire Office of Energy and Planning, Governor Hugh J. Gallen State Office Park, Johnson Hall, 3rd Floor, 107 Pleasant Street, Concord, NH 03301;**
- **NFIP State Coordinator – Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104; and**
- **NFIP Program Specialist – Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110.**

The party shall provide the City of Haverhill Zoning Officer with proof of proper notifications in the form of a notarized affidavit.



Haverhill

Economic Development and Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

April 23, 2012

City Council President John Michitson
& City Councilors
City of Haverhill

RE: Zoning Amendment Section 255:18, Update to the Floodplain Regulations

Members Present: Timothy Connors, Celeste Hynick, Roy Wright, James Cronin, Jack Everette, Joseph Sullivan, Bob Driscoll and Paul B. Howard

Members Absent: None

Also Present: William Pillsbury, Director of Economic Development & Planning
Lori A. Woodsum, Office Manager/Board Clerk/Planning Department

Dear City Council President & Councilors:

The Haverhill Planning Board at its meeting held on 4-11-12, Wednesday Evening, at 7:00 P.M. in Room 202, Haverhill City Hall heard the above-cited zoning amendment. Member Jack Everette read the rules for a public hearing. Paul Howard chaired the meeting. The chairman turned the hearing over to the planning director.

Planning Director William Pillsbury noted that this requested zoning amendment has been placed before the City Council and the role of the planning board is to make a recommendation to the City Council on the zoning change. It was noted that this was really a technical language amendment which has been drafted by the city solicitor with the input from the state and the changes would put the city's ordinance in compliance with the required regulations.

It was also noted that the city departments have reviewed the proposed changes and their comments are in your packages. The planner recommended a favorable recommendation to the City Council on this agenda item. It was noted that it is required that we update our zoning language as it relates to the floodplain district in 255-18. The chairman was informed that this was his presentation for the hearing section and would also give his recommendation to the board at the same time which is a favorable recommendation to the City Council.

**Zoning Amendment—255:18, Update to the Floodplain Regulations
4-11-12 Planning Board Meeting**

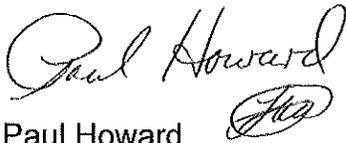
Chairman Paul Howard asked if there was anyone that wanted to speak on this agenda item. No one else spoke in favor and no one came forward to speak in opposition. The public portion of the hearing was closed. The board members had no questions or comments. The chairman asked for a motion.

MOTION

Member Bob Driscoll motioned to send a favorable recommendation to the City Council as recommended by the planning director. Member Roy Wright seconded the motion with members Timothy Connors, Celeste Hynick, Roy Wright, James Cronin, Jack Everette, Joseph Sullivan, Bob Driscoll and Paul B. Howard all voting to forward a favorable recommendation to the City Council as recommended by the planning director. No members were absent. Motion passed.

City department reports are attached to and considered part of this decision an minutes.

Signed,

A handwritten signature in cursive script that reads "Paul Howard". To the right of the main signature is a smaller, circular scribble or mark.

Paul Howard
Chairman

Cc: 255:18, Floodplain Regulations Zoning Amendment File
Mayor James Fiorentini
City Solicitor William D. Cox, City Solicitor
City Clerk
City Departments



#2
puc 3
4-16-12
mcv

Haverhill

Economic Development and Planning
Conservation Department
Phone: 978-374-2334 Fax: 978-374-2337
rmoores@cityofhaverhill.com
conservation@cityofhaverhill.com

MEMO TO: William Pillsbury, Economic Development and Planning Director
COPY TO: Mike Stankovich, Director of Public Works (via email)
Atty. William Cox, City Solicitor (via email)
FROM: Robert E. Moore, Jr., Environmental Health Technician 
DATE: April 11, 2012
RE: Zoning Ordinance Amendment – City of Haverhill
Section 255-18, Floodplain District

I have reviewed the draft ordinance and offer the following comments with regard to Section F - Notification of Watercourse Alteration:

1. I request the burden of notification be placed on the party altering the watercourse, with proof of notification then being provided to the City's Zoning Officer in the form of a notarized affidavit.
2. I presume the ordinance is simply referring to States bordering the City of Haverhill and not the entire Commonwealth. If this is the case, I would request the "Bordering States" requirement be replaced by the appropriate NFIP State Coordinator information for New Hampshire.
3. I also request clarification on "Adjacent Communities". With this ordinance addressing a federal requirement, are Salem, Atkinson, Plaistow, and Newton, NH required to be notified as adjacent communities?

If the burden of notification can not be transferred to the altering party, I would then offer the following additional comments:

4. The City has not had a "Conservation Agent" for more than 20 years. I would recommend this language be revised to reflect "Conservation Commission" or "Conservation Department".



James J. Florentini
Mayor

Richard B. Borden
Fire Chief

Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C William F. Laliberty
Lieut. Richard Beaudoin
Insp. Steven Trocki



4 Summer St, Room 113
Tel: (978) 373-8460
Fax: (978) 521-4441

RECEIVED
APR 04 2012

Econ Devlp & Planning
& B.O.A.

April 4, 2012

William Pillsbury, Planning Director
4 Summer Street, room 201
Haverhill, MA 01830

Re: Flood Plain District Zoning Ordinance

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which in the scope of 780 CMR, 8th edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR, 527 CMR, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

I have reviewed the submitted plans for the address stated above and in the interest of public safety, have the following comments:

- No comments at this time but reserve the right to comment in the future on matters the fire department is required to by law or regulation.

