

TOWN OF STONINGTON

Department of Planning
152 Elm Street
Stonington, Connecticut 06378
(860) 535-5095 • Fax (860) 535-1023



April 12, 2011

Calvin Brouwer
Town Clerk
Town of Ledyard
741 Col. Ledyard Highway
Ledyard, CT 06339

Subject: **PZ1106RA Town of Stonington PZC (FEMA)** – FEMA-mandated Zoning Regulations Text Amendment to adopt revised regulations for development in designated FEMA floodplains that meet or exceed the minimum federal standards of 44 CFR 60.3 and new state requirements.

Dear Mr. Brouwer:

I am writing to inform you that the above-referenced application has been scheduled for a Public Hearing to be held at the **Mystic Middle School, 204 Mistuxet Ave., Mystic, Connecticut, on Tuesday, May 3, 2011.** Public Hearings are scheduled to begin at **7:30 p.m.**

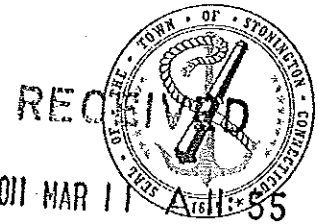
The enclosed Notice of Public Hearing is being referred to your municipality in accordance with Section 8-3h of the Connecticut General Statutes. Should you have any questions, please feel free to contact the Department of Planning at 860.535.5095.

Sincerely,

Keith Brynes, AICP
Town Planner

cc: Charles Karno, AICP – Town Planner ✓

Enclosures: NPH & application



ZONING TEXT & MAP AMENDMENT APPLICATION FORM

FOR OFFICE USE ONLY

Application Number

PZ1106RA

Receipt Date

TOWN OF STONINGTON
PLANNING & ZONING

Application is for: TEXT AMENDMENT MAP AMENDMENT

Name of Applicant: Town of Stonington Planning and Zoning Commission

Mailing Address: 152 Elm Street, Stonington, CT 06378

Telephone Number: 860-535-5095

Any property owner or resident in the Town may apply to amend the Zoning Regulations or Zoning Map. Fifteen (15) copies of all required application materials must be submitted to the Planning and Zoning Commission not less than 15 days prior to the scheduled public hearing.

AMENDMENT TO ZONING REGULATIONS. Proposals must indicate text to be added and/or deleted, and provide a statement as to why the amendment is being pursued, its consistency to the Plan of Conservation and Development and the Comprehensive Plan (ZR 8.8.3), and a statement regarding conformance to general purposes of the Zoning Regulations (ZR 1.0.1).

AMENDMENT TO ZONING MAP. Pursuant to ZR 9.4.4.2, proposals must include a Class A-2 Survey depicting proposed zoning district boundaries, a legal description of the property, list of abutting owners and their addresses, and an Impact Statement in accordance with ZR 8.8.2.

Assessor's information:

Map

Block

Lot

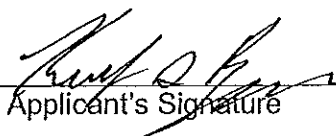
Present Zoning District:

Proposed Zoning District:

Reason for requesting Zoning Amendment: (ATTACH SHEET IF NECESSARY)

See attached sheets.

Previous Petitions: List all previous zoning amendment petitions that have been made with respect to the above listed property(ies):


Applicant's Signature



3/10/11
Date

ZONING TEXT AMENDMENTS (ZONING REGULATIONS, SECTION 8.8.3)

Each zoning text amendment application shall include the following items (See Section 9.4 for additional guidance):

- 8.8.3.1** Written statement regarding consistency of the proposal with the Plan of Conservation and Development, including the goals and policy statements and the implementation program contained in said Plan.

This application is supported by the goals of Town’s Plan of Conservation and Development. Page 4-22 lists the following strategies as high priorities for the Planning and Zoning Commission.

