Floodplain Management and Wetland Protection

(24 CFR 55, Executive Order 11988, Executive Order 11990)

Background

HUD regulation 24 CFR Part 55 implements Executive Order 11988, “Floodplain Management.” The purpose of EO 11988 is “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modifications of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” Project sites located within a special flood hazard area (SFHA) are subject to EO 11988 and any actions outside the SFHA that directly or indirectly impact the floodplain are subject to EO 11988. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which may include advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps (FIRMs).

The purpose of Executive Order 11990, “Protection of Wetlands” is to avoid to the extent possible the long and short term adverse impacts associated with wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. Under the executive order, HUD must avoid financial support for covered activities, unless it can demonstrate that there are no practicable alternatives outside the wetlands. Where wetland-free sites are available within the community or housing market area, these are considered practicable. While National Wetlands Inventory (NWI) maps are the primary screening tool, any indication or evidence of a wetland's presence should be investigated and a determination should be made according to the wetlands definition of Classification of Wetlands and Deepwater Habitats of the United States, U.S. Fish and Wildlife Service.

24 CFR Part 55.1 (c)

No HUD financial assistance may be approved for the following:

- Any action, other than a functionally dependent use, located in a floodway;
- Any critical action (refers to hospitals, nursing homes, Emergency Operation Centers, power-generating facilities, etc.) located in a coastal high hazard area (V-zone); or
- Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area (V-zone compliant) or is a functionally dependent use.

Any proposed actions within the V zone must comply with the construction standards outlined in HUD Regulations 24 CFR Part 55.1 (c) (3).
**DOH Approach**

In applying EO 11988, EO 11990 and 24 CFR Part 55, DOH’s approach is to avoid adverse impacts to the floodplain and wetlands as a result of the Proposed Actions to the extent possible.

The Federal Emergency Management Agency (FEMA) issued revised digital flood insurance rate map (DFIRM) coastal panels to 31 municipalities in Connecticut’s four coastal counties that went into effect February 6, 2013 for Middlesex County, July 8, 2013 for Fairfield and New Haven Counties, and August 5, 2013 for New London County. Municipalities within Connecticut must adopt these new panels in order to be considered to be in compliance with National Flood Insurance Program (NFIP) regulations. If the new mapping were to not be adopted by a particular city or town, no one in that community would have access to federally backed flood insurance. Flood Insurance Rate Maps can be viewed at [www.msc.fema.gov](http://www.msc.fema.gov).

The State of Connecticut Department of Housing (DOH) is the administrating agency for the State of Connecticut Disaster Recovery Programs including the Owner Occupied Rehabilitation and Rebuilding Program (OORR), the Scattered Site Rehabilitation and Rebuilding Program (SSRR) and the EXP/Hurricane Sandy Business Disaster Relief Program (EXP). For all structures funded by OORR and SSRR, if in, or partially in, the 100-year floodplain as shown on the latest FEMA flood maps, the assisted property owner(s) are required to maintain flood insurance for not less than five years from the date of the assistance; and for structures funded by EXP, for the term of the grant [24 C.F.R. 58.6 (a) (1)]. No funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.

All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut’s Flood Management Program [Sections 25-68 of the Connecticut General Statutes]; these activities must also adhere to HUD’s 24 CFR Part 55 for compliance with EO 11988. Flood Management Certification, administered by the State of Connecticut Department of Energy and Environmental Protection’s (DEEP) Bureau of Water Protection and Land Reuse's Inland Water Resources Division, requires Department approval of a certification, or an exemption from such approval, for all State actions in or affecting floodplains or natural or man-made storm drainage facilities. DOH and DEEP staff are working together to streamline the Flood Management Certification process for Disaster Recovery Program activities. In development of this process, DEEP will consider whether the proposed activities: are consistent with state standards and criteria for preventing flood hazards to human life, health or property and with the provisions of the National Flood Insurance Program (NFIP) and municipal floodplain regulations; do not adversely affect fish populations or fish passage; and do not promote intensive use and development of flood prone areas. This expedited Flood Management
Certification process for Disaster Recovery Program activities that would meet the State’s Flood Management requirements is currently in development.

All Disaster Recovery Program activities will comply with Sections 25-68 of the Connecticut General Statutes which classifies a residential structure as a “critical” facility.

In the case of “Coastal High Hazard” areas (“V” or “VE” Zones on the latest (most recent) FEMA-issued Maps), program activities will adhere to construction standards, methods and techniques requiring a registered professional engineer or architect to either develop, review or approve, per the associated location, specific applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 C.F.R. Part 60.3 (e) as required by HUD Regulation 24 C.F.R. Part 55.1 (e) (3).

All Applicants for financial assistance will be evaluated for eligibility, in accordance with HUD guidelines. The Programs will follow Federal policies which ensure that no person may be excluded, denied benefits, or subjected to discrimination on the basis race, color, national origin, religion, sex, familial status, and/or physical and mental handicap under any program funded in whole or in part by Federal CDBG-DR funds. CDBG-DR funds from the HUD disaster appropriation may be used for eligible CDBG-DR activities that meet the State CDBG program regulations. However, any appropriation covered by this Action Plan (Public Law 113-2) shall be reviewed for compliance with duplication of benefits guidelines at 42 U.S.C. 5155, which specifically prohibit the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Small Business Administration (SBA), or other Federal or State sources. Funds may also be used as a matching requirement, share, or contribution for any other Federal program, provided all activities are CDBG-DR eligible and in compliance with duplication of benefit guidelines.
DOCUMENTATION FOR AREAWIDE COMPLIANCE PROCESS

Executive Order 11988 – Floodplain Management
Executive Order 11990 – Wetlands Protection

Fairfield, New Haven, Middlesex and New London Counties; and the Mashantucket Pequot Indian Reservation, Connecticut

Effective Date: February 7, 2014
State of Connecticut Disaster Recovery Program

Owner Occupied Rehabilitation and Rebuilding Program (OORR); Scattered Site Rehabilitation and Rebuilding Program (SSRR); and EXP/Hurricane Sandy Business Disaster Relief (EXP)

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This Areawide Compliance Process document addresses the requirements of Executive Order 11988, “Floodplain Management” and Executive Order 11990, “Wetland Protection” and has been completed in anticipation of numerous unspecified housing properties (1-4 units) and small businesses participating in the U.S. Department of Housing and Urban Development (HUD) State of Connecticut Department of Housing (DOH) Community Development Block Grant – Disaster Recovery (CDBG-DR) Owner Occupied Rehabilitation and Rebuilding (OORR), Scattered Site Rehabilitation and Rebuilding (SSRR), and EXP/Hurricane Sandy Business Disaster Relief (EXP) Programs. This document pertains to the applicants who are proposing an activity that is located in the Special Flood Hazard Area (SFHA) as defined by FEMA, or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

The HUD-funded housing programs, administered by DOH, were established as a grant award to provide financial assistance to owners of 1-4 unit residences damaged by Superstorm Sandy, in order to rehabilitate, reconstruct, elevate or mitigate housing units within the four counties most affected by Sandy (i.e. Fairfield, New Haven, Middlesex and New London Counties; and the Mashantucket Pequot Indian Reservation [geographically located within New London County], Connecticut).

The EXP Program was established to provide assistance to eligible small businesses that suffered direct physical damage as a result of Superstorm Sandy with the financial resources needed to continue the rebuilding process. Grants may be provided to small businesses, including non-profit organizations for capital expenditures to repair or replace needed equipment, lost inventory, renovate facilities that were damaged/destroyed or to provide working capital needed
as a direct result of the storm. This program requires eligible applicants to have operations located within the four counties most affected by Sandy (i.e. Fairfield, New Haven, Middlesex and New London Counties; and the Mashantucket Pequot Indian Reservation [geographically located within New London County], Connecticut). Grant assistance may be used for structural repair or replacement of damaged property and construction or leasehold improvements.

All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut’s Flood Management Program [Sections 25-68 of the Connecticut General Statutes].

**Step ONE: Determine if a Proposed Action is in a wetland or in the 100-Year Floodplain**

**Owner Occupied Rehabilitation and Rebuilding Program; Scattered Site Rehabilitation and Rebuilding Program; and EXP/Hurricane Sandy Business Disaster Relief**

The State’s housing recovery programs including the OORR and SSRR programs are in response to the severe coastal flooding and high wind damage caused by Superstorm Sandy on October 29, 2012 and are designed to meet the unmet housing needs of communities most impacted by the storm including the costs of repairs, reconstruction and new construction that insurance, FEMA and any other sources of funding does not cover. These program activities address the State’s need for housing, especially safe, decent, and affordable housing. The programs will provide funding for property owners directly affected by Superstorm Sandy within the four most impacted counties (i.e. Fairfield, New Haven, Middlesex and New London Counties; and the Mashantucket Pequot Indian Reservation [geographically located within New London County]). Eligible owners of 1-4 unit residential properties that were damaged by Superstorm Sandy will receive assistance for replacing and rehabilitating their properties, which may also include mitigation enhancement and improved resilience measures, while restoring their buildings/residences.

Per the State of Connecticut Disaster Recovery Action Plan, the best available data indicates that approximately 38,200 homes were damaged by Superstorm Sandy in Fairfield, New Haven, Middlesex and New London Counties. After calculating insured losses, FEMA and the U.S. Small Business Administration (SBA) financial assistance and other benefits, the remaining unmet need is represented by approximately 7,400 units. Of the 7,400 units currently estimated to have unmet housing needs, approximately 1,900 are estimated to be ineligible for CDBG-DR funding leaving a balance of 5,500 units. The expected breakdown of those 5,500 homes with unmet needs is provided in the following table:

<table>
<thead>
<tr>
<th>Type of Assistance</th>
<th>Unmet Need Units</th>
<th>Per Unit Average Estimated Cost</th>
<th>Total Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rehab Assistance Only</td>
<td>3,700</td>
<td>$5,000</td>
<td>$18,500,000</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>– Insured</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rehab Assistance Only – Uninsured</td>
<td>1,300</td>
<td>$25,000</td>
</tr>
<tr>
<td>Mitigation Assistance – FEMA Leveraged</td>
<td>200</td>
<td>$10,250</td>
</tr>
<tr>
<td>Mitigation Assistance – Not FEMA Leveraged</td>
<td>100</td>
<td>$41,000</td>
</tr>
<tr>
<td><strong>TOTAL UNMET NEED</strong></td>
<td><strong>5,500</strong></td>
<td><strong>$10,391</strong></td>
</tr>
</tbody>
</table>

At this time, the exact locations of all the properties that would participate in the housing assistance programs are unspecified. Connecticut has over 250,000 acres of FEMA mapped Special Flood Hazard Areas (SFHAs) within the state. Below is a table showing the breakdown of total mapped SFHAs per county in the four most impacted counties.

| Estimated Acreage of Special Flood Hazard Areas Per County |
| --- | --- |
| **County** | **Acreage based on DFIRM Data** |
| Fairfield | 47,680.87 |
| New Haven | 52,900.98 |
| Middlesex | 34,628.95 |
| New London (includes Mashantucket Pequot Indian Reservation) | 44,664.12 |

The EXP/Hurricane Sandy Business Disaster Relief Program is also in response to the damage caused by Superstorm Sandy and is designed in part to meet the unmet needs of small businesses related to structural damage in communities most impacted by the storm (i.e. Fairfield, New Haven, Middlesex and New London Counties; and the Mashantucket Pequot Indian Reservation [geographically located within New London County]) including the costs of structural repair or replacement of damaged property and construction or leasehold improvements. This program is intended to contribute to the long-term recovery and economic revitalization of the affected area by providing expanded economic opportunities through improved accessibility to local businesses. Eligible owners of small businesses (not more than 100 employees) will receive assistance through a matching grant utilizing CDBG-DR and State grant funds.

Per the State of Connecticut Disaster Recovery Action Plan, data gathered by SBA and FEMA and insurance claims data obtained by the State, unmet small business needs for structural repairs total approximately $5.1 million. Local governments identified at least twelve structural repair projects for businesses totaling $5.3 million.

The following is a summary of the unmet needs related to structural damage reported by eligible jurisdiction and North American Industry Classification System (NAICS; the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy):
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Municipality</th>
<th>Number</th>
<th>Amount</th>
<th>NAICS Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairfield County</td>
<td>Fairfield</td>
<td>1</td>
<td>$1,300,000</td>
<td>Other Amusement &amp; Recreational Activities</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Fairfield</td>
<td>1</td>
<td>$900,000</td>
<td>Child Daycare Services</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Fairfield</td>
<td>2</td>
<td>$900,000</td>
<td>Hotels (Except Casino Hotels)</td>
</tr>
<tr>
<td>Mashantucket</td>
<td>Pequot Reservation</td>
<td>1</td>
<td>$10,888</td>
<td>Hotels (Except Casino Hotels)</td>
</tr>
<tr>
<td>Mashantucket</td>
<td>Pequot Reservation</td>
<td>1</td>
<td>$92,000</td>
<td>Casino Hotels</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Fairfield</td>
<td>2</td>
<td>$900,000</td>
<td>Limited Service Restaurant</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Fairfield</td>
<td>1</td>
<td>$450,000</td>
<td>Beer, Wine &amp; Liquor Stores</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Stamford</td>
<td>1</td>
<td>$75,000</td>
<td>New Car Dealers</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Stamford</td>
<td>1</td>
<td>$25,000</td>
<td>Beauty Salon</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Stamford</td>
<td>1</td>
<td>$75,000</td>
<td>Marina</td>
</tr>
<tr>
<td>New Haven County</td>
<td>Milford</td>
<td>1</td>
<td>$100,000</td>
<td>Marina</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Stratford</td>
<td>3</td>
<td>$100,000</td>
<td>Restaurant</td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Stratford</td>
<td>1</td>
<td>$80,000</td>
<td>Plumbing, Heating and Air-Conditioning Contractors</td>
</tr>
<tr>
<td>New Haven County</td>
<td>Milford</td>
<td>1</td>
<td>$50,000</td>
<td>Sports &amp; Recreation</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td>18</td>
<td><strong>$5,057,888</strong></td>
<td>(Classified Only)</td>
</tr>
<tr>
<td><strong>Jurisdiction</strong></td>
<td><strong>Municipality</strong></td>
<td><strong>Number</strong></td>
<td><strong>Amount</strong></td>
<td></td>
</tr>
<tr>
<td>New Haven County</td>
<td>Waterbury</td>
<td>--</td>
<td>$160,000</td>
<td></td>
</tr>
<tr>
<td>Fairfield County</td>
<td>Danbury</td>
<td>--</td>
<td>$35,000</td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td></td>
<td></td>
<td><strong>$195,000</strong></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>$5,252,888</strong></td>
<td></td>
</tr>
</tbody>
</table>

Many of the impacted businesses were either on or close to the shoreline, including a high percentage in the 100-year floodplain. The unmet needs in the table above do not reflect potential mitigation or resiliency costs. Data regarding such costs will be gathered through the application and project cost estimating process.

All sites will be evaluated for the presence of wetlands in accordance with State of Connecticut Department of Energy and Environmental Protection (DEEP), Inland Wetlands and Watercourses Act (IWWA, sections 22a-36 through 22a-45 of the General Statutes of Connecticut) and the U. S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps, and if necessary, an on-site wetlands inspection and delineation will occur. If project work on a specific site will impact a wetland, appropriate permits will be obtained, in compliance with Executive Order 11990.
Documentation in the site specific environmental review file shall include the local and USGS Wetland Map showing the project location; for new construction, a copy of written approval from Inland Wetlands body; and evidence of the 8-step decision making process as described in 24 CFR Part 55.

A site assessment of each eligible property will be conducted by DOH or its agent and a determination made as to whether the property needs moderate or major rehabilitation, reconstruction, or mitigation. Once an Applicant applies for the grant award, DOH or its agent will determine if the project parcel is located in a wetland or in the floodplain as part of the individual Statutory Checklist review.

The following review of each property will be conducted:

☐ Determine whether the project parcel is located within the 100-Year Floodplain either by searching the FEMA Map Service Center at https://msc.fema.gov or by consultation with local municipal engineering office.
☐ Determine whether the project parcel is located within a wetland either by searching the U.S. Fish and Wildlife National Wetlands Inventory (NWI) at http://www.fws.gov/wetlands/Wetlands-Mapper.html, by selecting the Map Catalog link to view Soil Inland Wetland maps by town at http://cteco.uconn.edu or by consultation with local municipal engineering office or Inland Wetland regulatory body.

Step TWO: Early Public Review

A 15-day “Notice for Early Public Review of Proposed Activities in a 100-Year Floodplain and Wetland” was published in The Connecticut Post (Bridgeport), The New Haven Register, The Day (New London), and The Advocate (Stamford), on November 27, 2013 and in La Voz Hispana on November 28, 2013. The 15-day period expired on December 13, 2013. The ad targeted local residents, including those in the floodplain. The notice was also sent to the following Federal and State agencies on November 27, 2013: U.S. Department of Housing and Urban Development; U.S. Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. Army Corps of Engineers, U.S. Federal Emergency Management Agency; Connecticut Department of Agriculture; Connecticut Department of Transportation, Connecticut State Historic Preservation Office; Connecticut Department of Economic and Community Development; and Connecticut Department of Energy and Environmental Protection. The notice was also sent to all Chief Elected Officials (CEOs) within the impacted area (i.e. Fairfield, New Haven, Middlesex and New London Counties) as well as Tribal Council Chairs of the Mashantucket Pequot Tribal Nation. The notice was posted on the DOH website at http://www.ct.gov/doh. (See Exhibit 1 for the advertisements, notice to Federal and State
agencies, and e-mail to CEOs) DOH received zero (0) public comments on this notice. See Exhibit 4 for documentation confirming no comments received.

**Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the Base 100-year Floodplain or Wetland**

There are three practicable alternatives on a programmatic level. They are: 1) buyouts of destroyed or severely damaged 1-4 unit structures and restoration of the floodplain/wetland to its natural state; 2) reimbursement of rehabilitation and/or mitigation activity that has already been completed; 3) take no-action.

These alternatives will be discussed in turn.

1) Buyouts of destroyed or severely damaged 1-4 unit structures and restoration of the floodplain/wetland to its natural state. This process will use grant funds to purchase properties from willing sellers affected by Superstorm Sandy. Once acquired improvements on the property such as single and multi-family homes will be removed. The vacant land will then revert to its natural state. Structures would either be reconstructed away from the shore or sellers would be free to utilize the sale proceeds to purchase pre-existing residences elsewhere.

2) Reimbursement of rehabilitation and/or mitigation activity that has already been completed. This alternative would offer assistance in the form of reimbursement to homeowners and small businesses that have been able to address their own immediate needs as a result of damage caused by Superstorm Sandy.

3) Take no-action. This alternative would mean that homeowners and small businesses would not receive any assistance under the State of Connecticut Disaster Recovery Program Action Plan. As a result, these homeowners and small businesses may not be able to recover from the impacts of the storm events or make preparations to mitigate future storm damage. Reimbursements would not be made available for eligible homeowners or small businesses who have already engaged in repairs prior to applying for the program, resulting in a negative effect on the local economy. Homeowners and small businesses in future storm events may be dissuaded from making immediate and necessary repairs to their homes and property by encouraging them to wait for a possible recovery program. Therefore, the No Action alternative would not address the State’s need for safe, decent, and affordable housing, the need to restore our small business economy along the shore, and it would prevent some homes within the floodplain from being elevated to the highest standard for flood protection. Under the No Action alternative, the damage caused to the entire Connecticut shoreline would remain unabated. Hundreds of residences would not be rehabilitated and will deteriorate without the use of CDBG-DR funds.

