# Climate Resilient Policy Scan and Recommendations Template

The following template was developed by MAPC as part of the Municipal Vulnerability Preparedness (MVP) action grant awarded in 2019 to the Metro Mayors Coalition. It provides a framework for conducting a scan of local and State policies that may support or impact climate resilience work, including your municipal zoning code.

**Existing Measures**

The following section provides a review of key state and local policies that relate to climate risks, specifically how to address the impacts of flooding and extreme heat.

**State Policies Enforced Locally**

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| **Existing Measure** | **780 CMR - Massachusetts State Building Code** |
| **Area**  **Covered** | **Town-wide, established by State** |
| **Enforcement** | Applicable to new construction and substantial improvement in the flood hazard areas.[[1]](#footnote-2) Enforced by the Commissioner of Inspectional Services/Building Inspector. |
| **Description** | The 9th edition of the Massachusetts State Building Code was adopted in 2017 and is based off the 2015 International Code Council model codes. As of February 7th, 2020 the State is in a period of concurrency and both the 2015 and and the 2018 I-Codes are now in effect. In August 2020, the 2018 codes will be in effect. The Building Code establishes consistent requirements across the State and is adopted statewide and enforced locally. The State Building Code sets structural design standards for flooding and wind impacts to buildings, including requirements for elevation and dry and wet flood proofing. The Building Code requires the following within the floodplain:   * 2 feet of freeboard in all V zones * 1 foot of freeboard in all A zones * Substantial repair of a foundation counts as “substantial improvement.” * Residential buildings that have an enclosed area below design flood elevation (that is not a basement) must be used only for parking vehicles, building access, or storage and provide appropriate flood openings for water to pass through. * Mechanical equipment must be above a certain elevation depending on zone. |
| **Reviewer Comments** |  |
| **Recommendations** | SAMPLE: While the Town does not have authority to alter the Building Code, it may consider adding incentives, guidance, and related requirements to encourage property owners to enhance resilience. This includes:   * Adopting a performance-based Green Factor in the zoning code to incentivize property owners (see examples below). * Streamline, expedite, and reduce barriers for permitting projects that include resilience elements. * Adopt a Resilience Checklist to ensure property owners are considering future climate impacts. |
| **Priority Level** |  |

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| **Existing Measure** | **310 CMT Chapter 10 - Wetlands Protection Act** |
| **Area Covered** | **Town-wide, established by State** |
| **Enforcement** | Established by the State and enforced locally by the Town’s Conservation Commission in coordination with local wetland and floodplain bylaws (see local ordinances below). |
| **Description** | The Massachusetts Wetlands Protection Act (also Chapter 12 Coastal Wetlands Restriction and Chapter 13 Inland Wetlands Restriction) protects land related to waterways, including wetlands, floodplains, and riverbanks. Development in a designated wetland requires a special permit from the local Conservation Commission. Building requirements in a wetland are established in the Building Code (see above). Wetlands are critical to managing stormwater and flooding, improving water quality, and have co-benefits of storing carbon. |
| **Reviewer Comments** |  |
| **Recommendations** | SAMPLE   * Confirm that the Town’s floodplain ordinance is aligned with State regulations * Ensure that the Conservation Committee is trained in -and is conducting – appropriate enforcement |
| **Priority Level** |  |

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| **Existing Measure** | **XXXX National Flood Insurance Program (NFIP)** |
| **Area**  **Covered** | **Areas identified on flood insurance rate maps (FIRMs) as Special Flood Hazard Areas (SFHA)** |
| **Enforcement** | Commissioner of Inspectional Services; Building Inspector |
| **Description** | The Town complies with the National Flood Insurance Program (NFIP) by enforcing floodplain regulations, maintaining up-to-date floodplain maps, and providing information to property owners and builders regarding floodplains and building requirements. |
| **Reviewer Comments** |  |
| **Recommendations** | SAMPLE   * Inform eligible homeowners and renters about the National Flood Insurance Program and private content insurance policies (that pay for personal belongings damaged by flooding), how to obtain insurance, and savings associated with free board.[[2]](#footnote-3) Add this information to Town website. * Apply for Community Rating System (CRS) so that property owners receive a discount on the flood insurance premiums Town-wide. |
| **Priority Level** |  |