Restrict Development in Coastal (V) Flood Zones (Page 4-22)		Who	Priority	Done
	9. Create setbacks from high hazard V Zones for all non-water dependent uses.	PZC	1	<input type="checkbox"/>
	10. Restrict densities and coverage in extensive V Zone areas.	PZC	1	<input type="checkbox"/>

Restrict Development in Coastal High Hazard (V) Flood Zones

Development in Coastal High Hazard Flood (V) Zones creates hazards to life and property and elevated structures designed to mitigate these hazards can result in negative visual impacts and impair landward property values. To reduce these threats to life and property, Stonington should adopt setbacks from V Zones for all non-water dependent uses, discourage the extension of sewers, and restrict densities and/or lot coverage in extensive V Zone areas.

- 8.8.3.2** Written statement regarding consistency of the proposal with the Comprehensive Plan, defined as the existing zoning map and zoning text, in combination with the actual pattern of built development that has taken place on the ground.

This application conforms to the Comprehensive Plan in that the Town’s pattern of land use will remain unchanged as a result of this application.

- 8.8.3.3** Written statement regarding conformance of the amendment to the general zoning purposes set forth in Section 1.0.1.

This application, mandated by FEMA, clearly conforms to the general purposes of zoning in Section 1.0.1. Specifically, the application regulates the “location,

form, proportion, and use of buildings, structures . . . with the limits of said Town." This regulation "regulates the erection, construction, reconstruction, alteration, or use of buildings or structures and the use of land in accordance with a plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to insure the health and the general welfare of the people of Stonington . . . to preserve important natural inland and coastal resources."

The clarification of appropriate restrictions on development in Flood Hazard areas is the main goal of this application in order to protect the health, safety and welfare of the Town's citizens.

Proposed Changes to Zoning Regulations

KEY:	Original Text Remaining Unchanged
	<u>Proposed New Text</u>
	Proposed Deleted Text

ARTICLE I

PREAMBLE, ENACTING CLAUSE, ZONING DISTRICTS, MAP AND DEFINITIONS

Add or amend the following definitions in Section 1.2.2:

1.2.2 DEFINITIONS

Base Flood Elevation (BFE). The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement. The portion of the building that is partly underground which has more than half of its structural headroom above the average finished grade of the ground adjoining the building. For floodplain management purposes, a basement is any area of the building having its floor subgrade (below ground level) on all sides.

Coastal High Hazard Area. The area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters caused by, but not limited to; hurricane wave wash. The area is designated on the Flood Insurance Rate Map as Zone V1-30, VE or V.

Cost. As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos. [DEP HAS DEEMED THIS DEFINITION OPTIONAL]

Development. Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space. As related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

DEP HAS DEEMED THIS DEFINITION OPTIONAL

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

Flood Insurance Study (FIS). The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain Variance. A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Floodplain Violation. A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is resumed to be in violation until such time as that documentation is provided.

Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located in close proximity to water. ~~such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.~~ The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or

passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Historic Structure. Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision, Existing. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 28, 1961, the effective date of the floodplain management regulations adopted by the community.

Manufactured Home Park or Subdivision, Expansion. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured Home Park or Subdivision, New. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 28, 1961, the effective date of the floodplain management regulation adopted by the community.

Market Value. As related to substantial improvement and substantial damage, the value of the structure determined by the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

[DEP HAS DEEMED THIS DEFINITION OPTIONAL]

Mean Sea Level. For purposes of the National Flood Insurance Program, the North

American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Start of Construction. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)) Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. Anything constructed or erected, including a building which has a permanent location on the ground or anything attached to something having a permanent location on the ground, including vending machines and portable signs but excluding fences, flagpoles, ornamental wells, tennis courts, driveways, arbors, or mailboxes. For floodplain management purposes, a structure is a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures. [SEE ALSO: BUILDING; FLOOR AREA, GROSS; YARD, REQUIRED]

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE VII

SPECIAL REGULATIONS

Amend Section 7.7 as shown below:

- 7.7 FLOOD HAZARD OVERLAY DISTRICT (FHOD)
[AMENDED: FEBRUARY 15, 1977; OCTOBER 1, 1987; JANUARY 19, 1993; FEBRUARY 25, 1993;
AUGUST 2, 2005; JUNE 2, 2009]