No public comments were received.
Step FOUR: **Identify indirect or direct impacts of Proposed Actions on the Floodplain or Wetland**

The Proposed Actions will provide assistance to owners of 1-4 unit residential structures and small businesses whose properties were damaged by Superstorm Sandy within the four most impacted counties (i.e. Fairfield, New Haven, Middlesex and New London Counties; and the Mashantucket Pequot Indian Reservation [geographically located within New London County]). Eligible homeowners may receive assistance to rehabilitate, reconstruct, elevate or mitigate housing units. Eligible small business owners may receive assistance to alleviate the costs of structural repair or replacement of damaged property, and construction or leasehold improvements. The Proposed Actions contain measures to reduce flood damage and the overall impacts of floods. Flood impacts include human risk, environmental damage, property damage, flood insurance claims, displacement of residents and burden on community infrastructure and services.

**Housing Programs**

The HUD-funded OORR and SSRR programs are for rehabilitation, reconstruction, elevation and/or other mitigation activities on previously developed parcels in the floodplain. Rehabilitation is defined as the repair or restoration of housing units in the disaster-impacted areas to applicable construction codes and standards. Substantially damaged structures will be deemed to be in need of major rehabilitation. A substantially damaged structure is one where the cost of restoring the structure to its pre-storm condition equals or exceeds 50% of the market value of the structure prior to the storm. A building’s classification of substantial damage relates to its damage as of the day of the storm. Any eligible structure that is determined to be “substantially damaged” must be rehabilitated in compliance with current building codes and elevated above base flood. The OORR and SSRR programs will incorporate resilience measures into the rehabilitation of a property if the property is substantially damaged.

Homes will be eligible for reconstruction in cases where the property has been completely destroyed, demolished, or where the estimated cost to repair the structure to municipal and program standards would be more expensive than reconstruction. For the purpose of determining priority, homes meeting these criteria will be considered as “destroyed or severely damaged”. Reconstruction is defined as demolition and re-building of a stick-built or modular housing unit on the same lot in substantially the same footprint and manner.

New construction is defined as a replacement home that substantially exceeds the original footprint on the existing lot (if permitted) or the construction of a new home in a new location. Although new construction is an eligible and fundable activity, it is not anticipated that new construction of any 1-4 unit properties will be conducted in either the OORR or SSRR Program with this funding allocation. If under extraordinary circumstances a new construction project is proposed, an Environmental Assessment shall be prepared in accordance with Subpart E of Part
58 [from 24 CFR 58.36 and 24 CFR 58.40]; for construction in a new location, site selection outside of the floodplain would be the top priority.

**Business Assistance Programs**

The HUD-funded EXP program is in part for the renovation of facilities that were damaged or destroyed on previously developed parcels in the floodplain. The grant award for each small business ranges from $10,000 to $50,000. Eligible expenses are those not covered by insurance, FEMA or any other sources of funding. It is anticipated that the majority of applications will consist of requests for reimbursement for physical improvements already completed and for other eligible program expenses such as costs for ongoing or new training, working capital, acquisition or purchase of machinery and equipment, relocation within the State, or other business related expenses authorized by the Commissioner of the Department of Economic and Community Development and consistent with 24 CFR Part 570.3 through 570.203.

If a home or business is deemed substantially damaged by a flood, repairing or rebuilding the structure will require meeting the NFIP building standards for new construction. This means elevating a home or flood-proofing commercial buildings to or above the base flood elevation (BFE). All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut’s Flood Management Program [Sections 25-68 of the Connecticut General Statutes]; these activities must also adhere to HUD’s 24 CFR Part 55 for compliance with EO 11988. HUD regulations limit what actions can be considered under the CDBG-DR programs, including any construction in the floodway. The structures are required to be elevated to the elevation height standards in accordance with State statutes. The only exceptions to this requirement are historic structures that are listed on the State or National Registers of Historic Places, which will have elevation height requirements considered on a case-by-case basis. For the vast majority of projects, Proposed Actions that include the rebuilding of structures will be based on the buildings’ original footprints and current locations.

**Potential Impacts:** Adverse effects to the floodplain and wetland may include modifying the function or value of the floodplain and wetland, and encouraging the occupancy of the floodplain and wetland.

A discussion of the impacts of OORR, SSRR and EXP program activities does not involve increased development in the floodplain and wetland but the continued human occupation of these areas which potentially affects the natural and beneficial functions of the water resources of the Connecticut coast. First it is important to understand the natural functions and resources of the floodplain and wetland as they pertain to flood events.
Flooding is a natural process that forms and maintains floodplains and coastal zones. Periodic flows of water that overtop the banks of a river and that encroach upon coastal areas are the lifeblood of the riparian corridors, marshes, beaches and other natural areas. The seasonal variability of flow, incessant wave action, and intermittent extreme events all combine to determine both the physical structure and the biological diversity of flood prone areas.

Finding the delicate balance between human needs and environmental sustainability is a difficult undertaking. Successful sustainable flood hazard reduction solutions need to be based on the forces at work in floodplains and coastal zones and also on the resources these flood prone areas provide. These processes and attributes can be categorized as (1) hydrologic and hydraulic processes (2) geomorphic processes, and (3) biologic processes. These processes have interrelated functions, which in their natural state provide numerous resources and benefits to society.

Flooding from hurricanes and storms is the key process in providing such tangible benefits as increased soil fertility, wetland creation, rejuvenation of spawning gravel, creation of barrier islands, promotion of aquatic habitat, transportation of large woody material that provides fish habitat and bank stability, promotion of plant establishment, and the evolution of channels and shoreline features such as dunes.

**Hydrologic and Hydraulic Processes:** Both river and coastal ecosystems are shaped and nurtured by the characteristics of the water, including where it originates as well as flows and levels. The seasonal and storm-generated variations in water flow, including periodic flooding, are part of the normal function of the floodplain zone. These variations mold streambanks, keep erosion and accretion in equilibrium, replenish soils, recharge groundwater, and filter impurities. In coastal areas, water differences are based on tides, currents, wave action and storm surges – all of which form shorelines, coastal wetlands, dunes, barrier islands, and estuaries. High flows are critical to maintaining vegetation because they transport sediment and nutrients from the river, ocean, or lake to the connecting floodplain.
Geomorphic Processes: The dimensions and configuration of a stream channel or coastline are determined by ongoing geomorphic processes. For example, the natural transport of sand and sediment dictates the migration of channels, shorelines, dunes and barriers. This process, in turn, is influenced by the geological composition of the landforms; the caliber, rate and volume of sediment movement; and the presence or absence of vegetation. Although the geomorphology of waterways and shorelines is constantly changing, in their unaltered state they exist in dynamic equilibrium, which cannot be disturbed without consequences.

Biologic Processes: Floodplain and coastal vegetation helps to stabilize the shoreline and river banks, provide habitat for terrestrial and aquatic wildlife, control erosion and sedimentation, and improve water quality by filtering pollutants. Healthy riparian corridors often provide the highest concentrations of plant and animal communities in a watershed, providing a stable source of biodiversity.

The variable flows of water in riparian and coastal areas have resulted in uniquely adapted species of aquatic and terrestrial organisms – they depend on variation in water conditions for spawning, seed dispersal, elimination of competing vegetation, and nursery areas for their young.

The ecological integrity of floodplain vegetation depends on the supply of water, sediment and nutrients; the dynamic stability of the system; the methods of plant colonization; rates of growth and decay; and the contribution of organic matter to the water body.

Natural functioning riparian and coastal areas are the product of a tightly interconnected system of all of the processes described above. The ecosystems sustain themselves by means of these ongoing processes. Human activity, especially urbanization and alteration of the flooding process as a means of controlling and/or storing water, interrupts these natural processes and thus disturbs the functions and overall health of the ecosystem.

Continued human occupation of the floodplain may lead to attempts to transport runoff and flood waters efficiently through the watershed. Structural interventions such as jetties and seawalls may interrupt or modify the natural hydrologic, hydraulic, geomorphic and biologic processes of the floodplain. Construction may disturb the ground surface and natural vegetation. The structures change the natural movement of water by altering the speed, restricting movement across the floodplain, and changing sediment loads. Floodwalls increase flow discharge and elevation by constricting high flows into a narrow path. Changing the frequency of floodplain inundation can encourage invasive species to supplant the native vegetation. Most coastal animal species are specifically adapted to the flow patterns and other characteristics of their
native habitat. This makes them vulnerable to disruptions in the flow and water levels. Construction or rehabilitation of these types of intervening structures is not a component of any of the Proposed Actions (OORR, SSRR and/or EXP programs).

Projected changes in climate may bring about considerable transformation to existing coastal areas, flood regimes and fragile ecosystems. A rising human population may increase pressure to continue development adjacent to water resources. In contrast, that population will also expect minimized flood risk and demand open spaces and natural areas. Continued occupation of the floodplain and wetland may result in the degradation of these water resources.

Programmatic and environmental review procedures have been developed for the Proposed Actions that address flood loss reduction and the conservation and protection of the State’s coastal area considering the impacts to the coastal ecosystem. Site-specific projects within the designated coastal zone per local Coastal Boundary Map must be consistent with the Connecticut Coastal Management Act [CGS 22a-100(b)]. Consultation with local Planning/Zoning Commissions or Zoning Board of Appeals (ZBA) to determine need for Coastal Site Plan Review application is required. Site-specific projects located at waterfront properties with sandy beaches require consultation with the Natural Diversity Data Base (NDDB) and completion of a Request for NDDB State Listed Species Review form with attachments. Activities waterward of Coastal Jurisdiction Line (Structures, Dredging & Fill Act [CGS 22a-359 through 22a-363f]) and/or within tidal wetlands (Tidal Wetlands Act [CGS 22a-28 through 22a-35]) require authorization from the CT DEEP Office of Long Island Sound Programs (OLISP) Permitting section. For activities within inland wetlands or watercourses [CGS 22a-42] consultation with local inland wetlands agencies is required. Many local agencies have established setback or buffer areas that require review and approval of activities within these upland areas adjacent to inland wetlands or watercourses. Proposed Actions must adhere to local regulations and obtain appropriate permits. Various municipal zoning approvals required by Planning/Zoning Commissions or ZBA must be obtained. Most importantly, for Floodplain Management of site specific projects [24 CFR 55; 58.5 (b); and E.O. 11988], requirements include: completion of the 8-Step Decision Making Process (areawide); consultation with an Engineer and notation of the Floodplain Flood Zone; and specific adherence to cited laws and regulations. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut’s Flood Management Program [Sections 25-68 of the Connecticut General Statutes]. Flood Management Certification [CGS 25-68] is required for any state action in the floodplain. DOH and CT DEEP are developing a special process for this certification so that the Proposed Actions are reviewed in a thorough yet timely manner. For projects adjacent to floodplains, sensitivity is required to indirect impacts stemming from flood and drainage or similar activities.

The Proposed Actions allow homeowners to rebuild residential structures, based on the structure’s original footprint and its current location, but requires that the home be rebuilt at
substantially higher elevation requirements than Base Flood Elevation for most residential buildings. This will require that the home be elevated to the strictest elevation requirements in the relevant regulation or code, as described above. This will provide significant protections for these homes inside the floodplain. All Applicants will also be required to maintain flood insurance up to the NFIP maximum amount as part of this program. Overall, this has a more beneficial impact on the floodplain than the No Action alternative.

As a result of the requirement that homeowners whose houses were substantially damaged and wish to rebuild will be required to elevate their homes to the strictest standard, it is extremely unlikely that there will be a net increase in floodplain development in comparison to pre-Sandy conditions as a result of these programs. In addition, the proposed Action Plan Activities would not likely increase floodplain occupancy, as the proposed Action Plan Activities would enable people to return to their homes, but would generally not expand the housing stock relative to conditions prior to Hurricane Sandy.

DEEP provided each coastal community with a regulatory review letter at least six (6) months before the revised DFIRM coastal panels became effective outlining the regulatory changes required for compliance (See Exhibit 2). A major change on the revised coastal map panels was the inclusion of the Limit of Moderate Wave Action (LiMWA) boundary. Model LiMWA language was developed by DEEP and municipalities had the option to adopt and regulate construction in this area.

For all structures funded by the OORR and SSRR Programs, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, the assisted property owner(s) are required to maintain flood insurance for not less than five years from the date of the assistance [24 C.F.R. 58.6 (a) (1)]; and for structures funded by EXP, for the term of the grant. No funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.

In summary, based on the requirement that homeowners whose houses were substantially damaged who wish to rebuild, will have to elevate their homes to the strictest standard, it is extremely unlikely that there will be a net increase in floodplain or wetland development in comparison to pre-Sandy conditions as a result of this program. In addition, the proposed OORR, SSRR, and EXP projects would not increase floodplain or wetland occupancy, as the proposed projects would enable people to return to their homes and businesses, but would not expand the housing or commercial stock relative to conditions prior to Superstorm Sandy. The anticipated impact on the floodplain or wetlands should be minimal since the majority of activities are limited to the pre-storm building footprint.

No public comments were received.
Step FIVE: Identify methods to minimize the potential adverse impacts within the floodplain or wetland and to restore and preserve its natural and beneficial values.

Under Connecticut General Statutes (C.G.S.) Sections 25-68b through 25-68h, the Connecticut Flood Management Program requires certification or an exemption for all state actions within or affecting floodplains or natural or man-made storm drainage facilities. A floodplain is an area that has frequent or periodic flooding issues. For regulatory purposes, all areas within the limits of the 100-year floodplain as designated on the Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP) are considered as floodplains. For critical activities such as hospitals, housing/residences and schools the regulations are more stringent and include areas within the 500-year floodplain. To be eligible for OORR, SSRR or EXP funding, all new construction and substantial rehabilitation (including the placement of prefabricated buildings and manufactured homes) in Flood Hazard Areas shall meet Flood Resistant Construction requirements of the State Building Code including provisions of both the International Rehabilitation Code and the International Building Code.

1. Be designed (or modified) and anchored as to prevent flotation, collapse, or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage;
3. Be constructed by methods and practices that minimize flood damage; and
4. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located or both designed and located so as to prevent water from entering or accumulating within the components during floods.

No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 C.F.R. 58.6 (b)].

In summary, homeowners participating in these programs would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high wind events, and benefit floodplain values:

1. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut’s Flood Management Program [Sections 25-68 of the Connecticut General Statutes];
2. For all structures funded by the OORR and SSRR Programs, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, the assisted property owner(s) are required to maintain flood insurance for not less than five years from the date of the
assistance [24 C.F.R. 58.6 (a) (1)]; for structures funded by EXP, for the term of the
grant. No funding can be provided in municipalities not participating in or suspended
from participation in the National Flood Insurance Program.

3. In the case of “Coastal High Hazard” areas (“V” or “VE” Zones on the latest [most
recent] FEMA-issued Maps), program activities will adhere to construction standards,
methods and techniques requiring a registered professional engineer or architect to either
develop, review or approve, per the associated location, specific applicant elevation plans
that demonstrate the design meets the current standards for V zones in FEMA regulation
44 C.F.R. Part 60.3 (e) as required by HUD Regulation 24 C.F.R. Part 55.1 (c) (3).
Therefore, the requirements of the OORR and SSRR Programs will help ensure a
minimal adverse impact to the floodplain.

The State of Connecticut’s Flood Management Program requires elevation of all substantially
damaged structures in the floodplain. When followed, these regulations will reduce the threat of
flooding damage to the homes located in the floodplain. The latest (most recent) elevation levels,
which applicants are required to adhere to when considering reconstruction of their substantially
damaged home, represent the best available data and are assumed to advance floodplain
management efforts in the four program area counties.

The programs will implement and maintain erosion and sedimentation control measures
sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and
waters. Soil compaction will be minimized by controlling project activities in vegetated areas,
including lawns.

**Step SIX: Re-evaluate Alternatives**

The State of Connecticut intends to consider all activities eligible under the federal guidelines for
CDBG-DR funding, and has not rejected any such activity. However, due to limited funding,
some alternatives will be considered as a lesser priority than others and will only be considered if
funds continue to be available after having addressed those higher priorities.

Alternative activities which will be considered at a later date due to priority include:

1) Buyouts of destroyed or severely damaged 1-4 unit structures and restoration of the
floodplain/wetland to its natural state: Connecticut is one of the older states in the nation with
very limited land resources. This places a high value on all property within the state. This
limitation of land availability and high property values will continue to encourage the reuse of
land and structures in areas vulnerable to flooding. Local land use regulations and ordinances
have done much to curb unregulated development within flood hazard areas. If the homes
damaged and destroyed by Superstorm Sandy were reconstructed away from the shore, it would
be simply replacing the use of one scarce resource for another. In addition, the cost of acquiring
this limited resource would significantly impact the availability of funds to assist homeowners in meeting their unmet needs. This cost would be far greater than the cost of repairing and rebuilding in the existing developed parcel. This alternative will be considered only after other priorities have been met.

2) Reimbursement of rehabilitation and/or mitigation activity that has already been completed. DOH recognizes the need to return individuals and families back to their homes and get businesses back in business by addressing immediate unmet needs. To this end, providing reimbursements to homeowners and small businesses that have been able to address their own needs without immediate assistance will be considered only after other priorities have been met.

3) Take no-action. A No Action alternative would mean that homeowners and small businesses would not receive any assistance under the Action Plan. As a result, these homeowners and small businesses may not be able to recover from the impacts of the storm events or make preparations to mitigate future storm damage. The No-Action alternative would not address the State’s need for safe, decent, and affordable housing; it would not contribute to the long-term recovery and economic revitalization of the affected area; and it would not allow the provision of expanded economic opportunities by improving accessibility to local businesses. The No-Action alternative would prevent some homes within the floodplain from being elevated to the highest standard for flood protection and would prevent flood-proofing of some commercial buildings leaving properties more vulnerable to future flooding conditions, negatively impacting the floodplain. With a No-Action alternative, reimbursements would not be made available for eligible homeowners or small businesses who have already engaged in repairs prior to applying for the program, resulting in a negative effect on the local economy. Homeowners and small businesses in future storm events may be dissuaded from making immediate and necessary repairs to their homes and property by encouraging them to wait for a possible recovery program. Under the No-Action alternative, the damage caused to the entire Connecticut shoreline would remain unabated. Hundreds of structures would not be rehabilitated and will deteriorate without the use of CDBG-DR funds. Therefore the proposed OORR, SSRR and EXP programs are the preferred Alternatives.

The impacts of these alternatives have been reevaluated; no public comments were received.

Step SEVEN: Issue Findings and a Public Explanation

It is DOH’s determination that there is no practicable alternative than to provide funding for the Proposed Actions in the floodplain or wetland. This is due to: 1) the need to provide safe, decent and affordable housing; 2) the desire to avoid displacing residents; 3) the desire to restore our small business economy along the shore; and 4) the ability to mitigate and minimize impacts on human health, public property and floodplain values. A “Notice of Policy Determination” will be published in accordance with 24 CFR 55, for a 7-day comment period. The notice will state
the reasons why the project must be located in the floodplain and/or wetland, a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

All comments received will be considered.

Step EIGHT: Implement the Action

Step eight is implementation of the proposed action. DOH or its agent will ensure that all mitigation measures prescribed in the steps above will be adhered to.