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| **Existing Measure** | **XXX Wetlands Protection, Town Ordinance** |
| **Area**  **Covered** | **Resource Areas** |
| **Enforcement** | Conservation Commission |
| **Description** | XXXX enforces the State Wetlands Protection Act through the permitting authority of the Conservation Commission. Enforcement of the Act serves to protect the Town’s shores, wetlands, and land subject to flooding for, among other reasons, flood control, erosion and sedimentation control, and storm damage prevention. |
| **Reviewer Comments** |  |
| **Recommendations** | SAMPLE   * Update Wetlands Protection ordinances to restrict vegetation clearing in flood zones along coastal areas, which can enhance the stormwater and storage benefits of the wetland. |
| **Priority Level** |  |

**Municipal Ordinances**

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| **Existing Measure** | **XXXX Floodplain District, Town Ordinance** |
| **Area**  **Covered** | **Town-wide** |
| **Enforcement** | Planning Board; Building Inspector |
| **Description** | Chapter XXX of the Town’s ordinance establishes the Floodplain District as an overlay district to all other districts. All development in the floodplain district, including structural and non-structural activities, whether permitted by right or by special permit, must obtain all relevant Federal and State permits according to the following requirements, before construction starts:   * 780 CMR – Massachusetts Statewide Building Code * 310 CMR Chapter 10 – Wetlands Protection Act * 310 CMR Chapter 12 – Coastal Wetlands Restriction * 310 CMR Chapter 13 – Inland Wetlands Restriction |
| **Reviewer Comments** |  |
| **Recommendations** | SAMPLE   * Update the Floodplain District to remain consistent with FEMA guidelines and floodplain mapping. * Prepare for climate change impacts of sea level rise and extreme storm events by encouraging additional freeboard above the base flood elevation using development incentives (such as FAR bonuses or streamlined permitting). * Remove barriers and restrictions that may impact flood protection, such as allowable height increases for moving mechanical equipment to the roof and allowing for additional floor area when a basement is no longer allowed, and allowing for stairs and other access ways to encroach into the setbacks. * Provide incentives to encourage developing flood adapted designs for new construction and retrofits, for example using a Green Factor ordinance (see examples below). |
| **Priority Level** |  |

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| **Existing Measure** | **XXXX Conservation District, Town Ordinance** |
| **Area**  **Covered** | **Town-wide** |
| **Enforcement** | Conservation Commission |
| **Description** |  |
| **Reviewer Comments** |  |
| **Recommendations** | SAMPLE   * Protect buffer areas adjacent to salt marshes to allow for marsh migration from sea level rise. |
| **Priority Level** |  |

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| **Existing Measure** | **XXXX Environmental Design Review, Town Ordinance** |
| **Area**  **Covered** | **Town-wide** |
| **Enforcement** | Planning Board and Board of Appeals |
| **Description** |  |
| **Reviewer Comments** |  |
| **Recommendations** | SAMPLE   * Include climate-resilient considerations in the review process, such as through a Resiliency Checklist (see recommendation and example below). |
| **Priority Level** |  |

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| **Existing Measure** | **XXX Special Development Overlay District (SDOD), Town Ordinance** |
| **Area**  **Covered** | **Town-wide** |
| **Enforcement** | Planning Board |
| **Description** | May include open space requirements in specific districts/areas. |
| **Recommendations** |  |
| **Recommendations** | SAMPLE   * Develop guidelines for enhancing open space, low-impact development, and green infrastructure in order to mitigate both flooding and extreme heat. |
| **Priority Level** |  |

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| **Existing Measure** | **XXX Stormwater Management Ordinance, Town Ordinance** |
| **Area**  **Covered** | **Town-wide** |
| **Enforcement** | Department of Public Works |
| **Description** |  |
| **Recommendations** | SAMPLE   * Update the ordinance to add construction and runoff controls in order to infiltrate more stormwater runoff onsite, which can mitigate both water pollution and increased precipitation. * Adopt the NOAA 14 rainfall figures (the 90% confidence interval can be used as a proxy for future 2070 precipitation). The State Department of Environmental Protection is considering updating statewide, downscaled data using this dataset. However, it may be some time before it is implemented even if it is adopted. The Town could move to adopt it now. |
| **Priority Level** |  |

1. “Substantial improvement” refers to any “repair, reconstruction, rehabilitation, addition, or improvement to the structure that is equal or more than 50% of the value of property prior to the improvement.” Source: MA 780 CMR <https://www.mass.gov/files/documents/2017/10/13/780%20CMR%20ninth%20edition%2C%20residential%20code%20amendments_0.pdf> [↑](#footnote-ref-2)
2. Massachusetts Office of Coastal Zone Management. Raise Your Home, Lower Your Monthly Payments. https://www.mass.gov/files/documents/2016/08/tb/ssc5-freeboard.pdf [↑](#footnote-ref-3)