The purpose of this Section is to apply special regulations to the use of the land in the flood plains of all rivers, streams, and bodies of water in the Town which have or tend to have flooded or overflowed their banks. These special regulations are designed to: (a) prevent or minimize loss of life, injury, property damage, and other losses both private and public; (b) to protect the health, public safety, and general welfare of the people; and (c) to help control and minimize the extent of floods and reduce the depth and violence of flooding. The provisions of this section shall apply in any zoning district which is located within a Flood Hazard Overlay District, floodway or coastal high hazard zone, and as indicated on the Flood Hazard Boundary Map, Department of Housing and Urban Development, Federal Insurance Administration, Flood Insurance Rate Map, Federal Emergency Management Agency which is to be on file in the office of the Zoning Official. Base flood elevation data shall be provided for all development which is five acres (total parcel size) or fifty lots, whichever occurs first, and is located in Flood Zone A.

7.7.1 Determination of Flood Levels.

~~The level of the 100-year flood shall be known as the base flood level and shall be determined in the Flood Insurance Study, Town of Stonington, Connecticut, March 1980, with Supplement Wave Height Analysis, July 1983, and the FIRMS from the Federal Emergency Management Agency, Federal Insurance Administration.~~

The level of the 100-year flood shall be known as the base flood level and special flood hazard area shall be identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Stonington, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community.

BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

7.7.2 Identification of Areas shall be in accordance with the following:

7.7.2.1 Flood Hazard Areas shall be those identified on the Flood Insurance Rate Map (FIRM) (~~5, 10, 12, 14, and 16 through 19,~~ dated June 16, 1992, and any revision thereto) Zoned A, AI-30, or V1-20. New London County, Connecticut, Federal Emergency Management Agency, dated July 18, 2011, and any revision thereto.

7.7.2.2 The Floodway and Floodway Fringe shall be those areas identified on the ~~Flood Boundary and Floodway Map, Town of Stonington, Connecticut Federal Emergency Management Agency, Federal Insurance Administration, dated January 18, 1984, and any revision thereto.~~ Flood Insurance Rate Map (FIRM), New London County, Connecticut, Federal Emergency Management Agency, dated July 18, 2011, and any revision thereto.

7.7.2.3 Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Town Planner shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

7.7.2.4 The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the Town of Stonington or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The Town of Stonington, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Stonington.

7.7.2.5 This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation easement, covenant or deed restriction conflict or

overlap, whichever imposes the more stringent restrictions shall prevail.

* * * * *

7.7.7 Duties and Responsibilities of the Planning and Zoning Commission.

Duties of the Commission or its designated agent shall include, but not be limited to:

- 7.7.7.1 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- 7.7.7.2 ~~Obtain/maintain as-built elevations and flood-proofing levels, levels of new construction, and substantial improvements.~~ Obtain and maintain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction and substantial improvements. Obtain and maintain the elevation (in relation to mean sea level) to which all new construction and substantial improvements have been flood-proofed. In coastal high hazard areas (VE zones), obtain and maintain the elevation of the bottom of the lowest horizontal structural member for all new construction, substantial improvement or repair to a structure that has sustained substantial damage. Obtain and maintain as-built elevations.
- 7.7.7.3 Notify adjacent communities and the Department of Environmental Protection's Inland Water Resources Division prior to any alteration of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- 7.7.7.4 Maintain the carrying capacity of altered or relocated watercourses.
- 7.7.7.5 Advise permittee of other possible State and Federal permits and require copies of them as proof they have been obtained.
- 7.7.7.6 Obtain, review, and reasonably utilize any base flood elevation or floodway data available from any federal, state or other source when not provided in order to administer these provisions.
- 7.7.7.7 Where base flood data is not otherwise available, select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point.
- 7.7.7.8 Notify the Regional Planning Agency and the affected municipality at least 35 days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within 500 feet of another municipality.

7.7.7.9 The Planning, Zoning and Land Use Office shall maintain all records pertaining to the provisions of these regulations.

7.7.8 Provisions for Flood Hazard Reduction.

7.7.8.1 General Standards. In all areas of special flood hazard, the following provisions are required:

- .8 All manufactured homes ~~recreation vehicles~~ (including ~~Mobile Homes~~ recreational vehicles placed on a site for 180 consecutive days or longer) to be placed, or substantially improved, shall be elevated so that the lowest floor is above the base flood elevation. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors.