EXHIBIT 1
Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EXHIBIT 2
CTDEEP Regulatory Review Letters for Coastal Communities with Revised DFIRM Coastal Panels

EXHIBIT 3
Copy of Notice Transmitting Notice of Final Public Review

EXHIBIT 4
Public Comments Received and DOH Response
November 27, 2013:

To: All Interested Agencies, Groups & Individuals

This is to give notice that the State of Connecticut Department of Housing (DOH) has conducted an evaluation as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain and wetland will have on the human environment for Community Development Block Grant – Disaster Recovery (CDBG-DR) State of Connecticut Disaster Recovery Program activities under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The State has prioritized that its first allocation of the CDBG-DR funds, as specified in the State of Connecticut Disaster Recovery Program Action Plan ($71,820,000 in total) will be directed to meet unmet needs of individuals and families for housing and business assistance affected by Superstorm Sandy as well as assisting local governments in repairing, rebuilding, and making more resilient their infrastructure and public facilities and planning for rebuilding and resiliency of infrastructure and public facilities at the State and local level. As most of the damage caused by Superstorm Sandy was to residential structures, getting individuals and families back into their homes is a top priority for the State. The best available data suggests that 7,400 homes, 1,298 multifamily low and moderate income (LMI) units, 34 infrastructure projects, 88 public facilities, 12 business structural repair projects, and repair and replacement of business equipment remains with unmet needs as a result of the damage caused by Superstorm Sandy in Fairfield, New Haven, Middlesex, and New London Counties and the Mashantucket Pequot Indian Reservation.

Though the confirmation of site locations is currently in progress, the proposed projects will be located in the following four counties or the Mashantucket Pequot Indian Reservation: Fairfield County, New Haven County, Middlesex County and New London County. There are approximately 47,680.87 acres in Fairfield County; 59,200.98 acres New Haven County; 34,628.95 acres in Middlesex County; and 44,664.12 acres in New London County which is inclusive of the Mashantucket Pequot Indian Reservation of Federal Emergency Management Agency (FEMA) mapped special flood hazard areas (SFHAs). Flood Insurance Rate Maps (FIRMs) may be viewed at www.msc.fema.gov.

**Owner Occupied and Scattered Site Rehabilitation and Rebuilding Programs**

These programs will serve 1-4 unit residences predominately within the floodplain, in Special Flood Hazard Areas.

**Multifamily Programs**

The State has developed multifamily programs to restore quality, affordable rental housing through rehabilitation, rebuilding and mitigation within the floodplain, and rehabilitation, relocation and new construction outside the floodplain.
Infrastructure and Public Facilities Programs
The State will assist rehabilitation or reconstruction of infrastructure and/or public facilities particularly in areas primarily serving primarily LMI persons and in a manner that supports energy conservation/efficiency objectives and responsible growth as well as transit-oriented development.

Economic Revitalization Programs
The State will provide business assistance through acquisition, relocation, new training, working capital, construction, reconstruction, rehabilitation or installation of commercial or industrial buildings, structures, and other real property equipment and improvements, including railroad spurs or similar extensions to Superstorm Sandy Storm affected businesses.

Acquisition and Acquisition of Real Property
Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.

American Disability Act Improvements
Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons. These activities may be incorporated into other State of Connecticut Disaster Recovery Program activities.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains and wetlands can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains and wetlands, it must inform those who may be put at greater or continued risk.

Written comments must be received by DOH on or before December 13, 2013. DOH encourages electronic submittal of comments to CT.Housing.Plans@ct.gov. In the alternative, comments may be submitted on paper to: Hermia Delaire, Program Manager, Community Development Block Grant-Disaster Recovery Program, Department of Housing, 505 Hudson Street, 2nd Floor, Hartford, CT 06106 by December 13, 2013 during the hours of 8:30 AM to 4:30 PM. Further information can be found on the Department’s web site at http://www.ct.gov/doh

Evonne M. Klein, Commissioner, DOH
Clasificados de La Voz Hispana

Y Oportunidades de Empleo

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Fax: 203-787-4023

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203-896-2877
203-589-5890

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SE REMATA DEPARTAMENTO EN PERÚ
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- 7 baños
- Cocina
- Salón
- Jardin exterior

Para más información llame al 203-273-6046

AVISO TEMPORAL Y REVISIÓN PERMANENTE DE LAS ACTIVIDADES PROPUESTAS SOBRE TERRITORIOS NATURALES HUMANOS EN UN PERÍODO DE TRIMESTRES DE 3 AÑOS DE ACEPTACIÓN DE 2011

A. Actividades temporales, privadas y personales
Por razones de beneficio, el Instituto de Investigación de la Sociedad Canadiense de Medicina (ICSM), ha llevado a cabo una evaluación, la cual considera la posibilidad de que sean reconocidas con beneficios fiscales a nivel nacional e internacional. En este sentido, se ha establecido una tarificación para los servicios proporcionados por el Instituto de Investigación de la Sociedad Canadiense de Medicina (ICSM), con el fin de garantizar que los beneficios fiscales correspondan a la sociedad canadiense de medicina (ICSM).

Para más información:
203-773-9710
203-896-2877
203-589-5890

Plomaria en el Departamento de Hacienda y Calefacción
Se requieren profesionales en el Departamento de Hacienda y Calefación para trabajar en el área de la calefacción y la instalación de sistemas de calefacción. Se requiere experiencia técnica en el campo de la calefacción y conocimientos en el manejo de equipos y sistemas de calefacción. Se ofrece un salario competitivo y beneficios laborales.

Para más información:
203-575-4480

DUEÑO VENDE CASA DE UNA FAMILIA EN HAINAN, CT
Hermosa casa en 10 Victoria Court, situada al 1/4 de la cola de una familia con 2 niveles, 3 habitaciones, sala, comedor, cocina, baño, y jardín. Acondicionada con calefacción y calefacción de gas. El sótano está completamente terminado. Tiene un garaje terminado para un auto.
La propiedad cuenta con un área de 0.34 acres. $250,000 o mejor oferta.

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A. Actividades temporales, privadas y personales
Para mayores consultas, por favor llame a:(800) 273-3725

LaVoz
11/28/13
EXHIBIT 2
CTDEEP Regulatory Review Letters for Coastal Communities with Revised DFIRM Coastal Panels
January 7, 2013

Janice A. Plaziak, P.E.
Town Engineer
Town of Branford
1019 Main Street
Branford, CT 06405

RE: Review of the Town of Branford’s Floodplain Management Ordinance, revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New Haven County, Connecticut

Dear Ms. Plaziak:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New Haven County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Branford must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Branford on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial Damage” in Section 161-5B with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

**SUBSTANTIAL DAMAGE** - 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% of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 161-5 B with the bold text provided below.

**SUBSTANTIAL IMPROVEMENT** –

1. Any combination of repairs, reconstruction, alteration or improvements to a structure taking place during a one-year period in which the cumulative cost equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be: (a) The market value of the structure...
prior to the start of the initial repair or improvement; or (b) In the case of damage, the value of the structure prior to the damage occurring.

(2) 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 to correct 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 the minimum necessary to assure safe living conditions.

Please update Section 161-7 with bold text provided below.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated **July 8, 2013**, and accompanying Flood Insurance Rate Maps (FIRM), dated **July 8, 2013** (Panels 09009C0463J, 09009C0464J, 09009C0466J, 09009C0467J, 09009C0468J, 09009C0469J, 09009C0488J, 09009C0576J, 09009C0577J, 09009C0581J, 09009C0582J, 09009C0601J) and **December 17, 2010** (Panels 09009C0454H, 09009C0458H, 09009C0459H, 09009C0461H, 09009C0462H, 09009C0486H), and other supporting data applicable to the Town of Branford, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this regulation it must take precedence 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 the 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 Norwalk. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

It is optional to update Section 161-19A. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

161-19 A. All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.
Once these revisions are made to Branford’s floodplain management ordinance and the community formally adopts these revisions and the new effective FEMA FIRMs, Branford will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Anthony DaRos, First Selectman, (w/o attachments)
    Anthony Cinicola, Building Official (w/o attachments)
    Christopher Markesich, FEMA Region I (w/o attachments)
    File: Branford NFIP File: Ordinance/Regulations
January 7, 2013

Jon Urquidi
Engineering Supervisor
City of Bridgeport
City Hall
45 Lyon Terrace
Bridgeport, CT 06604

RE: Review of the City of Bridgeport’s Flood Damage Prevention Ordinance (Chapter 15.44), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Mr. Urquidi:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of Bridgeport must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of Bridgeport on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing flood damage prevention ordinance. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial damage” in Section 15.44.040 Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

“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 fifty (50) percent of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial improvement” in Section 15.44.040 Definitions with bold text provided below.

“Substantial improvement” means any combination of repair, reconstruction or improvement of a structure taking place during a one-year period in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure:

1. Before the “start of construction” of the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. 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 the alteration affects the external dimensions of the structure.

This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed.

The term does not, however, include either:
1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Please update section 15.44.060 Basis for establishing the areas of special flood hazard with bold text provided below.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, and the accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0429G, 09001C0433G, 09001C0436G, 09001C0437G, 09001C0438G, 09001C0439G, 09001C0441G, 09001C0443G) and June 18, 2010 (Panels 09001C0426F, 09001C0427F, 09001C0428F, 09001C0431F, 09001C0434F, 09001C0442F), and other supporting data applicable to the City of Bridgeport, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this regulation it must take precedence 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIS and FIRM are on file in the City Engineer’s office, Room 216, City Hall, 45 Lyon Terrace, Bridgeport, Connecticut.

Please update section 15.44.140 Variance procedures, A. 7. with bold text provided below.

15.44.140 Variance procedures.
A. Appeal Board.
7. The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) upon in its biennial report.

It is optional to update section 15.44.150 Provisions for flood hazard reduction, C. 1. a. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

15.44.150 Provisions for flood hazard reduction.
C. Coastal High Hazard Area.
1. Location of Structures.
   a. All new construction, buildings, structures or substantial improvements shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Bridgeport’s flood damage prevention ordinance and the community formally adopts these revisions and the new effective FEMA FIRMs, Bridgeport will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: William Finch, Mayor, City Hall Annex, 999 Broad Street (w/o attachments)
    Dennis Buckley, Zoning Administrator (w/o attachments)
    Peter Paajanen, Building Official (w/o attachments)
    Michael Nidoh, Director, City Planning (w/o attachments)
    Scott Applesby, Director, Emergency Management (w/o attachments)
    Christopher Markesich, FEMA Region I (w/o attachments)
    File: Bridgeport NFIP File: Ordinance/Regulations
November 15, 2012

Jon Urquidi
Engineering Supervisor
City of Bridgeport
City Hall
45 Lyon Terrace, Room 216
Bridgeport, CT 06604

RE: Review of the City of Bridgeport’s Flood Damage Prevention Ordinance (Chapter 15.44), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Mr. Urquidi:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. **These revised map panels will become effective on May 16, 2013.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of Bridgeport must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of Bridgeport on November 16, 2012 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management ordinance. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

*Please update Section 15.44.060 with bold text provided below.*

Section 15.44.060 Basis for establishing special flood hazard areas.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated **May 16, 2013**, with accompanying Flood Insurance Rate Maps (FIRM), dated **April 16, 2013 (Panels 09001C0429G, 09001C0433G, 09001C0436G, 09001C0437G, 09001C0438G, 09001C0439G, 09001C0441G, 09001C0443G) and June 18, 2010 (Panels 09001C0426F, 09001C0427F, 09001C0428F, 09001C0431F, 09001C0434F, 09001C0442F),** and other supporting data applicable to the City of Bridgeport, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into the chapter, it must take precedence when more restrictive until such time as a map amendment 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 are 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. The FIRM and FIS are on file in the City Engineer’s Office, Room 216, City Hall, 45 Lyon Terrace, Bridgeport, Connecticut.
Please update Section 15.44.140 with the bold text provided below.

Section 15.44.140 Variance procedure.

A.  7. The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is **optional** at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Bridgeport’s flood damage prevention ordinance and the community formally adopts these revisions and the new effective FEMA FIRMs, Bridgeport will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc:  William Finch, Mayor (w/o attachment)
     Michael Nidoh, Director of Planning (w/o attachment)
     Peter Paajanan, Building Official (w/o attachment)
     Dennis Buckley, Zoning Administrator (w/o attachment)
     Christopher Markesich, FEMA, Region I (w/o attachment)
     File:  Bridgeport NFIP File: Ordinance/Regulations
January 7, 2013

Jeremy Ginsberg, Director
Planning & Zoning
Town of Darien
2 Renshaw Road
Darien, CT 06820

RE: Review of the Town of Darien’s Flood Damage Prevention Zoning Regulations (Section 210 and Section 820), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Mr. Ginsberg:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Darien must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Darien on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing flood damage prevention zoning regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

*It is optional to update the definition of “Substantial Damage” in Section 210 Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.*

**Substantial Damage:** For the purposes of Section 820, substantial damage is 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% of the market value of the structure (exclusive of land value) before the damage occurred. “**Substantial Damage**” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “**Substantial Improvement**” in Section 210 with the bold text provided.

**Substantial Improvement:** For the purpose of Section 820, any repair, reconstruction or improvement of a structure, taking place over the previous three year period (as calculated from the issuance of the Certificate of Occupancy), the cumulative cost of which equals or exceeds 50 percent of the market value of the structure itself, exclusive of land value either:

a. Before the **“start of construction” of the** improvement or repair is started; or
b. If the structure has been damaged and is being restored, before the damage occurred.
This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed.

For the purpose 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 either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are the minimum necessary to assure safe living conditions and have been previously identified by the local code enforcement officer or any alterations of a historic structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Please update Section 822 with bold text provided below.

Section 822 Inventory of Regulated Areas.

a. Regulated areas are identified as special flood hazard areas by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, with accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0517G, 09001C0528G, 09001C0529G, 09001C0536G, 09001C0537G) and June 18, 2010 (Panels 09001C0507F, 09001C0509F, 09001C0526F, 09001C0527F), and other supporting data applicable to the Town of Darien, 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 the chapter, it must take precedence when more restrictive until such time as a map amendment 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. The determination of flood hazard areas shall be based on the flood elevations shown on the FIRM maps in conjunction with an up-to-date and accurate topographical survey of the property. 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.

It is optional to update Section 825 Permitting of Regulated Activities within Regulated Areas, f. (1) with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

825. f. (1) All new construction shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning.
regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Darien’s flood damage prevention zoning regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Darien will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Jayme Stevenson, First Selectwoman (w/o attachment)
Karl Kilduff, Town Administrator
David Keating, Zoning Enforcement Officer (w/o attachment)
Peter Solheim, Acting Building Official (w/o attachment)
Robert Steeger, P.E., Director of Public Works (w/o attachment)
Christopher Markesich, FEMA, Region I
File: Darien NFIP File: Ordinance/Regulations
January 7, 2013

Kevin White
Town Engineer
Town of East Haven
461 North High Street
East Haven, CT 06512

RE: Review of the Town of East Haven’s Flood Damage Prevention and Control Ordinance, revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New Haven County, Connecticut

Dear Mr. White:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New Haven County. **These revised map panels will become effective on July 8, 2013.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of East Haven must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of East Haven on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

*It is optional to update the definition of “Substantial Damage” in Section 2.0 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.*

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. **Substantial Damage** also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

*Please update Section 3.2, Basis for Establishing the Special Flood Hazard Areas (SFHA), with bold text provided below.*

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for **New Haven County, Connecticut, dated July 8, 2013,** and accompanying Flood Insurance Rate Maps (FIRM), dated **July 8, 2013 (Panels 09009C0442J, 09009C0444J, 09009C0453J, 09009C0463J, 09009C0557J, 09009C0576J) and December 17, 2010**
(Panels 09009C0452H, 09009C0454H, 09009C0461H, 09009C0462H), and other supporting data applicable to the Town of East Haven, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this regulation it must take precedence until such time as a map amendment or map revision is obtained from FEMA. ...

It is optional to update Section 5.3.2.1 with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

5.3.2.1 All new construction, substantial improvement and repair to structures that have sustained substantial damage shall be located at least 25 feet landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to East Haven’s flood damage prevention and control ordinance and the community formally adopts these revisions and the new effective FEMA FIRMs, East Haven will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program
cc: Joseph Maturo, Mayor, Town of East Haven, 250 Main Street, East Haven (w/o attachments)
James Bassett, Building Official, 250 Main Street, East Haven (w/o attachments)
Frank Biancur, Jr., Zoning Enforcement Officer, 250 Main Street, East Haven (w/o attachments)
Christopher Markesich, FEMA Region I (w/o attachments)
File: East Haven NFIP File: Ordinance/Regulations
February 4, 2013

William Mulholland
Zoning Official
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06357

RE: Review of the Town of East Lyme’s Flood Hazard Areas Regulations (Section 15), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Mr. Mulholland:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. These revised map panels will become effective on August 5, 2013.

In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of East Lyme must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of East Lyme on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial Damage” in Section 15.1 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

“SUBSTANTIAL DAMAGE” means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 15.1 Definitions with the bold text provided below.

“SUBSTANTIAL IMPROVEMENT” means any repair, reconstruction, or improvement of a structure, taking place over a ten year period, the cumulative cost equals or exceeds 50 percent of the market value of the structure either: 1. Before the “start of construction” of the improvement or repair is started, or 2. If the structure has been damaged and is being restored to its condition before the damage occurred. This term includes structures which 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 either: 1. Any project for improvement of a structure to correct 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 the minimum necessary to assure safe living conditions, or 2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Please update Section 15.2.2, Basis for establishing the areas of special flood hazard, with bold text provided below.

The 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 August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013 (Panels 09011C0459J, 09011C0467J, 09011C0477J, 09011C0478J, 09011C0479J, 09011C0481J, 09011C0483J, 09011C0486J, 09011C0487J) and July 18, 2011 (Panels 09011C0309G, 09011C0316G, 09011C0317G, 09011C0318G, 09011C0319G, 09011C0328G, 09011C0336G, 09011C0337G, 09011C0338G, 09011C0339G, 09011C0457G, 09011C0476G), and other supporting data applicable to the Town of East Lyme, 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file in the Town Hall, East Lyme, Connecticut.

It is optional to update Section 15.5.3 A. 1. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

A. Location of Structures
1. All buildings or structures shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within
the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to East Lyme’s flood hazard areas regulations and the community formally adopts these revisions and the new effective FEMA FIRM, East Lyme will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Paul Formica, First Selectman (w/o attachments)
Joseph Smith, Building Official (w/o attachments)
Gary Goeshel, Director of Planning (w/o attachments)
William Scheer, Town Engineer (w/o attachments)
Christopher Markesich, FEMA Region I
File: East Lyme NFIP File: Ordinance/Regulations
December 14, 2009

James R. Wendt  
Assistant Planning Director  
Town of Fairfield  
Sullivan Independence Hall  
725 Old Post Road  
Fairfield, CT 06824

RE: Comprehensive Review of Fairfield’s Zoning Regulations (Section 32 Flood Protection)

Dear Mr. Wendt:

On September 22, 2008, the Federal Emergency Management Agency (FEMA) presented your community with new preliminary Flood Insurance Rate Maps (FIRM). **These maps are currently scheduled to become effective on June 18, 2010.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), Fairfield must 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 prior to the effective date of the community’s new FIRM. FEMA will be issuing a Letter of Final Determination (LFD) to Fairfield (anticipated date of LFD is December 18, 2009) outlining these requirements and providing the exact new effective map date.

In order to assist the community in this map revision process, the CTDEP has reviewed your community’s existing floodplain management regulations for compliance with 44 CFR 60.3 and new state requirements. The review indicated that revisions to the community’s existing floodplain regulations are needed in order to maintain minimum compliance with the NFIP minimum standards and recently enacted state floodplain management requirements.

The following comments were generated as a result of the recent review and are presented in the order of your current regulations. Some revisions are recommended, others are required for compliance. Comments or words written in **bold** type indicate the definition, section, or wording is required for minimum compliance with FEMA regulations and recently adopted state floodplain management requirements. Text in **italics** is for explanation purposes.