Respectfully,

William F. Laliberty
Deputy Fire Chief

Flood Plain District

REZONING/ZONING ORDINANCE
REQUEST FOR COMMENTS*

*COMMENTS DUE BY: 4 / 10 / 12

- TO:
- ✓ Fire Chief – Room 113
 - ✓ Board of Health Chairperson & Members – Room 210
 - ✓ Conservation Commission & Members – Room 210
 - ✓ Building Inspector – Room 210
 - ✓ Police Chief – Room 106 (Mail Slot)
 - ✓ Highway & Park Superintendent – Room 106 (Mail Slot)
 - ✓ Robert Ward, Water/Wastewater Director – Room 214 (Mail Slot)
 - ✓ John Pettis, III, City Engineer – Room 214
 - ✓ Superintendent of Schools – Room 104

FROM: William Pillsbury, Planning Director/Grants Coordinator – Room 201

DATE: 3 / 30 / 12

RE: ~~Rezoning~~/Zoning Ordinance Amendment Application of: C.P.H.
 Street Location/Section of Ordinance: 255. Article V AS Amended by Further
 First Submission/Revised Submission Number: (157) Amended in Chapter 255-18

THE PLANS AND APPLICATION FORM ATTACHED TO THIS TRANSMITTAL LETTER, AS NOTED ARE FOR THE CITED Flood Plain District ~~REZONING~~/AMENDMENT TO THE ZONING ORDINANCE. APPLICATION RECEIVED FROM THE APPLICANT ON 3 / 30 / 12. PLEASE BE SO KIND AS TO REVIEW THE ATTACHED CORRESPONDENCE AND PROVIDE YOUR RESPECTIVE REPORTS TO:

THE PLANNING DEPARTMENT, CITY HALL, ROOM 201, no later than the due date listed below:

RESPECTIVE COMMENTS DUE BY: 4 / 10 / 12



Haverhill

Economic Development and Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

March 30, 2012

TO: City Council President John A. Michitson and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

SUBJECT: Flood Plain Zoning Amendment public hearings.

City Solicitor Bill Cox has filed a zoning amendment to correct technical language related to flood plain regulations. The planning board hearing for this amendment will be held on April 11, 2012.

The City council is requested to schedule its hearing in this amendment for May 1, 2012.

Thank you .

**CITY OF HAVERHILL
MASSACHUSETTS
CITY SOLICITOR'S OFFICE**

145 South Main Street
Bradford, MA 01835
(978) 373-2360
FAX: 978/372-0688
EMAIL: billcoxlaw@aol.com

**WILLIAM D. COX, JR.
CITY SOLICITOR**

March 29, 2012

TO: John A. Michitson, President and Members of the Haverhill City Council

FROM: William D. Cox, Jr., Esq. 
City Solicitor

RE: Ordinance - Floodplain District

Michael Stankovich, DPW Director, recently contacted me concerning changes which need to be made to our current zoning ordinance relative to the floodplain district. As you know, the City has until July 2012 to adopt the new Flood Insurance Rate Map (FIRM). Updating our floodplain management documents is a required component of this process. Mr. Stankovich has forwarded our current regulations to the MA flood plain coordinator, who has assisted us in ensuring that we have the proper regulatory language prepared for adoption by the City Council.

The ordinance filed today is the result of these efforts. The document should be placed on file, forwarded to the Planning Board for their consideration and a hearing scheduled in about 30 days time. Before your hearing on this matter, Mr. Stankovich will provide additional information for your consideration, or, in the interim you should contact him with any concerns or questions in this matter. Thank you.

cc: James J. Fiorentini, Mayor
Michael Stankovich, DPW Director
William Pillsbury, Planning Director

copy



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

~~DESPERK~~

MUNICIPAL ORDINANCE

CHAPTER 255

**AN ORDINANCE RELATING TO
ZONING - FLOODPLAIN DISTRICT**

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 255, Article V, as amended, be and is hereby further amended in §255-18 as follows:

1. By deleting the first paragraph and inserting in place thereof the following:

“The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the City of Haverhill designated as Zone A and AE on Essex County 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 Essex County FIRM that are wholly or partially within the City of Haverhill are panel numbers 25009C0058F, 25009C0059F, 25009C0066F, 25009C0067F, 25009C0068F, 25009C0069F, 25009C0078F, 25009C0080F, 25009C0083F, 25009C0084F, 25009C0086F, 25009C0087F, 25009C0088F, 25009C0089F, 25009C0091F, 25009C0092F, 25009C0093F, 25009C0094F, 25009C0111F, 25009C0226F, 25009C0227F, and 25009C0231F dated July 3, 2012. 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 Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the City Engineer.”

2. By deleting the words “Flood Boundary and Floodway Map” in §255-18 (C) and inserting in place thereof the words “Flood Insurance Rate Map”.

3. By adding the following at the end of §255-18:

“D. Base Flood Elevation and Floodway Data.

(1) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be

copy

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.

(2) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

E. Use Regulations.

(1) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

(2) In Zone AE, along watercourses within the City of Haverhill that have a regulatory floodway designated on the Essex County 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.

(3) All subdivision proposals must be designed to assure that:

- a) such proposals minimize flood damage;
- b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) adequate drainage is provided to reduce exposure to flood hazards.

F. Notification of Watercourse Alteration.

In a riverine situation, the City's Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States
- 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

G. Permitted Uses.

COPY

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Buildings lawfully existing prior to the adoption of these provisions.”

APPROVED AS TO LEGALITY:


City Solicitor