They shall be installed using methods and tactics that minimize flood damage to include, but not be limited to, the following:

- .1 Adequate access and drainage shall be provided.
- .2 Elevation construction standards include piling foundations placed no more than 10 feet apart, and reinforcement for piers more than six feet above ground level.
- .9 A structure already in compliance with the provisions of this ordinance shall not be made non-compliant by any alterations, repair, reconstruction, or improvement to the structure.
- .10 ~~Recreational~~ vehicles placed on sites within ~~Zones A1-A30, V1-V30, AE and/or VE~~ Zones A, AE or VE shall either:
- .1 Be on the site for fewer than 180 consecutive days;
- .2 Be fully licensed and ready for highway use; or
- .3 Meet all of the general standards of Section 7.7.8 including the elevation and anchoring requirements of Section 7.7.8.1.8. Additionally, recreational vehicles placed on sites within Zone VE must meet the requirements for construction in

coastal high hazard areas given in Section 7.7.8.3, as specified in Section 7.7.8.3.10.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- .11 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.
- .12 Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
- .13 Aboveground Storage Tanks - Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water. [DEP HAS DEEMED THIS SECTION OPTIONAL]

- .14 Portion of Structure in Flood Zone - If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
~~DEP HAS DEEMED THIS SECTION OPTIONAL~~
- .15 Structures in Two Flood Zones - If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)
~~DEP HAS DEEMED THIS SECTION OPTIONAL~~
- .16 No Structures Entirely or Partially Over Water - New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility. ~~DEP HAS DEEMED THIS SECTION OPTIONAL~~

7.7.8.2

Specific Standards. In all areas of special flood hazard AI-30, and ~~AE~~, where base flood elevation data has been provided, Zone A and AE as set forth in 7.7.1 and 7.7.2, the following provisions are required:

- .1 Residential Construction. New construction or substantial improvement of any residential structure located in Zone A or AE shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood elevation.
- .2 Non-Residential Construction.
- .1 New construction, or substantial improvement of any commercial, industrial, or non-residential structure located in Zone AI-30, AE, and AH shall have the lowest floor, including basement, elevated at least one (1) foot above the level of the base flood elevation.
- .2 Non-residential structures located in all A-Zones may be floodproofed to at least one (1) foot above the level of the base flood elevation in

lieu of being elevated, provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the official as set forth in 7.7.4.

.3 Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to equalize automatically hydrostatic flood forces on exterior walls.

.1 Designs for complying with this requirement must either be certified by a professional engineer or architect, or meet the following minimum criteria:

.1 Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

.2 The bottom of all openings shall be no higher than one (1) foot above grade.

.3 Openings may be equipped with screens, louvers, valves, and other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Other coverings must be designed and certified by an engineer or approved by the Planning and Zoning Commission.

.2 Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

.3 Access to the enclosed area shall be the minimum necessary to allow parking of vehicles (garage door), or limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator) which shall be the sole uses of the fully enclosed area.

.4 Floodways. Located within areas of special flood hazard

established in Section 7.7.2 are areas designated as floodways on the community's Flood Boundary and Floodway Map Flood Insurance Rate Map. Since the floodway is an extremely hazardous area due to the velocity of projectiles and has erosion potential, the following provisions shall apply: prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification (with supporting technical data) by a Connecticut registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences located in the floodway must be aligned with the flow and be of an open design.

.1 A permit may be given which allows encroachments resulting in increases in base flood elevations provided the Town first obtains a conditional floodway revision by meeting the requirements of CFR 44, Chapter 1, Subsection 65.12, as amended.

.2 When BFEs have been determined within Zones A and AE on the community's FIRM but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

7.7.8.3

Coastal High Hazard Areas (VI-30, VE Zones).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as Coastal High Hazard Areas (VI-30 and VE). These areas have special flood hazards associated with wave wash. Therefore, the following provisions shall apply:

.10 The requirements of this section shall also apply to the placement of Manufactured Homes and Recreation Vehicles when they are located within the Coastal High Hazard Area. This includes manufactured homes located outside a manufactured home park or

subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood. Recreational vehicles shall also meet the requirements provided in Section 7.7.8.1.10.