**Section 2.12 Flood Management**

*Please replace the current Section 2.12 with the bold text below since several changes have been made. The effective date of the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) are currently scheduled to become effective on June 18, 2010. The exact, final effective date of both the FIRM and FIS will be provided to Fairfield by FEMA in its Letter of Final Determination (LFD), which is anticipated to be issued on December 18, 2009. The effective map date provided in the LFD is the date that must be used in the update of this section if different from the June 18, 2010 anticipated date.*

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Fairfield, 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. The FIS and FIRM are on file in the Office of the Town Clerk.

Please remove strike-through text from Section 32 below.

32.0 General

Proposed uses, buildings, structures, in flood prone areas as delineated on the Flood
Insurance Rate Map and Flood Boundary and Flood Way Map shall conform to the following standards:

Please update current text in section 32.1, 32.1 a and 32.2 c and replace with bold text provided below.

32.1 In all special flood hazard areas, designated A, AE and VE Zones, the following provisions shall apply:

32.1 a. Proposed development shall be reviewed to assure that all necessary permits have been received
from those governmental agencies from which approval is required by Federal Water Pollution Control Act
and all other local statutes, regulations and ordinances. Proposed development shall be reviewed to
determine whether proposed building sites will be reasonably safe from flooding.

32.2 c. In riverine situations, the applicant shall notify adjacent communities and the Connecticut
Department of Environmental Protection prior to any alteration or relocation of a watercourse and
submit copies of such notifications to the Zoning Enforcement Officer and the Federal Emergency
Management Agency.

Based on language in Section 2.5 (Trailers) which prohibits the use of trailers, mobile homes or similar
vehicles as dwellings, and that no language is currently included on manufactured homes within the flood
hazard areas within section 32.0, CTDEP has assumed that manufactured homes are prohibited in the
flood zone. If this is the case, then a statement needs to be added stating this requirement. Language is
provided below. If this is not the case, the Town of Fairfield should contact this office to discuss options
and obtain the correct language to include.

32.2 e. Manufactured Homes and Manufactured Home Parks and Subdivisions are prohibited in all
special flood hazard areas, designated Zones A, AE and VE.

Please update current text in section 32.3, 32.3 e., 32.4 and 32.5 replace with bold text provided below.

32.3 In all special flood hazard areas designated as Zones A and AE, the following additionally shall
apply:

e. Recreational vehicles placed on sites within Zones A, AE or VE shall either . . . or (3) meet all the
general standards of Section 32.1 and the elevation and anchoring requirements of Section 32.3 for A or
AE zones or 32.5 for VE zone.

32.4 In the floodway as delineated on the Flood Insurance Rate Map, any encroachments, including fill,
new construction, substantial improvements, and other development that would result in any (0.00 feet)
increase in flood levels within the community during occurrence of the base flood discharge shall be
prohibited. The provision of proof that there shall be no (0.00 feet) increase in flood levels during
occurrence of the base flood discharge due to the proposed construction or encroachment shall be
the responsibility of the applicant and shall be based on hydrologic and hydraulic studies, performed in accordance with standard engineering practice, and certification, with supporting technical data, by a Connecticut Registered Professional Engineer.

32.5 In coastal high hazard zones, designated as VE, the following provisions shall additionally apply:

a. The applicant shall obtain the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings or columns of all new and substantially improved structures, and whether or not such structures contain a basement. A record of all such information shall be maintained with the Zoning Enforcement Officer.

Sections must be added that address abrogation and greater restrictions, and a disclaimer of liability. Language is provided below. These two sections may be easily added as 32.9 and 32.10, but may be included in any section of the regulations the town deems appropriate.

ABROGATION AND GREATER RESTRICTIONS
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.

WARNING AND DISCLAIMER OF LIABILITY
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 Fairfield 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 Fairfield, its officers and employees shall assume no liability for another person’s reliance on any maps, data or information provided by the Town of Fairfield.

A section on Statutory Authority could not be located anywhere within the zoning regulations. This may be included in another document. Sample language is provided below if this does not currently exist, and should be added at the appropriate location.

STATUTORY AUTHORIZATION
The Legislature of the State of Connecticut has in Title 7, Chapter 98, Section 7-148(c)(7)(A) and in Title 8, Chapter 124, Section 8-2 of the General Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the [Governing Body] of the Town of Fairfield, Connecticut, does ordain as follows:

New state requirements require language on Compensatory Storage and Equal Conveyance. The sections may be logically placed as 32.4 c. and d. However, the municipality can choose to place this language in any logical location within the flood protection regulations.
**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.

**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.

The following four sections are optional to add into your current regulations but these changes are recommended by CTDEP to assist the community with clarification of frequently occurring issues.

**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.

**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.

**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.)

**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.
Section 32.8 Definitions
Please add the following required definitions to Section 32.8.

Base Flood Elevation (BFE) - means 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.

Building – means see the definition for “Structure”.

Existing 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 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 the effective date, August 15, 1978, of the floodplain management ordinance adopted by the community.

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

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

Flood or Flooding – means 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 Study (FIS) - means the official report provided in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map (FIRM) and water surface elevation of the base flood.

Historic Structure - means 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 – means a structure, transportable in one (1) 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 also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

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.
For the definition of “Market Value” below, Fairfield must choose one of the desired methods it will accept for this determination. Please choose accepted method and delete all others from definition.

**Market Value** - means the market value of the structure shall be determined by *(an independent appraisal by a professional appraiser; the property’s tax assessment, minus land value; the replacement cost minus depreciation of the structure; or the structure’s Actual Cash 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.

**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 on or after the effective date, August 15, 1978, of the floodplain management regulation adopted by the community.

**Sand Dunes** - means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Structure** – means 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.

**Substantial Damage** – means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**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.

**Violation** – 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 floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**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 flood plains of coastal or riverine areas.

Please revise the following existing definitions in Section 32.8. The changes needed are in bold text. Please remove any text with strike-through.

a. **Administrator** – means the Federal Emergency Management Agency, to whom the Secretary has delegated the administration of the Program

The definition for Base Flood references a Town of Fairfield datum. Since the datum has changed on the flood maps from NGVD to NAVD, Fairfield should re-calculate how this change affects measurement from the town datum and enter the appropriate figure, measured in feet, to the current definition.

b. **Base Flood** – means the flood having a one percent chance of being equaled or exceeded in any given year as designated on the Flood Insurance Rate Map and measured in accordance with the North American Vertical Datum (NAVD) of 1988 – is expressed and measured on a vertical scale that corresponds to ???.?? feet below Town of Fairfield datum.
f. Coastal High Hazard Area – means the area of special flood hazard subject to high velocity waters, including, but not limited to hurricane wave wash, or tsunamis. The area is designated on a FIRM as Zone VE.

g. Development - means a 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.

n. Functionally Dependent Facility - means a facility which cannot be used for its intended purpose unless it is located 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.

The definition for Mean Sea Level references a Town of Fairfield datum. Since the datum has changed on the flood maps from NGVD to NAVD, Fairfield should re-calculate how this change affects measurement from the town datum and enter the appropriate figure, measured in feet, to the current definition.

q. Mean Sea Level – means the average height of the sea for all stages of the tide and is to be considered elevation zero (“0”), North American Vertical Datum (NAVD) of 1988 – is expressed and measured on a vertical scale that corresponds to ?? feet below Town of Fairfield datum.

Fairfield should consider adding a cumulative time period (e.g., over a one year period or over a ten year period) to its current definition. A specified time period eliminates a loophole for applicants who may otherwise take out multiple permits in succession, with each one equaling less than 50 %, but cumulatively said permits would equal more than 50 % of the building’s value. See example below:

Substantial Improvement – means any repair, reconstruction, or improvement of a structure, taking place over a one year period, the cumulative cost of which equals or exceeds 50 percent of the market . . .

Please remove the definition for “Flood Boundary and Floodway Map” since it is no longer used with the issuance of the new Flood Insurance Rate Maps.

The definitions below for “Cost” and “Finished Living Space” are optional, and can be added at the discretion of the municipality. They are not required federal definitions. However, these definitions do help clarify other areas of the regulations that are federally required.

Cost – means, 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.

Finished Living Space – means, 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.

Once these revisions are made to Fairfield’s zoning regulations and the community formally adopts these revisions and the new effective FIRM and FIS, municipality will be fully compliant with program standards. **Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the Town in order to check that all required revisions have been made.** With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, or would like an electronic version of our model floodplain regulations from where the language for the above stated comments had been cited or a copy of our higher regulatory standards developed for use with the model floodplain regulations, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane Ifkovic  
State NFIP Coordinator  
Flood Management Program  
Inland Water Resources Division

cc: Kenneth Flatto, First Selectman  
Joseph Devonshuk, Planning Director  
Denise LaVallee, FEMA, Region I  
File: Fairfield Community File: Ordinance/Regulation
January 7, 2013

James Wendt, Assistant Director
Town Plan & Zoning
Town of Fairfield
John J. Sullivan Independence Hall
725 Old Post Road
Fairfield, CT 06824

RE: Review of the Town of Fairfield’s Flood Management Regulations (Section 2.12) and Flood Protection (Section 32.0), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Mr. Wendt:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Fairfield must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Fairfield on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing flood management and flood protection regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update the paragraph below contained in Section 2.12 Flood Management with bold text provided.

2.12 Flood Management

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0418G, 09001C0419G, 09001C0436G, 09001C0438G, 09001C0556G, 09001C0557G) and June 18, 2010 (Panels 09001C0404F, 09001C0406F, 09001C0407F, 09001C0408F, 09001C0409F, 09001C0412F, 09001C0416F, 09001DC0417F, 09001C0426F, 09001C0428F, 09001C0437F), and other supporting data applicable to the Town of Fairfield 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 the chapter, it must take precedence when more restrictive until such time as a map amendment 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. The FIRM and FIS are on file in the Office of the Town Clerk.
It is optional to update Section 32.5 b. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

32.5 b. All new construction shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101, with the exception of accessory uses necessary for riparian access such as docks, ramps and piers.

It is optional to update the definition of “Substantial damage” in Section 32.8 Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

hh. Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 32.8 Definitions with the bold text provided below.

ii. Substantial Improvement – means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the “start of construction” of the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damaged occurred. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For the purpose 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 shall include the cumulative cost of any repairs, reconstruction or improvement for which less than one year has transpired between issuance of a certificate of occupancy and the issuance of a subsequent permit. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose
floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Fairfield’s flood management and flood protection regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Fairfield will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc:   Michael Tetreau, First Selectman (w/o attachment)
      Joe Devonshuk, Director of Town Plan & Zoning (w/o attachment)
      Joe Bienkowski, Coastal Planner (w/o attachment)
      William Hurley, Engineering Manager (w/o attachment)
      James Gilleran, Building Official (w/o attachment)
      Thomas Steinke, Conservation Director (w/o attachment)
      Christopher Markesich, FEMA, Region I (w/o attachment)
File: Fairfield NFIP File: Ordinance/Regulations
August 2, 2012

Marilyn Ozols
Zoning Enforcement Officer
Borough of Fenwick
580 Maple Avenue
P.O. Box 126
Old Saybrook, CT 06475-3034

RE: Review of the Borough of Fenwick Floodplain Construction Zone Regulations (Section 7.7), revised Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) associated with the coastal re-delineation project for Middlesex County, Connecticut

Dear Ms. Ozols:

On September 22, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Middlesex County. **These revised coastal FIRM panels will become effective on February 6, 2013.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Borough of Fenwick must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Borough of Fenwick on August 6, 2012 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update section 7.7.3.2, 7.7.7.1 (c) and 7.7.7.4 (d) with bold text provided below. Remove any strike-through text.

**7.7.3.2 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS (SFHA)**

The Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for **Middlesex County, Connecticut, including** the Borough of Fenwick, dated **February 6, 2013**, and accompanying Flood Insurance Rate Maps (FIRM), **dated February 6, 2013**, and other supporting data, 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 Section 7.7 it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.

**7.7.7.1 (c) The Building Official/Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.**
7.7.7.4 (d) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE) and the elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation, up to amounts as high as $25 for $100 of insurance coverage.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once the required revisions are made to Fenwick’s floodplain construction zone regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Fenwick will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the Borough. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Ethel Davis, Borough Warden (w/o attachment)
David LeLeeuw, Building Official (w/o attachment)
Thomas Metcalf, Town Engineer (w/o attachment)
Christopher Markesich, FEMA, Region I (w/o attachment)
File: Borough of Fenwick NFIP File: Ordinance/Regulations
February 4, 2013

Seamas Quinn
Zoning Official
Groton Long Point Association
44 Beach Road
P.O. Box 3737
Groton Long Point, CT 06340

RE: Review of Groton Long Point Association’s Flood Damage Prevention Zoning Regulations (Sections 1 and 10), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Mr. Quinn:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. These revised map panels will become effective on August 5, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Groton Long Point Association must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Groton Long Point Association on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update the definition of “Substantial Improvement” in Section 1, Definitions, with the bold text provided below. Remove any strike-through text.

1.42 Substantial Improvement: “Substantial improvement” means any reconstruction, rehabilitation, alteration, addition or other improvement to a structure taking place within a ten (10) year period, the cumulative cost or increase in market value of which equals or exceeds 50 percent of the market value of the structure either:

1) before the “start of construction” of the improvement or repair is started, or
2) if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

(such market values for determination of substantial improvement shall be as appraised by a licensed appraiser having professional experience in Groton Long Point.)

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 either: 1) any project for improvement of a structure to correct 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 the minimum necessary to assure safe living conditions, or 2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.


It is optional to update the definition of “Substantial Damage” in Section 10 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

10.2.22 “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 fifty (50) percent of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update Section 10.3.2, Basis for establishing the areas of special flood hazard, with bold text provided below.

10.3.2 The 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 August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013, and other supporting data applicable to the Groton Long Point Association, 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The Flood Insurance Study is on file.

It is optional to update Section 10.5.3.1 (1), Location of Structure, with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

10.5.3.1 (1) All buildings, structures or substantial improvements shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to
consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Groton Long Point Association’s flood damage prevention zoning regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, the Groton Long Point Association will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the community. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: John Tuohy, President (w/o attachments)
Sue Birge, Association Administrator (w/o attachments)
Christopher Markesich, FEMA Region I
File: Groton Long Point Association NFIP File: Ordinance/Regulations
January 7, 2013

Diane Fox, Director
Planning & Zoning
Town of Greenwich
Town Hall
101 Field Point Road
Greenwich, CT 06830

RE: Review of the Town of Greenwich’s Flood Hazard Overlay Zone Regulations (Division 10, Section 6-139.1), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Ms. Fox:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Greenwich must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Greenwich on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain hazard overlay zone regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial damage” in Division 10, Section 6-139.1 (c) Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

(39) 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% of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” within Division 10, Section 6-139.1 (c) Definitions with the bold text provided below.

(40) Substantial Improvement – means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative costs equals or exceeds fifty percent of the market of the structure. The market value of the structure should be (1) the appraised value of the structure (using the cost approach to value) prior to the “start of
construction” 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 purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration (after 8/19/86) of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the extended dimensions of the structure. The term does not however, include any improvement project required to comply with existing health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. Separate conditions govern any alteration of a historic structure listed on the National Register of Historic Place or the State Inventory of Historic Places.

Please update Division 10, Section 6-139.1 (d) General Provisions (2) with bold text provided below.

Sec. 6-139.1 (d) (2) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0493G, 09001C0494G, 09001C0511G, 09001C0512G, 09001C0513G, 09001C0514G, 09001C0516G, 09001C0518G, 09001C0606G, 09001C0607G, 09001C0626G) and June 18, 2010 (Panels 09001C0343F, 09001C0344F, 09001C0363F, 09001C0476F, 09001C0477F, 09001C0478F, 09001C0479F, 09001C0481F, 09001C0482F, 09001C0483F, 09001C0484F, 09001C0491F, 09001C0492F, 09001C0501F, 09001C0503F, and 09001C0504F), and other special flood hazard areas as defined in Sections (c)4 and (c)36, and other supporting data applicable to the Town of Greenwich, 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 the chapter, it must take precedence when more restrictive until such time as a map amendment is obtained from FEMA. 

It is optional to update Division 10, Section 6-139.1 (f) Provisions for Flood Hazard Reduction, (12) Coastal High Hazard Areas, (A) with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

6-139.1 (f) (12) (A) All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.
Once these revisions are made to Greenwich’s flood hazard overlay zone regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Greenwich will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic  
Environmental Analyst III  
State NFIP Coordinator  
Inland Water Resources Division  
Flood Management Program

cc: Peter Tesei, First Selectman (w/o attachment)  
John Crary, Town Administrator (w/o attachment)  
Katie Blankley, Deputy Director, Planning & Zoning (w/o attachment)  
William Marr, Building Official (w/o attachment)  
Christopher Markesich, FEMA, Region I (w/o attachment)  
File: Greenwich NFIP File: Ordinance/Regulations
January 14, 2011

Michael J. Murphy, AICP
Director of Planning & Development
Town of Groton
Town Hall Annex
134 Groton Long Point Road
Groton, CT 06340

RE: Comprehensive Review of the Town of Groton’s Flood Protection Regulations (Section 6.6)

Dear Mr. Murphy:

On July 2, 2009, the Federal Emergency Management Agency (FEMA) presented your community with new preliminary Flood Insurance Rate Maps (FIRM). **These maps are currently scheduled to become effective on July 18, 2011.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Groton must 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 prior to the effective date of the community’s new FIRM. FEMA will be issuing a Letter of Final Determination (LFD) to the Town of Groton (anticipated date of LFD is January 18, 2011) outlining these requirements and providing the exact new effective map date.

In order to assist the community in this map revision process, the CTDEP has reviewed your community’s existing floodplain management regulations for compliance with 44 CFR 60.3 and new state requirements. The review indicated that revisions to the community’s existing floodplain regulations are needed in order to maintain minimum compliance with the NFIP minimum standards and recently enacted state floodplain management requirements.

The following comments were generated as a result of the recent review and are presented in the order of your current regulations. Some revisions are recommended, others are required for compliance. Comments or words written in **bold type** indicate the definition, section, or wording is required for minimum compliance with FEMA regulations and recently adopted state floodplain management requirements. Text in italics is for explanation purposes.

**Section 2 Definitions**

*Please add the following required definitions to Section 2.*

**COASTAL HIGH HAZARD AREA:** An 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 wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE on a Flood Insurance Rate Map (FIRM).

**EXISTING MANUFACTURERED HOME PARK OR SUBDIVISION:** 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 April 15, 1977, the effective date of the floodplain management regulations adopted by the community.
EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: 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).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The federal agency that administers the National Flood Insurance Program (NFIP).

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.

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.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: 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 April 15, 1977, the effective date of the floodplain management regulation adopted by the community.

SAND DUNES: Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs 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 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. SFHAs include, but are not necessarily limited to, the land shown as Zones A, AE, AO, AH, and the Coastal High Hazard Areas shown as Zone VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

STRUCTURE: 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.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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.
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.

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.

Please revise the following existing definitions in Section 2. The changes needed are in bold text. Please remove any text with strike-through.

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.

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot perform be used for its intended purpose unless it is located 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.

FUNCTIONALLY DEPENDENT USE: A use which 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.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building’s lowest floor, provided that such an area meets the design requirements specified in Section 6.6-3 G. of this regulation.

MEAN SEA LEVEL: Means, 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.

Please remove the definition for “FLOOD BOUNDARY AND FLOODWAY MAP” since this map is no longer applicable with this new map change.

