



# PEABODY CITY COUNCIL

## LEGAL NOTICE NOTICE OF PUBLIC HEARING

Notice is hereby given that the **CITY COUNCIL of the CITY OF PEABODY** will conduct a public hearing on **TUESDAY EVENING, JULY 17, 2012**, at 7:00 P.M., in the in the Frank L. Wiggin Auditorium, City Hall, 24 Lowell Street, Peabody, MA in accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws **TO CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY** as follows:

**SECTION ONE:** The Zoning Ordinance of the City of Peabody entitled City of Peabody Revised Zoning Ordinance adopted April 28, 2011 is hereby amended as follows:

TO DELETE IN ITS ENTIRETY SECTION 8.3 FLOOD PLAIN DISTRICT USE REGULATIONS AND INSERT THEREOF NEW ESSEX COUNTY FLOOD INSURANCE RATES MAPS (FIRM) FOR THE CITY OF PEABODY ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) LISTED AS PANEL NUMBERS 25009C0383F, 25009C0384F, 25009C0391F, 25009C0392F, 25009C0394F, 25009C0411F, 25009C0412F, 25009C0413F, 25009C0414F, 25009C0416F, 25009C0418F, 25009C0527F, 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.

**SECTION TWO:** All ordinance or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION THREE:** This ordinance shall take effect as provided by law.

COPIES OF THE ENTIRE TEXT OF THE PROPOSED AMENDMENT TO THE CITY OF PEABODY ZONING ORDINANCE ARE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AND COMMUNITY DEVELOPMENT DEPARTMENT, 24 LOWELL STREET, PEABODY, MA DURING NORMAL BUSINESS HOURS AND POSTED ON THE CITY OF PEABODY WEB SITE AT [WWW.PEABODY-MA.GOV](http://WWW.PEABODY-MA.GOV)

PEABODY CITY COUNCIL  
COUNCILLOR JAMES K. LIACOS  
CITY COUNCIL PRESIDENT  
  
Timothy E. Spanos  
City Clerk

PUBLISHED  
WEEKLY NEWS – JULY 5<sup>TH</sup> AND 12<sup>TH</sup>, 2012

### Ward Councillors

Barry P. Osborne, Ward 1  
Arthur W. Athas, Ward 2  
Rico E. Mello, Ward 3  
Robert E. Driscoll, Ward 4  
David R. Gamache, Ward 5  
Barry C. Sinewitz, Ward 6

### Councillors at Large

Michael V. Garabedian  
Thomas L. Gould  
David C. Gravel  
James K. Liacos  
Anne M. Manning-Martin

### Clerk of Council

Timothy E. Spanos

### City Council

#### Stenographer

Allyson Danforth, RPR

City Hall  
24 Lowell Street

978-538-5900  
FAX (978) 538-5985

**LEGAL NOTICE**  
**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the **PLANNING BOARD of the CITY OF PEABODY** will conduct a public hearing on **THURSDAY EVENING, JULY 12, 2012**, at 7:00 P.M., in the in the Lower Level Conference Room, City Hall, 24 Lowell Street, Peabody, MA in accordance with the provisions of Chapter 40A, Section 5 of the Massachusetts General Laws **TO CONSIDER AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY** as follows:

**SECTION ONE:** The Zoning Ordinance of the City of Peabody entitled City of Peabody Revised Zoning Ordinance adopted April 28, 2011 is hereby amended as follows:

TO DELETE IN ITS ENTIRETY SECTION 8.3 FLOOD PLAIN DISTRICT USE REGULATIONS AND INSERT THEREOF NEW ESSEX COUNTY FLOOD INSURANCE RATES MAPS (FIRM) FOR THE CITY OF PEABODY ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) LISTED AS PANEL NUMBERS 25009C0383F, 25009C0384F, 25009C0391F, 25009C0392F, 25009C0394F, 25009C0411F, 25009C0412F, 25009C0413F, 25009C0414F, 25009C0416F, 25009C0418F, 25009C0527F, 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.

**SECTION TWO:** All ordinance or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION THREE:** This ordinance shall take effect as provided by law.

COPIES OF THE ENTIRE TEXT OF THE PROPOSED AMENDMENT TO THE CITY OF PEABODY ZONING ORDINANCE ARE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY CLERK'S OFFICE AND COMMUNITY DEVELOPMENT DEPARTMENT, 24 LOWELL STREET, PEABODY, MA DURING NORMAL BUSINESS HOURS AND POSTED ON THE CITY OF PEABODY WEB SITE AT [WWW.PEABODY-MA.GOV](http://WWW.PEABODY-MA.GOV)

PEABODY PLANNING BOARD

MR. JOHN B. CREEDEN, CHAIRMAN



# City of Peabody

## Department of Community Development and Planning

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5706 • Fax 978-538-5987

### MEMORANDUM

TO: Honorable Members of Peabody City Council  
FROM: Karen A. Sawyer, Director *KAS*  
SUBJECT: Zoning Ordinance – Request to Amend Section 8.3 (Flood Plain District Use Regulations)  
DATE: May 18, 2012

---

Per a requirement from the Massachusetts Department of Conservation and Recreation (MA DCR), the Community Development and Planning Department respectfully requests that the City's Zoning Ordinance be amended by deleting the existing language in Section 8.3 (Flood Plain District Use Regulations) and replacing it with language attached hereto. Please note that the attached language has been reviewed and approved internally by Planning and DPS, as well as by MA DCR.

The state is requiring that we adopt updated floodplain ordinance language by July 1, 2012 in order to remain in compliance with the National Flood Insurance Program. You will note that this proposed amendment was initially submitted as part of the Technical Corrections to the Zoning Ordinance. The state is urging us to file this individual amendment separately, in order to meet the deadline for approval.

Please feel free to contact me at 978-538-5770 if you have any questions.

Cc: Edward A. Bettencourt, Jr.  
Michael T. Smerczynski

CITY OF PEABODY  
2012 MAY 18 A 9:05  
CITY CLERK

### 8.3 FLOOD PLAIN DISTRICT USE REGULATIONS

A. The flood boundary district is hereby established as an overlay district. For the purposes of this ordinance, the flood boundary district includes all special flood hazard areas within the City of Peabody designated as Zone A or AE on the Essex County Flood Insurance Rates Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Essex County FIRM that are wholly or partially within the City of Peabody are panel numbers 25009C0383F, 25009C0384F, 25009C0391F, 25009C0392F, 25009C0394F, 25009C0411F, 25009C0412F, 25009C0413F, 25009C0414F, 25009C0416F, 25009C0418F, and 25009C0527F 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 Clerk, Planning Board, and Building Inspector. 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 within section 4.2 in the portions of districts so overlaid 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.

B. The following additional requirements apply in the flood boundary district:

1. Within zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the state building code.
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.

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.
  4. In the floodway, designated on the flood boundary and floodway map, the following shall apply:
  5. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited.
  6. 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 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.
- C. In a riverine situation, the Building Inspector 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
- D. 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.