7.7.9 Flood Hazard Variance Procedures.

The Zoning Board of Appeals shall review and decide all requests for variances from the requirements in these Flood Hazard Overlay District regulations.

7.7.9.7 Record and Report. The Zoning Board of Appeals shall maintain the records of all appeal actions, including justification for their issuance, and report any variances to the Federal Emergency Management Agency upon request and in the annual or biennial report.

Proposed Changes to Subdivision Regulations

CHAPTER II

DEFINITIONS

Add the following definitions to Section 2.1:

[DEP HAS NOT REQUIRED THESE DEFINITIONS. THEIR ADDITION TO THE SUBDIVISION AS WELL AS ZONING REGULATIONS IS RECOMMENDED BY TOWN STAFF FOR ADDITIONAL CLARITY.]

2.1 For the purpose of these Regulations, certain terms and words used herein shall be used, interpreted and defined as set forth in this section.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Area, Flood Hazard Zone. Those normally dry land areas above mean high tide that are subject to a general or temporary condition of partial or complete inundation from inland or tidal waters, or accumulation of surface waters, as determined by the Flood Insurance Administration and shown on the Flood Insurance Rate Map.

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Special Flood Hazard Area (SFHA). The base floodplain delineated on a Flood Insurance Rate Map. The SFHA is mapped as Zone A. In coastal situations, Zone V is also a part of the SFHA. The SFHA may or may not encompass all of a community's flood problems.

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CHAPTER IX

REQUIREMENTS AND PRINCIPLES OF SUBDIVISION

(Amended August 21, 2006)

9.2 Requirements

9.2.1 On land contiguous to brooks, rivers or other bodies of water and on land designated as a flood hazard area or designated as tidal or inland wetlands, the following measures shall be taken:

- .1 Specify the type of construction methods for buildings on each lot to be used:
 - .1 Earth fill for lot.
 - .2 Earth fill for foundation only.
 - .3 Piles, posts, piers (steel, wood, masonry).
 - .4 Elevated walls, or pedestals (masonry, concrete).
- .2 Exclude as a portion of the lot area counted to meet Zoning District lot area requirements any area: below three (3) feet in elevation; any area in a designated "floodway" significant inland or tidal marsh lands; and bogs.
- .3 Slopes or grading in shoreline and floodway areas shall be no more than a 4:1 slope (4 horizontal to 1 vertical) to limit undercutting of fill areas (2:1 in other zones).
- .4 Filling shall be separated from significant natural areas (as listed in 9.1.2.2 and including marshes, swamps and bogs) by a non-infringement area, where disturbance is not permitted for a distance of 100 feet. Such distance may be reduced by the Commission down to a distance of 25 feet from said significant natural areas, as defined in 9.1.2.2 where the Commission finds no significant adverse impact to said significant natural areas.
- .5 If a proposed subdivision, including the placement of a manufactured home park or subdivision, is located in a Special Flood Hazard Area (SFHA) the following requirements shall apply:**
 - 1. All subdivision proposals shall be consistent with the need to minimize flood damage;**
 - 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;**
 - 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and**

- 4. The applicant shall provide base flood elevation data for all subdivision proposals, including manufactured home parks and subdivisions. In all special flood hazard areas where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a registered professional engineer that generates base flood elevations for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.**

The developer shall submit plans and designs, proposed by a licensed engineer for facilities, structures or plantings that indicate how the effects or impacts of the proposal on said natural features are to be reduced to a level where no significant adverse impact results.

- 9.2.2 When the proposed subdivision covers only a part of an existing tract or only a part of the subdivider's contiguous real property, a preliminary plan of the prospective future street system of the remainder of the holdings shall be submitted. In reviewing the proposed subdivision, the Planning and Zoning Commission shall consider both the proposed subdivision and the remaining tract/holdings and their relationship.
- 9.2.3 Where existing or proposed grades or slopes exceed five (5) percent, plans shall include a two (2) foot contour interval for all elevations on the site.