The definitions below for “Cost”, “Finished Living Space” and “Market Value” are optional, and can be added at the discretion of the municipality. They are not required federal definitions. However, these
definitions do help clarify other areas of the regulations that are federally required.

**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.

**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.

**MARKET VALUE:** As related to substantial improvement and substantial damage, the market value of the structure shall be determined by the appraised value of the structure using the cost approach to value method 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.

Sections need to be added to the regulation addressing abrogation and disclaimer of liability. Sample language is provided below. This might easily be added to Section 6.6-1 Purpose, but may be added anywhere in the regulation.

**ABROGATION AND GREATER RESTRICTIONS**
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.

**WARNING AND DISCLAIMER OF LIABILITY**
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 Groton 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 Groton, its officers and employees shall assume no liability for another person’s reliance on any maps, data or information provided by the Town of Groton.

**Section 6.6-2 Identification of Areas**
Please replace the current Section 6.6-2 with the bold text below since several changes have been made.
The effective date of the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) are
currently scheduled to become effective on July 18, 2011. The exact, final effective date of both the FIRM and FIS will be provided to the Town of Groton by FEMA in its Letter of Final Determination (LFD), which is anticipated to be issued on January 18, 2011. The effective map date provided in the LFD is the date that must be used in the update of this section if different from the July 18, 2011 anticipated date.

Flood Hazard Areas include all special flood hazard areas 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 Groton, 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 SFHA 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. The FIRM and FIS are on file with the Town Clerk, Planning Office and Building Office.

Section 6.6-3 Flood Hazard Areas

Please add bold text below to the beginning of part A. In part G., please remove reference to A1-30 zone since this designation is no longer used by FEMA.

A. Permit applications will be reviewed to determine whether proposed building sites will be reasonably safe from flooding. Proposed development shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required . . .

G. Within the A and AE zones, new construction or substantial improvements that include fully . . .

Section 6.6-4 Flood Hazard Areas – A Zones

Please add and correct part C. with bold text provided below. Please replace current text in part E. with new language provided below.

C. In riverine situations, the applicant shall notify adjacent communities and the State Coordinating Office (Department of Environmental Protection, Inland Water Resources Division) prior to any alteration or relocation of a watercourse and submit copies of such notification to the Federal Emergency Management Agency.

E. All manufactured homes to be newly placed or undergoing a substantial improvement shall be elevated so that the bottom of the lowest floor is at or above the base flood elevation. The manufactured home must also meet all the construction standards per Section 6.6-3. 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. All manufactured homes 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 pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. All manufactured homes shall be installed using methods and practices that minimize flood damage. Adequate access and drainage should be provided. Elevation construction standards include piling foundations placed no more than ten (10) feet apart, and reinforcement is provided for piers more than six (6) feet above ground level. Recreational vehicles placed on sites shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the general standards of Section 6.6-3 and the elevation and anchoring requirement of listed above for a manufactured home. 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.

Section 6.6-5 Flood Hazard Areas - AE
Please correct section title and language given below. FEMA no longer uses the A1-30 zone designation. Also correct part B as provided below.

In all special flood hazard areas designated as zone AE, the following additionally shall apply:

B. All new construction and substantial improvements of non-residential structures 1) have the lowest floor (including basement) elevated or flood-proofed to or above the base flood elevation; or 2) in lieu of being elevated, dry flood-proofed to or above the base flood elevation provided that, together with attendant utility and sanitary facilities, be designed so that the area of the structure below base flood elevation the structure is water-tight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

G. When base flood elevations have been determined within Zone AE on the community’s flood insurance rate map but a regulatory floodway has not been designated, the Town must require that no new construction, substantial improvements 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.

Section 6.6-6 Floodway
For part A, please replace all existing text with new text provided below. In part B, remove text with strike-through.

A. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted 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 published by FEMA. Fences in the floodway must be aligned with the flow and be of an open design.

B. The placement of any manufactured home, except in an existing manufactured home park or manufactured home subdivision, shall be prohibited.
Section 6.6-7 Coastal High Hazard Zones
Please remove zone V1-30 in opening sentence of this section. Please correct and add new text to part E.

In the coastal high hazard zone VE, the following provisions shall additionally apply:

E. The placement of manufactured homes, except in existing manufactured home parks and manufactured home subdivisions, is prohibited. Placement of manufactured homes in existing manufactured home parks and manufactured home subdivisions shall meet the standards in Section 6.6-7 of these regulations. Recreational vehicles shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet all the standards of Section 6.6-3, the VE Zone construction requirements of Section 6.6-7. 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.

Section 6.6-8 Specific Situation Variance
In Part B. 3., please delete text with strike-through at the end of the section.

B. 3. Any applicant to whom a variance is granted shall be . . . The Town shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

New state requirements require language on Compensatory Storage and Equal Conveyance. The municipality can choose to place this language in any logical location within the flood hazard regulations.

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.

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.

The following four sections are optional to add into your current regulations but these changes are recommended by CTDEP to assist the community with clarification of frequently occurring issues.
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.

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.

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.)

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.

Once these revisions are made to Town of Groton’s flood protection regulations and the community formally adopts these revisions and the new effective FIRM and FIS, municipality will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the Town in order to check that all required revisions have been made. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, or would like an electronic version of our model floodplain regulations from where the language for the above stated comments had been cited or a copy of our higher regulatory standards developed for use with the model floodplain regulations, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane Ifkovic
State NFIP Coordinator
Flood Management Program
Inland Water Resources Division

cc:  James L. Streeter, Mayor, Town Hall, 45 Fort Hill Road, Groton, CT 06340
     Mark R. Oefinger, Town Manager, Town Hall, 45 Fort Hill Road, Groton, CT 06340
     Denise Lavallee, FEMA, Region I
     File: Town of Groton Community File: Ordinance/Regulation
February 4, 2013

Barbara Goodrich
City Planner
City of Groton
295 Meridian Street
Groton, CT 06340

RE: Review of the City of Groton’s Flood Protection Zoning Regulations (Article 4, Section 4.7) and Definitions (Article 7), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Ms. Goodrich:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. **These revised map panels will become effective on August 5, 2013.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of Groton must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of Groton on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update Article 4, Section 4.7, subpart 4.71 with bold text provided below.

The provisions of this Section are adopted to fulfill requirements for participation by the City of Groton in the National Flood Insurance Program. The provisions of this section, as well as those of the ordinance concerning floodplain management, shall apply to the 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 **August 5, 2013**, and accompanying Flood Insurance Rate Maps (FIRM), dated **August 5, 2013**, and other supporting data applicable to the City of Groton, 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 into this regulation it must take precedence 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The provisions of this section shall apply to areas of special flood hazard, determined by the FIRMs provided to the City of Groton by FEMA, as well as the provisions of the ordinance concerning Flood Plain Management adopted.
It is optional to update Article 4, Section 4.77 b. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

b. All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

It is optional to update the definition of “Substantial Damage” in Article 7, Definitions, with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

**Substantial Damage** - 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. **“Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.**

Please update the definition of “Substantial Improvement” in Article 7, Definitions, with the bold text provided below.

**Substantial Improvement** - Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during a one-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the “start of construction” of the initial repair or improvement; or (2) in the case of damage, the value of the structure prior to the damage occurring. 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 to correct 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 the minimum necessary to assure safe living conditions.**

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is **optional** at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within
the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to City of Groton’s flood protection zoning regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, the City of Groton will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the city. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Marian Galbraith, Mayor (w/o attachments)
Carlton Smith, Building Official (w/o attachments)
Christopher Markesich, FEMA Region I
File: City of Groton NFIP File: Ordinance/Regulations
February 4, 2013

Michael Murphy
Director, Planning & Development
Town of Groton
Town Hall Annex
134 Groton Long Point Road
Groton, CT 06340

RE: Review of the Town of Groton’s Flood Protection Regulations (Section 6.6), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Mr. Murphy:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. These revised map panels will become effective on August 5, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Groton must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Groton on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update Section 6.6-2 Identification of Areas with bold text provided below.

Flood Hazard Areas include all special flood hazard areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013 (Panels 09011C0363J, 09011C0364J, 09011C0388J, 09011C0389J, 09011C0502J, 09011C0504J, 09011C0506J, 09011C0507J, 09011C0508J, 09011C0509J, 09011C0516J, 09011C0517J, 09011C0526J, 09011C0527J, 09011C0528J, 09011C0536J) and July 18, 2011 (Panels 09011C0368G, 09011C0369G), and other supporting data applicable to the Town of Groton, 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file with the Town Clerk, Planning Office and Building Office.
It is optional to update Section 6.6-7 B. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

B. All new construction shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

It is optional to update the definition of “Substantial Damage” in Section 6.6-9 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event damage below 50% can be added together to reach the 50% threshold.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. **“Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.**

Please update the definition of “Substantial Improvement” in Section 6.6-9 Definitions with the bold text provided below.

**SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during a one (1) year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. **This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.** The market value of the structure should be (1) the appraised value of the structure using the cost approach to value method, prior to the start of the initial repair or improvements, or (2) in the case of damage, the value of the structure prior to the damage occurring. 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 either (1) any project for improvement of a structure to correct 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 the minimum necessary to assure safe living conditions, or (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”**.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The
LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Town of Groton’s flood protection regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, the Town of Groton will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Heather Bond Somers, Mayor, Town Hall, 45 Fort Hill Road (w/o attachments)
Mark Oefinger, Town Manager (w/o attachments)
Matthew Davis, Manager of Planning Services (w/o attachments)
Deborah Jones, Environmental Planner (w/o attachments)
Kevin Quinn, Manager Inspection Services (w/o attachments)
Christopher Markesich, FEMA Region I
File: Town of Groton NFIP File: Ordinance/Regulations
January 7, 2013

James Portley, P.E.
Town Engineer
Town of Guilford
50 Boston Street
Guilford, CT 06437

RE: Review of the Town of Guilford’s Flood Damage Prevention Ordinance (Chapter 174), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New Haven County, Connecticut

Dear Mr. Portley:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New Haven County. **These revised map panels will become effective on July 8 2013.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Guilford must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Guilford on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing flood damage prevention ordinance. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

*It is optional to update the definition of “Substantial Damage” in Section 174-5Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.*

**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% of the market value of the structure before the damage occurred. “**Substantial Damage**” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 174-5, Definitions.

**SUBSTANTIAL IMPROVEMENT** – Any combination of repairs, reconstruction, alteration or improvements to a structure taking place during a one-year period in which the cumulative cost equals or exceeds 50% of the market value of the structure before the start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, value of the structure prior to the damage occurring. 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 to correct 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 the minimum necessary to assure safe living conditions.

Please update Section 174-7, Basis for Establishing Areas of Special Flood Hazard, with bold text provided below:

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09009C0487J, 09009C0488J, 09009C0489J, 09009C0491J, 09009C0492J, 09009C0493J, 09009C0494J, 09009C0601J, 09009C0602J, 09009C0606J) and December 17, 2010 (Panels 09009C0336H, 09009C0337H, 09009C0338H, 09009C0339H, 09009C0345H, 09009C0476H, 09009C0477H, 09009C0478H, 09009C0479H, 09009C0481H, 09009C0483H, 09009C0484H, 09009C0486H), and other supporting data applicable to the Town of Guilford, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this regulation it must take precedence 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 the 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 Norwalk. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

It is optional to update Section 174-19A with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

174-19 A. All new construction or substantial improvement shall be located 25 feet landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.
Once these revisions are made to Guilford’s flood damage prevention ordinance and the community formally adopts these revisions and the new effective FEMA FIRMs, Guilford will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Joseph Mazza., First Selectman, 31 Park Street, Guilford (w/o attachments)
    Mark Damiani, Assistant Town Engineer (w/o attachments)
    William Thody, Building Official (w/o attachments)
    George Kral, Town Planner (w/o attachments)
    Christopher Markesich, FEMA Region I (w/o attachments)
    File: Guilford NFIP File: Ordinance/Regulations
January 7, 2017

Leslie A. Creane
Town Planner
Hamden Government Center
2750 Dixwell Avenue
Hamden, CT 06514

RE: Review of the Town of Hamden’s Flood Plain Zones and Special Flood Hazard Areas
Regulations (Section 430), revised Flood Insurance Rate Map panels and Flood Insurance Study
associated with the coastal re-delineation for New Haven County, Connecticut

Dear Ms. Creane:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community
with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-
delineation project for New Haven County. These revised map panels will become effective on July 8,
2013. In order for your community to remain eligible to participate in the National Flood Insurance
Program (NFIP), the Town of Hamden must adopt revised regulations that include the new date for these
panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Hamden on January 8, 2013
outlining these requirements. In order to assist the community in this map revision process, the CTDEEP
has reviewed your community’s existing floodplain management regulations. Comments or words
written in bold type indicate the changes needed for minimum compliance with program standards. Text
in italics is for explanation purposes.

Please update Section 430 with bold text provided below.

These regulations shall apply to all special flood hazard areas (SFHA) within the jurisdiction of the Town
of Hamden. The special flood hazard areas identified by the Federal Emergency Management Agency
(FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated July 8, 2013,
with accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09009C0294J,
09001C0429J, 09009C0432J, 09009C0433J, 09009C0434J, 09009C0451J) and December 17, 2010
(Panels 09009C0280H, 09009C0283H, 09009C0284H, 09009C0290H, 09009C0291H, 09009C0292H,
09009C0293H, 09009C303H, 09009C311H, 09009C426H, 09009C427H, 09009C431H), and
other supporting data applicable to the Town of Hamden, 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 SFHA includes any area shown on
the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. SFHAs 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 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.
It is optional to update the definition of “Substantial Damage” in Article VIII Definitions and Abbreviations, Section 830 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

Substantial Damage – 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. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Article VIII Definitions and Abbreviations, Section 830 with the bold text provided below.

Substantial Improvement -- Any combination of repairs, re-construction, alteration, or improvement to a structure taking place over a 1-year period, in which the cumulative cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For 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 either: any project for improvement of a structure to correct existing State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of a “historic structure” listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Once these revisions are made to Hamden’s floodplain management regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Hamden will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program
cc: Scott D. Jackson, Mayor  
Robert Labulis, Building Official  
Holly Masi, Zoning Enforcement Officer  
Christopher Markesich, FEMA Region I  
File: Hamden NFIP File: Ordinance/Regulations
January 7, 2013

Michael Ott
Director of Public Works
Town of Madison
8 Campus Drive
Madison, CT 06443

RE: Review of the Town of Madison’s Floodplain Management Ordinance, revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New Haven County, Connecticut

Dear Mr. Ott:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New Haven County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Madison must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Madison on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management ordinance. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial Damage” in Section 9.5 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

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 fifty (50) percent of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 9.5 Definitions with the bold text provided below.

Substantial Improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the current market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure shall be based on the latest...
Town assessment adjusted to current value by a factor determined in the latest issue of the Marshall Valuation Services Comparative Cost Multiples published by Marshall and Swift. In the event the aforementioned publication is no longer available an alternative factor may be developed by the Town Engineer’s office. 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 to correct 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 the minimum necessary to assure safe living conditions.

Please update Section 9.7 with the bold text provided below.


(2) Since mapping is legally adopted by reference into this Ordinance it must take precedence 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 the 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 Madison. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

It is optional to update Section 9.34 (1) with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

(1) All new construction or substantial improvements shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to
consider adopting VE zone building standards for new construction and substantial improvements within
the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon
request to add the necessary LiMWA language.

Once these revisions are made to Madison’s floodplain management ordinance and the community
formally adopts these revisions and the new effective FEMA FIRMs, Madison will be fully compliant
with program standards. Please provide this office with a draft copy of the revised regulations at least one
month prior to formal adoption by the town. With those revisions, please provide a schedule for public
hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to
forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this
review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-
3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Fillmore McPherson, First Selectman (w/o attachments)
    Vincent Gardfaio, Building Official (w/o attachments)
    John DeLaura, Zoning Enforcement Officer (w/o attachments)
    Christopher Markesich, FEMA Region I (w/o attachments)
    File: Madison NFIP File: Ordinance/Regulations
January 11, 2010

Emmeline Harrigan
Assistant City Planner
Milford City Hall Annex
70 West River Street
Milford, CT 06460

RE: Comprehensive Review of Milford’s Flood Hazard and Flood Damage Prevention Regulations
(Section 5.8)

Dear Ms. Harrigan:

On September 22, 2008, the Federal Emergency Management Agency (FEMA) presented your community with new preliminary Flood Insurance Rate Maps (FIRM). These maps are currently scheduled to become effective on September 29, 2010. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), Milford must 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 prior to the effective date of the community’s new FIRM. FEMA will be issuing a Letter of Final Determination (LFD) to Milford (anticipated date of LFD is March 29, 2010) outlining these requirements and providing the exact new effective map date.

In order to assist the community in this map revision process, the CTDEP has reviewed your community’s existing floodplain management regulations for compliance with 44 CFR 60.3 and new state requirements. The review indicated that revisions to the community’s existing floodplain regulations are needed in order to maintain minimum compliance with the NFIP minimum standards and recently enacted state floodplain management requirements.

The following comments were generated as a result of the recent review and are presented in the order of your current regulations. Some revisions are recommended, others are required for compliance. Comments or words written in bold type indicate the definition, section, or wording is required for minimum compliance with FEMA regulations and recently adopted state floodplain management requirements. Text in italics is for explanation purposes.

Please replace the current Section 5.8.2 with the bold text below since several changes have been made. The effective date of the Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) are currently scheduled to become effective on September 29, 2010. The exact, final effective date of both the FIRM and FIS will be provided to Milford by FEMA in its Letter of Final Determination (LFD), which is anticipated to be issued on March 29, 2010. The effective map date provided in the LFD is the date that must be used in the update of this section if different from the September 29, 2010 anticipated date.

5.8.2 Zoning Applicability: Flood Hazard and Flood Damage Prevention Regulations shall apply to all lands, buildings, structures, structural alterations and uses in any Zoning District where lands, buildings, structures, structural alterations and uses are, or are proposed to be located, below the regulatory flood protection elevations as defined herein. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated September 29, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated September 29, 2010, and other supporting data applicable to the City of Milford, 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.

Please add the bold text below to Section 5.8.4 and remove any text with strike-through.

Section 5.8.4.3 Duties and Responsibilities of the Zoning Enforcement Officer for the City of Milford:
(1) Review all development permits to determine that the permit requirements of this Section 5.8 have been satisfied as approved by the Planning & Zoning Board and to determine whether proposed building site will be reasonably safe from flooding.
(2) Review all development permits to assure that all necessary if specific State or Federal permits have been received that are specifically required as a condition of approval as imposed by the Planning & Zoning Board.

In the current section 5.8.4.4, delete the second paragraph entirely, and add the text below in its place.

Section 5.8.4.4 Use of Other Base Flood Data:

When BFEs have been determined within Zones A and AE on the community’s FIRM but a regulatory floodway has not been designated, the Zoning Enforcement Officer 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.

The Zoning Enforcement Officer may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality’s request or not), the community shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1.0) foot at any point within the community.

Please remove text with strike-through in Section 5.8.4.5.

Section 5.8.4.5 Information to be Obtained and Maintained:
Obtain and record the actual elevation in relation to mean sea level of the lowest habitable floor . . .

Please change current text in Section 5.8.4.6 (1) to bold text below.

Section 5.8.4.6 Alteration of Watercourses:
(1) Notify adjacent communities, the South Central Regional Council of Governments and the Greater Bridgeport Regional Planning Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
Please add the following section on Abrogation and Greater Restrictions as Section 5.8.5.3.

5.8.5.3 Abrogation and Greater Restrictions:
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.

Please add or change current text to the bold text below to current Section 5.8.12.1.

