



TOWN OF LEDYARD CONNECTICUT

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March 24, 2011

TO: Town of Ledyard Planning Department
FROM: Town of Ledyard Zoning Commission
RE: Notice of Public Hearing for Zoning Regulation Change

Per the referral requirement of CGS Section 8-3a(b) you are here by notified of the following proposed Zoning Regulation change:

FEMA Flood Protection Zoning Regulation Changes and Flood Insurance Rate Maps (Firm) Application #3435

Enclosed for your review is a copy of the proposed regulations. If you have any questions please contact the Zoning office at 464-3217.


Eric Treaster
Chairman, Ledyard Zoning Commission

ET/rk

PROPOSED AMENDMENTS
TO THE
TOWN OF LEDYARD
ZONING REGULATIONS

(text to be added appears as ***bold italics***, text to be deleted appears as ~~strikethrough~~)

The following changes are proposed to maintain Ledyard's minimum compliance with the NFIP minimum standards and recently enacted state floodplain management requirements.

AMEND Section 12.3.2 Definitions as follows:

- .3 ***“Base flood elevation (BFE)” is 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.***
- .4 ***“Basement” is any area of the building having its floor subgrade (below ground level) on all sides.***
- .3 .5 ***“Development” means any man-made changes to improved or unimproved real estate, including but not limited ~~the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures;~~to buildings or other 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.***
- .6 ***Existing Manufactured Home Park or Subdivision” is 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 March 11, 1981, the effective date of the floodplain management regulations adopted by the community.***
- .7 ***“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including installation 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 the 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; (NOTE – DELETE THE DASH [-] FOLLOWING THE “A”)

.4 MANUFACTURED HOMES - All manufactured homes shall have the lowest floor elevated to or above the base flood level **elevation**. They shall be placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored. ***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 flood;***

.5 RECREATIONAL VEHICLES - Recreational vehicles placed on sites in all A- **and AE** Zones shall either: (NOTE – DELETE THE DASH [-] FOLLOWING THE “A”)

(a) be on a site for fewer than 180 consecutive days;

(b) be fully licensed and ready for highway use; ***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, or;***

(c) meet the permit requirements of Section 12.3.5.2.4 of this section and the elevation and anchoring requirements for “manufactured homes” in Section 12.3.5.1.3 of the General Standards Section.

.6 In AE-Zones where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. (NOTE – DELETE THE DASH [-] FOLLOWING THE “A”)

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.

.7 .15 "Lowest floor" means the lowest floor of the lowest enclosed area (including basement).

.8 .16 "Manufactured Home" for purposes of the National Flood Insurance Program, means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

.17 *Manufactured Home Park or Subdivision" means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.*

.9 .18 "Mean Sea Level" means for purposes of the National Flood Insurance Program, the National Geodetic **North American** Vertical Datum (NGAVD) of 1929 **1988** or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

.10 .19 "New Construction" means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after **March 11, 1981**, the effective date of floodplain management regulations adopted by a **the** community and includes any subsequent improvements to such structures.

.20 *"New Manufactured Home Park or Subdivision" means 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*

This regulation shall apply to all areas of special flood hazard 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 Ledyard, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these regulations. Since mapping is legally adopted by reference to 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 and AE, including areas designated as a floodway on a FIRM. 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. A Development Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.

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 Ledyard 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 Ledyard, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Ledyard.

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. (NOTE – DO YOU WANT TO SUBSTITUTE “COASTAL AREA MANAGEMENT” FOR THE SUGGESTED “SPECIAL FLOOD HAZARD”???)

structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. ***This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed.*** For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however include any project for improvement of a structure required to ***correct or*** comply with existing ***violations of state or local*** health, sanitary, or safety code specifications ***which have been identified by the local code enforcement official and*** which are solely necessary to assure safe living conditions.

- .26 "Variance" means 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.***
- .27 "Violation" means failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest flood elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be a violation until such time as that documentation is provided.***
- .28 "Water Surface Elevation" means 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.***

AMEND Section 12.3.3 General Provisions as follows:

~~This regulation shall apply to all areas of special flood hazard within the jurisdiction of the Town of Ledyard. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) or Flood Insurance Rate Map (FIRM), dated April 1, 1981, with accompanying Flood Boundary & Floodway maps and any subsequent revisions thereto. These documents are hereby incorporated by reference and declared to be a part of this regulation. A Development Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.~~

on or after March 11, 1981, the effective date of the floodplain management regulation adopted by the community.

- ~~11~~ .21 "Recreational Vehicle" means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- ~~12~~ .22 "Start of construction" 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 either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation, or the 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 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.***
- ~~23~~ .23 "Structure" means, for floodplain management purposes, 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.
- ~~13~~ .24 "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- ~~14~~ .25 "Substantial improvement" means any combination or repairs, reconstruction, alteration, or improvements to a structure, ***taking place during a ten year period***, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the

AMEND Section 12.3.5.3 and 12.3.5.4 as follows:

- .3 MANUFACTURED HOMES** - All manufactured homes to be placed within Zones **A and AE** on the Town's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.
- .4 UTILITIES** – *Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.*

AMEND SECTION 12.3.5.2 Specific Standards as follows:

.2 Specific Standards: (NOTE – DIANE’S LETTER STATES “A REVIEW OF SECTION 12.3.5.2 IMPLIES THAT LEDYARD DOES NOT ALLOW FULLY ENCLOSED AREAS BELOW BASE FLOOD ELEVATION SINCE THE DESIGN STANDARDS FOR THESE AREAS [FLOOD VENTS] IS NOT INCLUDED IN THE CURRENT REGULATIONS. IT HAS BEEN ASSUMED BY CTDEP THAT LEDYARD DOES NOT ALLOW THESE AREAS TO BE CONSTRUCTED. IF THIS IS NOT THE CASE, PLEASE CONTACT THIS OFFICE AND THE REQUIRED LANGUAGE WILL BE PROVIDED. IF FULLY ENCLOSED AREAS ARE ALLOWED BY VARIANCE, PLEASE CONTACT THIS OFFICE SO REQUIRED LANGUAGE CAN BE PROVIDED TO ADDRESS THIS CIRCUMSTANCE.”)

...In all areas of special flood hazard where base flood elevation data...

- .3 FLOODPROOFING** - Non-residential structures located in all **A- and AE** Zones may be flood-proofed 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 water tight with walls substantially impermeable to the passage of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

- .8** *“Federal Emergency Management Agency (FEMA)” is the federal agency that administers the National Flood Insurance Program (NFIP).*
- .9** *“Flood or flooding” is 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/runoff of surface waters from any source.*
- .10** *“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the National Flood Insurance Program Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.*
- .11** *“Flood Insurance Study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood related erosion hazards.*
- .12** *“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.*
- .13** *“Functionally dependent use or facility” is a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. 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.*
- .14** *“Historic structure” is 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*

ADD New Section:

12.3.7 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.*

ADD New Section:

12.3.8 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.*

Eric – there are also four OPTIONAL additional sections: Aboveground Storage Tanks, Portion of Structure in Flood Zone, Structures in Two Flood Zones, and No Structures Entirely or Partially Over Water, and three OPTIONAL definitions: “Cost”, “Finished Living Space”, and “Market Value”. I did not include that language in this draft. As they are “optional”, not sure what you wanted to do. The letter from Diane Ifcovic with the necessary amendments, is on my desk.