

Frequently Asked Questions about the Floodplain Bylaw Zoning Proposal

Q1: What is the Floodplain Overlay District and what does it do?

A1: All communities that participate in the National Flood Insurance Program (NFIP) are required to enforce minimum National Flood Insurance Program (NFIP) regulations through the adoption of a Floodplain Overlay District. The Floodplain Overlay District must encompass the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA). In the case of Belmont, there are two relevant zones, Zone A and Zone AE, both also known as the 1% chance or the 100-year flood zone. Belmont has had a Floodplain Overlay District since 2004 and has had some form of floodplain development restriction since 1995.

Q2: Why amend the bylaw?

A2: The current By-Law will be out of compliance with the Federal Emergency Management Agency's (FEMA's) standards for the National Flood Insurance Program (NFIP), updated in 2020. Using model language provided by the state and tailoring it to Belmont, the proposed bylaw amendment will allow the Town to continue to participate in the NFIP, ensuring that our residents can still obtain federal flood insurance. If the By-Law is not brought into compliance prior to release of new maps by FEMA (expected July 2025), Belmont will no longer be eligible for the NFIP program.

Q3: What does the proposed bylaw involve?

A3: The proposal would amend three sections of the Zoning By-Laws. First, it would amend Section 2, Districts, subsection 2.1, Classes, to add the Floodplain District to the list of zoning overlay districts. Second, it would amend Section 2, Districts, subsection 2.4, Floodplain District Delineation, to make modifications to meet the requirements of the Model Bylaw and make appropriate references to new maps and reports. Lastly, it would amend Section 6, Special Regulations, subsection 6.6, Floodplain District, to incorporate new language from the state Model Floodplain District Bylaw, including new or revised definitions and new or revised use regulations and requirements.

Q4: Why is it important to remain in compliance and be a NFIP Community?

A4: If a property in the floodplain has any federal investment (e.g. federally-backed mortgage or federal grant), the lender must by law require a flood insurance policy. This does not have to be an NFIP policy, but it must be a flood policy that the lender can accept. (They can always accept an NFIP policy.) 99.9% of all mortgages are federally-backed. Also, if the floodplain property ever received federal disaster assistance (e.g. individual assistance or SBA disaster loan) it will also need to maintain flood insurance. There are many flood-prone properties that cannot get private flood insurance, as they are considered too high of a risk for private insurance companies, but they can always get NFIP flood insurance as long as they're in an NFIP community.

Q5: Where are the floodplains located in Belmont?

A5: You can check the FEMA website <https://msc.fema.gov/portal/advanceSearch#searchresultsanchor> and search for Belmont map panels or view the pdf files of the map panels on the Planning Board website here <https://www.belmont-ma.gov/DocumentCenter/View/8889/Belmont-Flood-Insurance-Rate-Maps-FIRM-Maps>. Map panels are also viewable in hard copy in the Office of Planning and Building.

Q6: Are there any changes to the zoning map or district?

A6: There are no changes proposed to the 100-year floodplain. As FEMA updates its flood maps, there may be slight changes for Belmont in the future. If and when maps are regularly updated, proposed bylaw amendments will continue to come before Town Meeting for approval to ensure the latest maps are referenced in the bylaw and Belmont continues to remain in compliance with the NFIP Program.

Q7: What is different about the permitting process within the floodplain district?

A7: Projects must comply with Appendix G of 780 CMR (Building Code). Also, building or other construction activities in Belmont may require a wetlands review from the Conservation Commission, a building permit from the Building Inspector, a Special Permit from the Zoning Board of Appeals (ZBA) or Planning Board, and/or a Design and Site Plan Review by the Planning Board. Within the Floodplain District, a review by the Conservation Commission and/or Town Engineer may also be required for the types of development described in the By-Law. The Floodplain Administrator (The Inspector of Buildings) must also approve that the required permits have been granted.

Q8: What do I have to do to comply if this is adopted?

A8: First, check the FIRM floodplain map (see Q5 above) to see if the proposed activity actually is in the floodplain overlay district. (The floodplain layer on the online GIS map is an informational guide only.) Then go through the process to get whatever permits you believe you need. After you have all the approvals, submit documentation of the approvals to the Floodplain Administrator to ensure that the Town has a record that they have all been granted.

Q9: Where can I get more information?

A9: For additional information, please contact the Office of Planning and Building at 617-993-2650, or at planningandbuilding@belmont-ma.gov. You can also visit the project page on the Town's website here: <https://www.belmont-ma.gov/2070/Proposed-Text-Amendments-to-Zoning-By-La>.