5.8.12.1 (2) Manufactured Homes (A and AE Zones):
(a) All manufactured homes placed or substantially improved in A and AE Zones, including “mobile” homes and recreational vehicles placed on a site for 180 consecutive days or longer, 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 manufactured home park in which a manufactured home has incurred substantial damage as a result of a flood;
(b) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured (mobile) home will be at or above the base flood elevation. For elevation on pilings, piling foundation must be placed in stable soil no more than 10 feet apart and reinforcement must be provided for pilings more than six feet above the ground level. Lots must be large enough to permit steps.
(c) All manufactured homes 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.
(d) Adequate surface drainage and access for a hauler must be provided;
(e) Recreational vehicles placed on sites within A and AE Zones shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the standards of Section 5.8 and the elevation and anchoring requirement of Section 5.8.12.1 (2) (a) (b) (c) and (d). 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.

Please alter the current section 5.8.13.3 to read as follows. Please remove current Section 5.8.13.3 (4) which state that manufactured homes can be placed in the floodway in an existing mobile home park or subdivision. It is against current FEMA regulations to place a manufactured home, or other structure, in a floodway unless appropriate hydrologic analysis has been performed by a licensed engineer showing that no increase will occur to the base flood discharge associated with the obstruction.

5.8.13.3 Manufactured Mobile Homes (VE Zones):
(1) All manufactured (mobile) homes placed or substantially improved in a coastal high hazard area (VE zone) shall be anchored in accordance with Section 5.8.12.1. Adequate surface drainage and access for a hauler must be provided.
(2) No manufactured (mobile) homes shall be placed in a coastal high hazard area (VE Zone) except in an existing manufactured (mobile) home park or subdivision.
(3) Manufactured (mobile) homes placed or substantially improved in VE Zones in an existing manufactured (mobile) home park or subdivision shall be elevated so that the bottom of the lowest
horizontal structural member is at or above the base flood elevation (BFE). The manufactured home must also meet all the construction standards for VE Zones as per Section 5.8.14.

(4) Recreational vehicles placed on sites within VE Zones shall either be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use, or meet all the general standard of Section 5.1, the V Zone construction requirements of Section 5.3.2, and the elevation and anchoring requirement of Section 5.3.3.1, 5.3.3.3, and 5.3.3.4. 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.

Please correct section 5.8.13.4, by replacing “X” with “A” for the correct zone designation.

5.8.13.4 The following section shall apply to residential or non-residential buildings in an A or AE zone only, not VE zones.

Please add bold text and remove strike-through text in section 5.8.15 Floodways. Please remove Section 5.8.15 (3) which state that manufactured homes can be placed in the floodway in an existing mobile home park or subdivision. It is against current FEMA regulations to place a manufactured home, or other structure, in a floodway unless appropriate hydrologic analysis has been performed by a licensed engineer showing that no increase will occur to the base flood discharge associated with the obstruction.

5.8.15 Floodways:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting technical data, by a registered professional engineer or architect 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 the occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

New state requirements require language on Compensatory Storage and Equal Conveyance. The sections may be logically placed as Section 5.8.16 and 5.8.17. However, the municipality can choose to place this language in any logical location within the floodplain management ordinance.

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.
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.

ARTICLE XI - DEFINITIONS
Please add the following required definitions to Article XI - 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.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).

FUNCTIONALLY DEPENDENT USE OR FACILITY – 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.

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 PARK OR SUBDIVISION – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

For the definition of “Market Value” below, Milford must choose one of the desired methods it will accept for this determination. Please choose accepted method and delete all others from definition.

MARKET VALUE - The market value of the structure shall be determined by (choose one of the following: an independent appraisal by a professional appraiser; the property’s tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure’s Actual Cash 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.
SPECIAL FLOOD HAZARD AREA (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs 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 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. SFHAs include, but are not necessarily limited to, the land shown as Zones A and AE and the Coastal High Hazard Areas shown as Zones VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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.

VIOLATION – 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 floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Please revise the following existing definitions in Article XI - Definitions. The changes needed are in bold text. Please remove any text with strike-through.

BASEMENT – A story in a building located partly underground, but having less than one-half of its clear floor to ceiling height below the average level of finished grad adjoining the exterior walls of 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 wave action from storms, hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V1-30, VE or V.

CONSTRUCTION, NEW – Structures for which the “start of construction” commenced on or after September 29, 1978, the effective date of Section 5.8, and includes any subsequent improvements to such structures.

Please add the bold text below to the end of the current definition.

CONSTRUCTION, START OF – Includes substantial improvement, and means the . . . 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.

DEVELOPMENT - Any manmade 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.

**FLOOD INSURANCE RATE MAP** – The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** – The official report provided in which the Federal Emergency Management Agency (FEMA) has provided flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

The current definition for “Improvement, Substantial” has some serious deficiencies. The standard FEMA definition relates a substantial improvement to 50% of the market value of the structure, not 50% of the square footage of the structure. Also, a time frame, such as a ten year period which is used as the example in the definition below, should be added to calculate cumulative cost. At a minimum the time frame should be a one year period. The maximum time frame would be the life of the structure. The municipality can choose the timeframe they wish to use to administer this requirement.

**IMPROVEMENT, SUBSTANTIAL** – Any repair, reconstruction, or improvement of a structure, taking place during a ten year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure as determined at the beginning of such ten year period. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For 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 either: (1) Any project for improvement of a structure to correct 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 the minimum necessary to assure safe living conditions; or (2) Any alteration of a “historic” structure, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

**MANUFACTURED (MOBILE) HOME** – A structure transportable in one or more sections, built on a permanent chassis and is designed for use with or without a permanent foundation, when connected to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

**MEAN SEA LEVEL** – The average height of the surface of the sea for all stages of the tide, usually determined from hourly readings during any given period. For the purposes of these regulations, mean sea level shall be deemed to be an elevation of 0.0 feet (USGSS datum, MSL). For floodplain management purposes, the North American Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced.

Please add the following bold text to the end of the current definition.

**STRUCTURE** – Anything constructed or erected . . . height other than retaining walls. 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.

**VEHICLE, RECREATION** – Vehicle Recreation is any towed or self-propelled residence, coach, trailer, truck body converted for residential occupancy primarily designed or utilized for seasonal and/or vacation use. For floodplain management purposes, a recreational vehicle is any vehicle which is: (a) built
on a single chassis; (b) four hundred (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 a temporary living quarters for recreational, camping, travel, or seasonal use.

**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.

*Please remove the existing definition for “Habitable Floor” since it is no longer used by FEMA.*

The definitions below for “Cost” and “Finished Living Space” are optional, and can be added at the discretion of the municipality. They are not required federal definitions. However, these definitions do help clarify other areas of the regulations that are federally required.

Cost means 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.

*Finished Living Space* means, 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.

*The following four sections are optional to add into your current regulations but these changes are recommended by CTDEP to assist the community with clarification of frequently occurring issues.*

**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.

**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.
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.)

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.

SUBDIVISION REGULATIONS

Please add the bold text to current Section 3.16 of Milford’s Subdivision Regulations.

SECTION 3.16 FLOOD PROTECTION
The plan shall include measures consistent with the need to minimize flood damage. Public utilities and facilities shall be located and constructed to avoid damage from flooding. Drainage shall be designed to minimize the occurrence of flooding. Base flood elevation data shall be provided by the applicant with all subdivision proposals, including manufactured home parks and subdivisions. Where base flood elevation data is not available, the applicant shall provide a hydrologic and hydraulic engineering analysis performed by a licensed professional engineer that generates base flood elevations for all subdivision proposals and other proposed development, including manufactured home parks and subdivisions.

Once these revisions are made to Milford’s Flood Hazard and Flood Damage Prevention Regulations and the community formally adopts these revisions and the new effective FIRM and FIS, municipality will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the City in order to check that all required revisions have been made. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, or would like an electronic version of our model floodplain regulations from where the language for the above stated comments had been cited or a copy of our higher regulatory standards developed for use with the model floodplain regulations, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane Ifkovic
State NFIP Coordinator
Flood Management Program
Inland Water Resources Division
January 7, 2013

Emmeline Harrigan
Assistant City Planner
Milford City Hall Annex
70 West River Street
Milford, CT 06460

RE: Review of the City of Milford’s Flood Hazard and Flood Damage Prevention Regulations (Section 5.8), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New Haven County, Connecticut

Dear Ms. Harrigan:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New Haven County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of Milford must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of Milford on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in **italics** is for explanation purposes.

Please update Section 5.8.2, Zoning Applicability, with bold text provided below.

Flood Hazard and Flood Damage Prevention Regulations shall apply to all lands, buildings, structures, structural alterations and uses in any Zoning District where lands, buildings, structures, structural alterations and uses are, or are proposed to be located, below the regulatory flood protection elevations as defined herein. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated **July 8, 2013**, and accompanying Flood Insurance Rate Maps (FIRM), dated **July 8, 2013 (Panels 09009C0526J, 09009C0528J, 09009C0529J, 09009C0531J, 09009C0532J, 09009C0533J, 09009C0534J, 09009C0536J, 09009C0537J, 09009C0551J)** and **December 17, 2010 (Panels 09009C0414H, 09009C0418H, 09009C0419H, 09009C0527H)**, and other supporting data applicable to the City of Milford, 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 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 the 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 Milford. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.
It is optional to update Section 5.8.14.1 with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

5.8.14.1 Location of Structures: All new construction, substantial improvements, buildings or structures shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

Please update the definitions for “Improvement, Substantial” in Article XI, Definitions with bold text provided below.

IMPROVEMENT, SUBSTANTIAL – Any repair, reconstruction, or improvement of a structure, taking place during a ten year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement, as determined at the beginning of such ten year period. The term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed.

It is optional to update the definition of “Substantial Damage” in Article XI, Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Milford’s floodplain management regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Milford will be fully compliant with
program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Benjamin G. Blake, Mayor, City Hall, 110 River Street, Milford 06460 (w/o attachments)
David Sulkis, City Planner (w/o attachments)
Thomas Raucci, Building Official (w/o attachments)
Gary Wassmer, City Engineer (w/o attachments)
Christopher Markesich, FEMA Region I
File: Milford NFIP File: Ordinance/Regulations
January 7, 2013

Daniel O’Neill
Deputy Building Inspector
City of New Haven
165 Church Street
New Haven, CT 06510

RE: Review of the City of New Haven’s Flood Damage Prevention Ordinance, revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New Haven County, Connecticut

Dear Mr. O’Neill:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New Haven County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of New Haven must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of New Haven on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial Damage” in Section 2 Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

2.1.37 Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 2 with the bold text provided.

2.1.38 Substantial Improvement – any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be (1) appraised value of the structure using the cost to approach value 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. For 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 to correct 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 the minimum necessary to assure safe living conditions.

Please update Section 3.2, Basis for Establishing the Areas of Special Flood Hazards, with bold text provided below:

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09009C0429J, 09009C0433J, 09009C0434J, 09009C0437J, 09009C0439J, 09009C0441J, 09009C0442J, 09009C0443J, 09009C0444J, 09009C0453J, 09009C0557J) and December 17, 2010 (Panels 09009C0426H, 09009C0427H, 09009C0428H, 0900C0461H, 09009C0461H, 09009C0556H), and other supporting data applicable to the City of New Haven, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this regulation it must take precedence 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIS and FIRM are on file with the city/town clerk.

It is optional to update Section 5.3.4.01 with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

5.3.4.01 All new construction or substantial improvement shall be located 25 feet landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.
Once these revisions are made to New Haven’s flood damage prevention ordinance and the community formally adopts these revisions and the new effective FEMA FIRMs, New Haven will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc:  John DeStefano, Mayor (w/o attachments)
     Karyn Gilvarg, Executive Director, City Planning (w/o attachments)
     Joy Ford, City Planner (w/o attachments)
     Andrew Rizzo, Building Official (w/o attachments)
     Richard Miller, City Engineer (w/o attachments)
     Christopher Markesich, FEMA Region I (w/o attachments)
     File: New Haven NFIP File: Ordinance/Regulations
February 4, 2013

Harry A. Smith
City Planner
City of New London
111 Union Street
New London, CT 06320

RE: Review of the City of New London’s Flood Plain Management Zoning Regulations (Section 830), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Mr. Smith:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. These revised map panels will become effective on August 5, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of New London must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of New London on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update Section 830 B. with bold text provided below.

B. Flood Hazard Areas. This regulation shall apply to all areas of special flood hazard within the City of New London. The 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 August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013 (Panels 09011C0363J, 09011C0364J, 09011C0501J, 09011C0502J, 09011C0503J, 09011C0504J, 09011C0511J) and July 18, 2011 (Panel 09011C0482G), and other supporting data applicable to the City of New London, 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.
**It is optional to update Section 830 E. 1) with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.**

(1) All new construction or substantial improvements shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

**It is optional to update the definition of “Substantial Damage” in Section 830 H. with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.**

15) 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. **“Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.**

Please update the definition of “Substantial Improvement” in Section 830 H. with the bold text provided below.

16) Substantial improvement means any repair, reconstruction, or improvements of a structure, taking place over a ten year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the **start of construction** of the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. **This term includes structures which 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 either (1) any project for improvement of a structure to **correct 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 the minimum necessary to assure safe living conditions, or (2) any alteration of a **“historic structure”**, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within
the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to New London’s floodplain management regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, New London will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the city. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Daryl Justin Finizio, Mayor, City Hall, 181 State Street, New London (w/o attachments)
Kurt Kripas, Building Official (w/o attachments)
Michelle Johnson, Zoning Enforcement Officer (w/o attachments)
Christopher Markesich, FEMA Region I
File: New London NFIP File: Ordinance/Regulations
February 4, 2013

William Mulholland
Zoning Enforcement Officer
Noank Fire District
P.O. Box 9202
10 Ward Avenue
Noank, CT 06340

RE: Review of the Noank Fire District’s Flood Protection Zoning Regulations (Section 15.2 and 18), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Mr. Mulholland:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. **These revised map panels will become effective on August 5, 2013.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Noank Fire District must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Noank Fire District on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update Section 15.2.1 with bold text provided below.

15.2.1 The purpose of this Section is to establish special procedures for controlling development in 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 **August 5, 2013,** and accompanying Flood Insurance Rate Maps (FIRM), dated **August 5, 2013,** and other supporting data applicable to the Noank Fire District, 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. Definition of terms referred to in this Section 15.2 as follows shall conform to definitions established by the Federal Emergency Management Agency.
It is optional to update 15.2.13 a) with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

a) All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

It is optional to update the definition of “Substantial Damage” in Section 18 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

18.2.85 Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 18 with the bold text provided below.

18.2.87 Substantial improvement - Any repair, reconstruction, or improvements of a structure, taking place during a ten year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure either a) before the “start of construction” of the improvement is started, or b) if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which 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.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.
Once these revisions are made to the Noank Fire District’s flood protection zoning regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, the Noank Fire District will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the community. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic  
Environmental Analyst III  
State NFIP Coordinator  
Inland Water Resources Division  
Flood Management Program

cc: Frank Socha, Chair, Executive Committee (w/o attachments)  
Christopher Markesich, FEMA Region I  
File: Noank Fire District NFIP File: Ordinance/Regulations
January 7, 2012

Jonathan Bodwell
Town Engineer
Town of North Haven
18 Church Street
North Haven, CT 06473

RE: Review of the Town of North Haven’s Flood Damage Prevention Ordinance (Chapter 121), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New Haven County, Connecticut

Dear Mr. Bodwell:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New Haven County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of North Haven must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of North Haven on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain ordinance. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial Damage” in Section 121-5 Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

SUBSTANTIAL DAMAGE - 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. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” Section 121-5 Definitions.

SUBSTANTIAL IMPROVEMENT - Any combination of repairs reconstructions, alterations or improvements to a structure, taking place over a ten year period in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be the appraised value...
using the cost approach of value to the structure 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. 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 to correct 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 the minimum necessary to assure safe living conditions.**

*Please update Section 121-7, Basis for establishing areas of special flood hazard, with bold text provided below.*

The areas of special flood hazard within the Town of North Haven are identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated **July 8, 2013**, accompanying Flood Insurance Rate Maps (FIRM), dated **July 8, 2013** (Panels 09009C0294J, 09009C0313J, 09009C0432J, 09009C0434J, 09009C0451J, 09009C0453J) and December 17, 2010 (Panels 09009C0292H, 09009C0311H, 09009C0312H, 09009C0314H, 09009C0431H, 09009C0452H, 09009C0454H), and other supporting data applicable to the Town of North Haven, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this regulation it must take precedence 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

Once these revisions are made to North Haven’s flood damage prevention ordinance and the community formally adopts these revisions and the new effective FEMA FIRMs, North Haven will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic  
Environmental Analyst III  
State NFIP Coordinator  
Inland Water Resources Division  
Flood Management Program
cc: Michael J. Freda, First Selectman
    Arthur Hausman, Zoning Enforcement Officer
    Alan Fredricksen, Land Use Administrator
    Elio Floriano, Building Official
    Christopher Markesich, FEMA Region I
File: North Haven NFIP File: Ordinance/Regulations
January 7, 2013

Michael Greene
Director, Planning & Zoning
City of Norwalk
125 East Avenue
Norwalk, CT 06856-5125

RE: Review of the City of Norwalk’s Flood Hazard Zone Regulations (Section 118-1100), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Mr. Greene:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of Norwalk must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of Norwalk on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing flood hazard zone regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial damage” in Article 110 Flood Hazard Zone, Section 118-1100B. Special Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Article 110 Flood Hazard Zone, Section 118-1100 B. Special Definitions, with bold text provided below.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction or improvement of a structure, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the “start of construction” of the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred, including the cumulative cost of improvements taking place over the previous ten (10) years. This term includes structures that have
incurred “substantial damage”, regardless of the actual repair work performed. For the purpose 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 either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions nor any alteration of a historic structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Please update Article 110 Flood Hazard Zone, Section 118-1100 C. (1) and (6) (a) with bold text provided below.

C. Regulations for development.
(1) Flood Zones. All references to flood zones in this section refer to the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0529G, 09001C0531G, 09001C0532G, 09001C0533G, 09001C0534G, 09001C0537G, 09001C0541G, 09001C0542G) and June 18, 2010 (Panels 09001C0389F, 09001C0391F, 09001C0392F, 09001C0393F, 09001C0394F, 09001C0526F, 09001C0527F), and other supporting data applicable to the City of Norwalk, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation as cited in Section 118-200. Since mapping is legally adopted by reference into this regulation it must take precedence 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 the 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 Norwalk. BFEs provided on a Flood Insurance Rate Map (FIRM) are approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

It is optional to update Section 118-1100 C. (6) (a) with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

(6) (a) All new construction and substantial improvements shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can
potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Norwalk’s flood hazard zone regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Norwalk will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Richard A. Moccia, Mayor (w/o attachments)
    Dori Wilson, Senior Planner (w/o attachments)
    William Ireland, Building Official (w/o attachments)
    Christopher Markesich, FEMA Region I
    File: Norwalk NFIP File: Ordinance/Regulations
November 27, 2007

Christina M. Costa
Zoning Enforcement Officer
Old Saybrook Town Hall
302 Main Street
Old Saybrook, CT 06475

RE: Comprehensive Review of Old Saybrook’s Floodplain Management Ordinance

Dear Ms. Costa:

Recently, the Federal Emergency Management Agency (FEMA) presented your community with new preliminary Flood Insurance Rate Maps (FIRMs). In order to remain eligible to participate in the National Flood Insurance Program (NFIP), Old Saybrook must adopt a revised ordinance for development of flood prone areas that meet or exceed the minimum federal standards of 44 CFR 60.3 and new state requirements by the date determined by FEMA upon which your new maps will become effective. This office contracts annually with FEMA to serve as state coordinating agency for the flood insurance program and to provide technical assistance to participating communities. In that capacity, we have been asked to review your community’s floodplain ordinance for compliance with program standards.

CTDEP is in receipt of and has reviewed your community’s existing floodplain management ordinance for compliance with 44 CFR 60.3 and state requirements. Our review indicated that the ordinance was generally in good condition with regard to meeting the minimum requirements of the NFIP.

The following comments were generated as a result of the recent review. Some revisions are recommended, others are required for compliance. Comments are listed in the order of your ordinance under Part One: Current Ordinance, with comments regarding required new sections presented under Part Two: Required Sections to Add to Current Ordinance. Comments or words written in bold type indicate the definition, section, or wording is required for minimum compliance with FEMA regulations and recently adopted state floodplain management requirements.
Part One: Current Ordinance

Ordinance: Section 3.2. Basis for Establishing the Special Flood Hazard Areas:

Please update the dates of your Flood Insurance Study and Flood Insurance Rate Maps (with the date to be determined by FEMA in its Letter of Final Determination it will issue to the town) and include the following:

“…in its Flood Insurance Study for the town of Old Saybrook dated [to be determined by FEMA, please state date in ordinance once issued], with accompanying Flood Insurance Rate Maps dated [to be determined by FEMA, please state date once issued], and any subsequent revisions thereto, are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into the regulation it must take precedence when more restrictive until such time as a map amendment is obtained.”

Ordinance: Section 2. Definitions:

Please revise the following definitions to provide additional clarification and detail within the definition (suggested language is cited from the state’s model floodplain regulations):

1. **Base Flood Elevation (BFE)** – The elevation of the crest of the base flood (100-year flood). The height in relation to mean sea level (NGVD of 1929) expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

2. **Coastal High Hazard Area** – An 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 wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zones V, V1-30 and VE on a Flood Insurance Rate Map (FIRM).

3. **Flood Boundary and Floodway Map (FBFM)** – The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the limits of the regulatory floodway and 100-year floodplain.

4. **Mean Sea Level (MSL)** – 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 (FIRM) are referenced.

5. **Special Flood Hazard Area (SFHA)** – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs 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 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. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30, AE, AO, AH, and the Coastal High Hazard Areas shown as Zones V, V1-30, and VE on a FIRM. The SFHA is also called the Area of Special Flood Hazard.

6. **Start of Construction** – please add the following sentence to the end of your current definition:

   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.

Please add the following required definitions (suggested language is cited from the state’s model floodplain regulations):

1. **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 components, structural components, 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.

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

3. **Finished Living Space** – Finished living space can include, but is not limited to, a space that is 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. A fully enclosed area below the base flood elevation (BFE) cannot have finished living space and needs to be designed for exposure to flood forces. This space can only be used for parking, building access or limited storage.

4. **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.

5. Market Value – Market value of the structure shall be determined by [an independent appraisal by a professional appraiser; the property’s tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure’s Actual Cash Value – Old Saybrook should choose one of the methods presented here and state it in the definition].

6. Sand Dunes – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

7. Violation – Failure of a structure or other development to be fully compliant with the community’s floodplain management [ordinance/regulations]. 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.

Ordinance: Section 5.2. Standards for Streams without Established Base Flood Elevation, Floodways, and/or Flood Mapping:

Please note that citation 5.2.5 is only a requirement for communities with AH or AO designated zones. If your community does not have either of these zones designated on your FIRMs, please remove this requirement. If the town wishes to keep this requirement as a general requirement for a designated A or AE zone, please remove the AH or AO zone wording and modify the requirement to fit the desired designated zones.

Part Two: Required Sections to Add to Current Ordinance

Please add the following required sections to your ordinance (suggested language is cited from the state’s model floodplain regulations):

1. Severability Section – Copy of ordinance received for review did not have this section. The following is suggested language cited from the state’s model floodplain regulations for use in developing said section:
If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

1. **Compensatory Storage** - The water holding capacity of the floodplain, except those areas that 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.

2. **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.

3. **Aboveground Oil 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.

4. **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.
5. **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.)

6. **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.

Once these revisions are made to Old Saybrook’s *Floodplain Management Ordinance*, and the community formally adopts these revisions to its floodplain management ordinance along with the new effective FEMA FIS and FIRMs, Old Saybrook will be fully compliant with program standards. Please provide this office with a draft copy of the revised ordinance at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the new ordinance updates are adopted, this office will need a certified copy to forward to FEMA, Region I. Final adoption should take place no later than the date that FEMA will provide the town in its upcoming *Letter of Final Determination*.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, or would like an electronic version of our model floodplain regulations from where the language for the above stated comments had been cited or a copy of our higher regulatory standards developed for use with the model floodplain regulation document, please contact me by telephone at (860) 424-3779, or by email at karen.michaels@po.state.ct.us.

Sincerely,

Karen A. Michaels
Environmental Analyst
Flood Management Section
Inland Water Resources Division

cc: Michael A. Pace, First Selectman, Town of Old Saybrook
    Sam Bell, FEMA, Region I
    Carla Feroni, CTDEP
    File: Old Saybrook Community File: Ordinance/Regulations
February 4, 2013

Ann Brown
Zoning Enforcement Officer
Town of Old Lyme
52 Lyme Street
Old Lyme, CT 06371

RE: Review of the Town of Old Lyme’s Flood Hazard Zoning Regulations (Section 4.4), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Ms. Brown:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. These revised map panels will become effective on August 5, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Old Lyme must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Old Lyme on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update Section 4.4.2 Identification of District with bold text provided below.

4.4.2 Identification of District. The Flood Plain Zone is the area identified as the “Special Flood Hazard Areas” (SFHA) by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013 (Panels 09011C0451J, 09011C0452J, 09011C0453J, 09011C0454J, 09011C0458J, 09011C0459J, 09011C0456J, 09011C0461J, 09011C0462J, 09011C0464J, 09011C0466J, 09011C0467J, 09011C0468J, 09011C0486J) and July 18, 2011 (Panels 09011C0456G, 09011C0457G), and other supporting data applicable to the Town of Old Lyme, 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file in the Old Lyme Town Clerk’s office.
It is optional to update the definition of “Substantial Damage” in Section 4.4.3 Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood events with damage below 50% can be added together to reach the 50% threshold.

gg. 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. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

It is optional to update Section 4.4.6.5 a. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

4.4.6.5 a. Location. All Buildings and Structures shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Old Lyme’s flood hazard zoning regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Old Lyme will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.
Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Bonnie Reemsnyder, First Selectwoman (w/o attachments)
    Ron Rose, Sanitarian (w/o attachments)
    John Flower, Interim Building Official (w/o attachments)
    Kim Groves, Land Use Technician (w/o attachments)
    Kim Barrows, Land Use Technician (w/o attachments)
    Christopher Markesich, FEMA Region I
    File: Old Lyme NFIP File: Ordinance/Regulations
August 2, 2012

Christine Nelson
Town Planner
Town of Old Saybrook
Town Hall
302 Main Street
Old Saybrook, CT 06475-1741

RE: Review of the Town of Old Saybrook’s Flood Plain Management Ordinance (Chapter 128), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Middlesex County, Connecticut

Dear Ms. Nelson:

On September 22, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Middlesex County. These revised coastal FIRM panels will become effective on February 6, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Old Saybrook must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Old Saybrook on August 6, 2012 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management ordinance. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update Article III, Section 128-7 with bold text provided below. The underlined text in the second paragraph below is optional and can be added at the discretion of the community.

Article III  General Provisions, 128-7. Basis for establishing special flood hazard areas.

The special flood hazard areas (SFHA) identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Middlesex County, Connecticut, dated February 6, 2013, with accompanying Flood Insurance Rate Maps (FIRM), dated February 6, 2013 (Panels 09007C0341J, 09007C0342J, 09007C0343J, 09007C0344J, 09007C0353J, 09007C0361J, 09007C0362J, 09007C0363J, 09007C0364J) and August 28, 2008 (Panels 09007C0333G and 09007C0334G), and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into the chapter, it must take precedence when more restrictive until such time as a map amendment is obtained from FEMA.

The SFHA 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. SFHAs 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...
Please update Article VII, Section 128-25 D. with the bold text provided below.


D. The Town Engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) in its biennial report.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the Coastal AE Zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once the required revisions are made to Old Saybrook’s floodplain management ordinance and the community formally adopts these revisions and the new effective FEMA FIRM, Old Saybrook will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program
cc: Carl P. Fortuna, First Selectman (w/o attachment)
Christina Costa, Zoning Enforcement Officer (w/o attachment)
Don Lucas, Building Inspector (w/o attachment)
Geoff Jacobson, Town Engineer (w/o attachment)
Christopher Markesich, FEMA, Region I (w/o attachment)
File: Old Saybrook NFIP File: Ordinance/Regulations
January 7, 2013

Richard Talamelli
Environmental Planner
City of Stamford
Government Center
888 Washington Boulevard
Stamford, CT 06901

RE: Review of the City of Stamford’s Flood Prone Area Regulations (Section 7.1), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Mr. Talamelli:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of Stamford must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of Stamford on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing flood prone area regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial damage” in Article III, Section 7.1 Flood Prone Area Regulations, B. Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

42. Substantial Damage means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Article III, Section 7.1 Flood Prone Area Regulations, B. Definitions with the bold text provided below.

43. Substantial Improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a five (5) year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure as determined at the beginning of such five (5) year period. The market value of the structure should be (1) the appraised value of the
structure prior to the “start of construction” 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 improvement project required to comply with existing health, sanitary or safety code specifications which are the **minimum** necessary to assure safe living conditions and which have been previously identified by the local code enforcement official.

Please update Article III, Section 7.1 Flood Prone Area Regulations, C. General Requirements, 2. Basis for establishing special flood hazard areas with the bold text provided below.

2. Basis for Establishing Special Flood Hazard Areas. Special flood hazard areas are identified utilizing the base flood elevation data developed by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated **July 8, 2013**, and accompanying Flood Insurance Rate Maps (FIRM), dated **July 8, 2013** (Panels 09001C0512G, 09001C0516G, 09001C0517G, 09001C0518G, 09001C0519G, 09001C0536G) and **June 18, 2010** (Panels 09001C0344F, 09001C0363F, 09001C0364F, 09001C0365F, 09001C0366F, 09001C0368F, 09001C0369F, 09001C0501F, 09001C0502F, 09001C0503F, 09001C0504F, 09001C0506F, 09001C0507F, 09001C0508F, 09001C0509F), and other supporting data, applicable to the City of Stamford, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this Section. 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. Special flood hazard areas are determined utilizing the base flood elevation (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. Special flood hazard areas include: . . . . . .

It is **optional** to update Article III, Section 7.1 Flood Prone Area Regulations, D. Provisions for Flood Hazard Reduction, 3. Provisions Applicable to Coastal High Hazard Areas, a. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

a. Location Landward of the **Connecticut Coastal Jurisdiction Line**. All new construction or substantial improvement shall be located landward of the reach of the **Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101**.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is **optional** at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can
potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Stamford’s flood prone area regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Stamford will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Michael Pavia, Mayor (w/o attachment)
Norman Cole, Acting Director, Planning & Zoning (w/o attachment)
Robert DeMarco, Building Official (w/o attachment)
Christopher Markesich, FEMA Region I (w/o attachment)
File: Stamford NFIP File: Ordinance/Regulations
February 4, 2013

David Atkinson
Zoning Enforcement Officer
Borough of Stonington
P.O. Box 95
26 Church Street
Stonington, CT 06378

RE: Review of the Borough of Stonington’s Flood Protection Regulations (Section 1.3 and 3.3.2), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Mr. Atkinson:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. **These revised map panels will become effective on August 5, 2013.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Borough of Stonington must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Borough of Stonington on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is **optional** to update the definition of “Substantial Damage” in Section 3.3.2.2 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

z. Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. **“Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.**

Please update the definition of “Substantial Improvement” in Section 3.3.2.2 Definitions with the bold text provided below. A similar definition of “Substantial Improvement” is also included in Section 1.3. Please update the definition in Section 1.3 to read the same as the text below.

aa. Substantial Improvements: Any combination of repairs, reconstruction, alteration or improvements to a structure taking place over a three-year period in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure **before the “start of construction” of the improvement.** This term includes structures which have incurred “substantial damage”, regardless...
of the actual repair work performed. The market value of the structure should be: (1) the appraised value of the structure prior to the “start of construction” of the initial repair or improvement; or (2) in the case of damage, the value of the structure prior to the damage occurring. 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 to correct 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 the minimum necessary to assure safe living conditions.

Please update Section 3.3.2.3, Identification of Flood Hazard Areas and Flooding Elevation, with bold text provided below.

Flood hazard areas (areas of special flood hazard) and flood elevations shall be identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated **August 5, 2013**, and accompanying Flood Insurance Rate Maps (FIRM), dated **August 5, 2013**, and other supporting data applicable to the Borough 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM and FIS are on file in the office of the Borough Clerk.

It is optional to update Section 3.3.2.6 e. with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

e. All construction in a V zone shall be landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.
Once these revisions are made to Borough of Stonington’s flood protection regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, the Borough of Stonington will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the borough. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Paul Burgess, Warden, P.O. Box 328 (w/o attachments)
Christopher Markesich, FEMA Region I
File: Borough of Stonington NFIP File: Ordinance/Regulations
February 4, 2013

Larry Sullivan
Town Engineer
Town of Stonington
152 Elm Street
Stonington, CT 06378

RE: Review of the Town of Stonington’s Flood Hazard Overlay District Regulations (Section 7.7) and Definitions (Section 1.2), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Mr. Sullivan:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. **These revised map panels will become effective on August 5, 2013.** In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Stonington must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Stonington on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in **bold type** indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial Damage” in Section 1.2.2 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. **“Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.**

Please update the definition of “Substantial Improvement” in Section 1.2.2 with the bold text provided below.

Substantial Improvement. Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. **This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.** The market value of the structure shall be (1) the appraised value of the structure prior to the “start of construction” of the initial repair or improvement, or (2) in the case of
damage, the value of the structure prior to the damage occurring. 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 to correct 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 the minimum necessary to assure safe living conditions.

Please update Sections 7.7.1, 7.7.2.1, and 7.7.2.2 with bold text provided below.

7.7.1 The base flood elevation 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 August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013 (Panels 09011C0389J, 09011C0414J, 09011C0526J, 09011C0527J, 09011C0528J, 09011C0529J, 09011C0531J, 09011C0532J, 09011C0533J, 09011C0534J, 09011C0536J, 09011C0551J, 09011C0552J, 09011C0553J, 09011C0554J) and July 18, 2011 (Panels 09011C0387G, 09011C0391G, 09011C0392G, 09011C0393G, 09011C0394G, 09011C0411G, 09011C0412G, 09011C0413G), 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.


It is optional to update Section 7.7.8.3.1 with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

7.7.8.3.1 All new construction or substantial improvement shall be located 100 feet landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.
These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to the Town of Stonington’s flood hazard overlay district regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, the Town of Stonington will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Edward Haberek, Jr., First Selectman (w/o attachments)
    Wayne Greene, Building Official (w/o attachments)
    Joe Bragaw, Director of Public Works (w/o attachments)
    Joe Larkin, Zoning Enforcement Officer (w/o attachments)
    Candace Palmer, Zoning Enforcement Officer (w/o attachments)
    Keith Brynes, Town Planner (w/o attachments)
    Christopher Markesich, FEMA Region I
File: Town of Stonington NFIP File: Ordinance/Regulations
January 7, 2013

Gary Lorentson
Planning & Zoning Administrator
Town of Stratford
Town Hall
2725 Main Street
Stratford, CT 06615

RE: Review of the Town of Stratford’s Flood Damage Prevention Ordinance (Chapter 102), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Mr. Lorentson:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Stratford must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Stratford on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing flood damage prevention ordinance. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

SUBSTANTIAL DAMAGE - Damage of ANY origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 102-5, Definitions with the bold text provided below.

SUBSTANTIAL IMPROVEMENT – Any combination of repairs, reconstruction, alteration or improvements to a structure taking place over a one (1) year period in which the cumulative cost equals or exceeds fifty (50%) percent of the market value of the structure. The market value of the structure should be the appraised value of the structure using the cost approach to value method prior to the “start of construction” of the initial repair or improvement or, in the case of damage, the value of the structure after the damage occurred.
prior to the damage occurring. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For the purpose 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 shall include the cumulative cost of any repairs, reconstruction or improvement for which less than one year has transpired between issuance of a certificate of occupancy and the issuance of a subsequent permit. The term does not, however, include any improvement project required to comply with existing state or local health, sanitary or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of a historic structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Please update Section 102-7, Basis for establishing areas of special flood hazard with the bold text provided below.

Section 102-7. Basis for establishing areas of special flood hazard.

The areas of special flood hazard are identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0434G, 09001C0441G, 09001C0442G, 09001C0443G, 09001C0444G, 09001C0451G, 09001C0452G, 09001C0453G, 09001C0461G, 09001C0463G) and June 18, 2010 (Panels 09001C0294F, 09001C0313F, 09001C0314F, 09001C0431F, 09001C0432F, 09001C0433F), and other supporting data applicable to the Town of Stratford, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into the chapter, it must take precedence when more restrictive until such time as a map amendment is obtained from FEMA. The areas of special flood hazard include 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. BFE’s provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFE’s published in the FIS for a specific location. The Flood Insurance Study and Flood Insurance Rate Maps are on file in the Town Hall, Stratford, Connecticut.

It is optional to update Section 102-19 Coastal high-hazard area, A. Location of structures with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

A. Location of structures. All new construction, substantial improvements, buildings or structures shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has
developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Stratford’s flood damage prevention ordinance and the community formally adopts these revisions and the new effective FEMA FIRMs, Stratford will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc:    John A. Harkins, Mayor (w/o attachment)
       John Casey, Town Engineer (w/o attachment)
       Brian Donovan, Building Official (w/o attachment)
       John Rusatsky, Zoning Enforcement Officer (w/o attachment)
       Christopher Markesich, FEMA Region I (w/o attachment)
       File: Stratford NFIP File: Ordinance/Regulations
February 4, 2013

Thomas Wagner
Planning Director
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

RE: Review of the Town of Waterford’s Flood Hazard Area Regulations (Section 25.3), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New London County, Connecticut

Dear Mr. Wagner:

On November 15, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New London County. These revised map panels will become effective on August 5, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Waterford must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Waterford on February 5, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial Damage” in Section 25.3.2 with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

26. Substantial Damage - means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 25.3.2 with the bold text provided below.

27. Substantial Improvement - means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure in which the cumulative cost equals or exceeds fifty percent of the current market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be 1) the market value of the structure prior to the “start of construction” of the initial repair or improvement as
determined by the cost approach, or 2) in the case of damage, the value of the structure prior to the
damage occurring. 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 to correct 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 the minimum necessary to assure safe living conditions.

*Please update Section 25.3.3 C. with bold text provided below.*

C. These regulations shall also apply to areas of special flood hazard identified by the Federal Emergency
Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut,
09011C0483J, 09011C0484J, 09011C0491J, 09011C0492J, 09011C0501J, 09011C0503J,
09011C0511J) and **July 18, 2011** (Panels 09011C0336G, 09011C0337G, 09011C0339G,
09011C0341G, 09011C0342G, 09011C0343G, 09011C0344G, 09011C0482G), and other supporting
data applicable to the Town of Waterford, 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 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 the 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 approximate (rounded up or down) and should be verified with the
BFEs published in the FIS for a specific location.

*It is optional to update Section 25.3.5 Design Standards, G. Coastal High Hazard Areas, 7. with bold text
provided below.* The federal minimum required language is “located landward of the reach of mean high
tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least
as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL
may be easier to use for permitting purposes.

G. 7. All new construction or substantial improvements shall be located at least 25 feet landward of the
reach of the **Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public
Act 12-101**.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA)
boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning
in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has
developed the attached guidance document for coastal municipalities that explains the LiMWA and
contains model regulatory language which is **optional** at this time for inclusion in local floodplain zoning
regulations or ordinances. This model language can be included if the community chooses to regulate
construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose
floodplain management requirements or special insurance ratings based on the LiMWA delineations. The
LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can
potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to
consider adopting VE zone building standards for new construction and substantial improvements within
the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon
request to add the necessary LiMWA language.
Once these revisions are made to Waterford’s flood hazard area regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Waterford will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Daniel Steward, First Selectman (w/o attachments)
    Michael Glidden, Zoning Official (w/o attachments)
    Christopher Markesich, FEMA Region I
    File: Waterford NFIP File: Ordinance/Regulations
August 2, 2012

Meg Parulis
Town Planner
Town of Westbrook
Town Hall
866 Boston Post Road
Westbrook, CT 06498

RE: Review of the Town of Westbrook’s Floodplain Management Area Zoning Regulations (Sec. 5.00.00), revised Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) associated with the coastal re-delineation for Middlesex County, Connecticut

Dear Ms. Parulis:

On September 22, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Middlesex County. These revised coastal FIRM panels will become effective on February 6, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Westbrook must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Westbrook on August 6, 2012 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update section 5.04.02, with bold text provided and removing strike-through text.

5.04.02 The Floodplain Management Area shall consist of the Special Flood Hazard Areas (SFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Middlesex County, Connecticut and Incorporated Areas, dated February 6, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated February 6, 2013 (Panels 09007C0317J, 09007C0336J, 09007C0337J, 09007C0338J, 09007C0339J, 09007C0341J, 09007C0343J) and August 28, 2008 (Panels 09007C0310G, 09007C0326G, 09007C0328G, 09007C0329G, 09007C0333G), and other supporting data, 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.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At
this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to adopt VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once the required revisions are made to Westbrook’s floodplain regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Westbrook will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Noel Bishop, First Selectman (w/o attachment)
Nancy Rudek, Zoning Enforcement Officer (w/o attachment)
Roger Zito, Building Official (w/o attachment)
Christopher Markesich, FEMA, Region I (w/o attachment)
File: Westbrook NFIP File: Ordinance/Regulations
January 7, 2013

Harry S. Eberhart
Assistant City Planner
City of West Haven
355 Main Street, 3rd floor
West Haven, CT 06516

RE: Review of the City of West Haven’s Floodplain Management Zoning Regulations (Article 7, Section 70), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for New Haven County, Connecticut

Dear Mr. Eberhart:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for New Haven County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the City of West Haven must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the City of West Haven on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

Please update Section 70.3, Floodplain Management District Maps, with the bold text provided below:

The Floodplain Management District is an area of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated July 8, 2013, accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09009C0437J, 09009C0439J, 09009C0443J, 09009C0551J, 09009C0552J) and December 17, 2010 (Panels 09009C0428H, 09009C0436H, 09009C0438H, 09009C0441H, 09009C0556H), and other supporting data applicable to the City of West Haven 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 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 the 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 approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

It is optional to update the definition of “Substantial Damage” in Section 70.10 Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.
SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. “Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Please update the definition of “Substantial Improvement” in Section 70.10, Definitions with the bold text provided below and remove any text with strike-through.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, taking place over a one year period, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure (as determined by the cost approach to value, the quantity survey method, the segregated cost method or the square foot method) as determined at the beginning of such one year period before the “start of construction” of the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. (For purposes of this definition “substantial improvement” is considered to occur when the first alteration any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure.) The term does not, however, include either (1) any project for improvement of a structure to correct 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 the minimum necessary to assure safe living conditions, or (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

It is optional to update Section 70.16, subpart 2., with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

2. All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.
Once these revisions are made to West Haven’s floodplain management zoning regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, West Haven will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.

Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: John M. Picard, Mayor (w/o attachments)
    Meredith L. Allen, Commissioner, Planning & Development (w/o attachments)
    Frank Gladwin, Building Official (w/o attachments)
    Abdul Quadir, City Engineer (w/o attachments)
    Christopher Markesich, FEMA Region I
    File: West Haven NFIP File: Ordinance/Regulations
January 7, 2013

Laurence Bradley, Director
Planning & Zoning Department
Town of Westport
Town Hall
110 Myrtle Avenue
Westport, CT 06880

RE: Review of the Town of Westport’s Flood Plain Regulations (Section 31-11), revised Flood Insurance Rate Map panels and Flood Insurance Study associated with the coastal re-delineation for Fairfield County, Connecticut

Dear Mr. Bradley:

On October 30, 2011, the Federal Emergency Management Agency (FEMA) presented your community with revised preliminary Flood Insurance Rate Map (FIRM) panels associated with the coastal re-delineation project for Fairfield County. These revised map panels will become effective on July 8, 2013. In order for your community to remain eligible to participate in the National Flood Insurance Program (NFIP), the Town of Westport must adopt revised regulations that include the new date for these panels. FEMA issued a Letter of Final Determination (LFD) to the Town of Westport on January 8, 2013 outlining these requirements. In order to assist the community in this map revision process, the CTDEEP has reviewed your community’s existing floodplain management regulations. Comments or words written in bold type indicate the changes needed for minimum compliance with program standards. Text in italics is for explanation purposes.

It is optional to update the definition of “Substantial damage” in Section 5, Definitions with bold text provided below. As currently defined, substantial damage would have to occur in only one flood event for a property owner to file an Increased Cost of Compliance (ICC) claim through their flood insurance policy. This text change allows for a cumulative substantial damage definition where two separate flood event with damage below 50% can be added together to reach the 50% threshold.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
Please update Section 31-11.2 with bold text provided below.

Section 31-11.2 Location

All land, buildings, structures and uses located within the 100 year Flood area shall be subject to the provisions of these regulations:

The Special Flood Hazard Areas (SFHA) are those identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated July 8, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated July 8, 2013 (Panels 09001C0411G, 09001C0413G, 09001C0414G, 09001C418G, 09001C0532G, 09001C0551G, 09001C0552G, 09001C0553G, 09001C0556G) and June 18, 2010 (Panels 09001C0392F, 09001C0394F, 09001C0403F, 09001C0404F, 09001C0412F, 09001C0416F, 09001C0534F), and other supporting data applicable to the Town of Westport, 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 the chapter, it must take precedence when more restrictive until such time as a map amendment is obtained from FEMA.

It is optional to update Section 31-11.3.5 (a) with bold text provided below. The federal minimum required language is “located landward of the reach of mean high tide”. Communities should determine if the new Connecticut Coastal Jurisdiction Line (CJL) is at least as restrictive as mean high tide in their community for regulatory purposes. If this is the case, the CJL may be easier to use for permitting purposes.

31-11.3.5 (a) All New Construction and Substantial Improvements shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101, except for accessory docks, landings, ramps and piers.

These revised coastal panels will now also depict the Limit of Moderate Wave Action (LiMWA) boundary line, the landward limit of waves 1.5 feet in height, also termed the coastal AE zone. Beginning in 2012, the LiMWA will be shown on all future coastal FIRM panels in Connecticut. The CTDEEP has developed the attached guidance document for coastal municipalities that explains the LiMWA and contains model regulatory language which is optional at this time for inclusion in local floodplain zoning regulations or ordinances. This model language can be included if the community chooses to regulate construction in the LiMWA area to VE zone building standards. At this time, FEMA does not impose floodplain management requirements or special insurance ratings based on the LiMWA delineations. The LiMWA is provided by FEMA for informational purposes only. Because the 1.5 feet breaking wave can potentially cause foundation failure, FEMA and the CTDEEP are encouraging coastal communities to consider adopting VE zone building standards for new construction and substantial improvements within the LiMWA zone. The CTDEEP is available to review your municipality’s ordinance or regulations upon request to add the necessary LiMWA language.

Once these revisions are made to Westport’s floodplain management regulations and the community formally adopts these revisions and the new effective FEMA FIRMs, Westport will be fully compliant with program standards. Please provide this office with a draft copy of the revised regulations at least one month prior to formal adoption by the town. With those revisions, please provide a schedule for public hearing and adoption. Once the revised regulations are adopted, this office will need a certified copy to forward to FEMA Region I.
Thank you for your attention and cooperation in this matter. If you have any questions regarding this review or the specific requirements discussed in this letter, please contact me by telephone at (860) 424-3537, or by email at diane.ifkovic@ct.gov.

Sincerely,

Diane S. Ifkovic
Environmental Analyst III
State NFIP Coordinator
Inland Water Resources Division
Flood Management Program

cc: Gordon F. Joseloff, First Selectman (w/o attachment)
    Michelle Perillie, Planning Assistant (w/o attachment)
    Alicia Mozian, Director of Conservation (w/o attachment)
    Peter Ratkiewich, Town Engineer (w/o attachment)
    Stephen Smith, Building Official (w/o attachment)
    Christopher Markesich, FEMA Region I (w/o attachment)
    File: Westport NFIP File: Ordinance/Regulations
Exhibit 3

Copy of Notice Transmitting Notice of Final Public Review of Proposed Activities in a 100-Year Floodplain and Wetland

Final Notice and Public Explanation of Proposed Activities in a 100-Year Floodplain and Wetland

January 30, 2014:

To: All Interested Agencies, Groups & Individuals

This is to give notice that the State of Connecticut Department of Housing (DOH) has conducted an evaluation as required by Executive Order 11988 and 11990 in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its activities in the floodplain and wetland will have on the human environment for Community Development Block Grant – Disaster Recovery (CDBG-DR) State of Connecticut Disaster Recovery Program activities as described below under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

Owner Occupied and Scattered Site Rehabilitation and Rebuilding Programs
These programs will serve 1-4 unit residential properties predominately within the floodplain, in Special Flood Hazard Areas.

EXP/Hurricane Sandy Business Disaster Relief Program
The State will provide business assistance for capital expenditures to repair or replace needed equipment, lost inventory, renovate facilities that were damaged/destroyed or to provide working capital needed as a direct result of the storm.

Though the confirmation of site locations is currently in progress, the proposed projects will be located in the following four counties or the Mashantucket Pequot Indian Reservation: Fairfield County, New Haven County, Middlesex County and New London County. There are approximately 47,680.87 acres in Fairfield County; 59,200.98 acres New Haven County; 34,628.95 acres in Middlesex County; and 44,664.12 acres in New London County which is inclusive of the Mashantucket Pequot Indian Reservation of Federal Emergency Management Agency (FEMA) mapped special flood hazard areas (SFHAs). Flood Insurance Rate Maps (FIRMs) may be viewed at www.msc.fema.gov.

In accordance with the process at 24 CFR 55.20 Subpart C, DOH has made a final determination that there is no practicable alternative to locating the proposed activities
in the floodplain or wetland as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision process.

**Reasons why the Proposed Actions Must be Located in the Floodplain**

The OORR, SSRR and EXP Programs will provide funding to repair or rebuild on previously developed parcels. These programs are designed to recover the primary and rental residences, (up to 4 units), and small businesses that were damaged by Superstorm Sandy. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements. Many owners of 1-4 unit residences and small businesses (not more than 100 employees) do not have the resources to repair, reconstruct or mitigate their properties. Without financial support, the damaged properties will continue to deteriorate, which will do further harm to the communities in which the properties are located. Small businesses within the impacted counties will continue to experience loss of revenue especially during the busy summer season. Summer tourism revenues sustain coastal communities and many restaurants, lodgings, and retail establishments year-round. Many residents are dependent on seasonal and year-round employment in the tourism and hospitality industry. With program assistance, homes within the floodplain may be elevated to the highest standard for flood protection and flood-proofing of commercial buildings in the floodplain may be conducted leaving properties less vulnerable to future flooding conditions.

**List of the Alternatives Considered**

The State of Connecticut intends to consider all activities eligible under the federal guidelines for CDBG-DR funding, and has not rejected any such activity. However, due to limited funding, some alternatives will be considered as a lesser priority than others and will only be considered if funds continue to be available after having addressed those higher priorities.

Alternative activities include: 1) Buyouts of destroyed or severely damaged 1-4 unit structures and restoration of the floodplain/wetland to its natural state: The limitation of land availability and high property values in the State will continue to encourage the reuse of land and structures in areas vulnerable to flooding. The cost of acquiring this limited resource would significantly impact the availability of funds to assist homeowners in meeting their unmet needs. This alternative will be considered only after other priorities have been met. 2) Reimbursement of rehabilitation and/or mitigation activity that has already been completed; DOH recognizes the need to return individuals and families back to their homes and get businesses back in business by addressing immediate unmet needs. To this end, providing reimbursements to homeowners and
small businesses that have been able to address their own needs without immediate assistance will be considered only after other priorities have been met. 3) No-action. Homeowners and small businesses would not receive any assistance under the State of Connecticut Disaster Recovery Program Action Plan. As a result, these homeowners and small businesses may not be able to recover from the impacts of the storm events or make preparations to mitigate future storm damage. A No-Action alternative would not address the State’s need for safe, decent, and affordable housing, nor the need to restore our small business economy along the shore, and it would prevent some homes within the floodplain from being elevated to the highest standard for flood protection. Under the No Action alternative, the damage caused to the entire Connecticut shoreline would remain unabated. Hundreds of residences would not be rehabilitated and will deteriorate without the use of CDBG-DR funds.

**Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values**

Under Connecticut General Statutes (C.G.S.) Sections 25-68b through 25-68h, the Connecticut Flood Management Program requires certification or an exemption for all state actions within or affecting floodplains or natural or man-made storm drainage facilities. To be eligible for OORR, SSRR or EXP funding, all new construction and substantial rehabilitation (including the placement of prefabricated buildings and manufactured homes) in Flood Hazard Areas shall meet Flood Resistant Construction requirements of the State Building Code including provisions of both the International Rehabilitation Code and the International Building Code.

1. Be designed (or modified) and anchored as to prevent flotation, collapse, or lateral movement of the structure;  
2. Be constructed with materials and utility equipment resistant to flood damage;  
3. Be constructed by methods and practices that minimize flood damage; and  
4. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located or both designed and located so as to prevent water from entering or accumulating within the components during floods.

No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance [24 C.F.R. 58.6 (b)].
In summary, property owners participating in these programs would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high wind events, and benefit floodplain values:

1. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut’s Flood Management Program [Sections 25-68 of the Connecticut General Statutes].

2. For all structures funded by the OORR and SSRR Programs, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, the assisted property owner(s) are required to maintain flood insurance for not less than five years from the date of the assistance [24 C.F.R. 58.6 (a) (1)]; for structures funded by EXP, for the term of the grant. No funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.

3. In the case of “Coastal High Hazard” areas (“V” or “VE” Zones on the latest [most recent] FEMA-issued Maps), program activities will adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review or approve, per the associated location, specific applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 C.F.R. Part 60.3 (e) as required by HUD Regulation 24 C.F.R. Part 55.1 (c) (3). Therefore, the requirements of the OORR, SSRR and EXP Programs will help ensure a minimal adverse impact to the floodplain.

Written comments must be received by DOH on or before February 6, 2014. DOH encourages electronic submittal of comments at CT.Housing.Plans@ct.gov. In the alternative, comments may be submitted on paper to: Hermia Delaire, Program Manager, Community Development Block Grant-Disaster Recovery Program, Department of Housing, 505 Hudson Street, 2nd Floor, Hartford, CT 06106 by February 6, 2014 during the hours of 8:30 AM to 4:30 PM. Further information can be found on the Department’s web site at http://www.ct.gov/doh

Evonne M. Klein, Commissioner, DOH
January 30, 2014: Written comments must be received by DOH on or before February 6, 2014. DOH encourages electronic submittal of comments at: 64 Fort Point St, Norwalk, CT or email to: info@ct.gov. The deadline for written comments is February 6, 2014. DOH will provide a copy of all written comments to the U.S. Department of Housing and Urban Development (HUD) as required by law.

2. For all structures funded by the OORR and SSRR Programs, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, the assisted property owner(s) are required to maintain flood insurance for not less than five years from the date of the certification; however, if 100-year floodplain is no longer shown on the latest FEMA flood maps, flood insurance is not required.

3. Be constructed by methods and practices that minimize flood damage; and

4. Remain in areas where the floodplain is not classified as a special flood hazard area or a development area.

Do not rely on the Flood Insurance Rate Maps (FIRMs) to determine whether a property is in or out of a floodplain. The property owner is responsible for determining whether the property is in or out of a floodplain. The property owner must maintain proof of flood insurance for the period of five years from the date of certification.

Written comments must be received by DOH on or before February 6, 2014. DOH encourages electronic submittal of comments at: info@ct.gov. The deadline for written comments is February 6, 2014. DOH will provide a copy of all written comments to the U.S. Department of Housing and Urban Development (HUD) as required by law.

ORDINANCE

ORDERS OF NOTICE

Order of Notice

ORDER OF NOTICE

ORDER OF NOTICE

ORDER OF NOTICE

ORDER OF NOTICE

3. In accordance with Sec. 58.35, HUD has approved the environmental determinations and the OORR and SSRR Programs are in compliance with Sec. 58.35 of the Code of Federal Regulations.


5. Require the property owner to maintain flood insurance for five years from the date of the certification; however, if the 100-year floodplain is no longer shown on the latest FEMA flood maps, flood insurance is not required.

6. Be constructed by methods and practices that minimize flood damage.

7. Be constructed by methods and practices that minimize flood damage; and


27. Be constructed by methods and practices that minimize flood damage and be completed in accordance with the latest edition of the State of Connecticut's Flood Management Program [Sections 25-68 to 261] or the latest edition of the Federal Emergency Management Agency (FEMA) handbook [FEMA 557].


Thursday, January 30, 2014

Legal Notice

REQUEST FOR PROPOSALS

The Eastern CT Workforce Investment Board (EWIB), serving the 41 towns of Eastern CT, is accepting proposals to operate various workforce development programs for the period of July 1, 2014 – June 30, 2015. BWDB oversees the four CTWorks! Job Centers in Easton, New London, Norwalk, and Wallingford where the majority of these services are provided.

Closing Date for Receipt of Proposals:
4:00 P.M. March 28, 2014

Letters of Intent to Bid are required in order to submit a proposal and must be submitted by 2/21/14.

Categories for Submission:

Category (A): CTWorks! Adult/Dislocated Worker Workforce Development in Placement Unit
Category (B): CTWorks! Collector Services Support
Category (C): Human Services Integration Specialist Workforce Additions
Category (G): CWSC Education/Training/Development Program (JPTU
Category (J): JJSI Placement Unit
Category (K): CTWorks! Youth Services (In-School and Out-of-School)

For more information, please visit the EWIB website at www.ewib.com or contact the EWIB at (860) 763-4200 ext. 100.

LEGAL NOTICE

REQUEST FOR PROPOSALS

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For more information, please visit the EWIB website at www.ewib.com or contact the EWIB at (860) 763-4200 ext. 100.
Affidavit of Publication

State of Connecticut
County of Fairfield

I, Chris Gensur, a billing representative of Graystone Group Advertising, 2710 North Avenue, Suite 200, Bridgeport, CT 06604, do solemnly swear that on:

Date:  Jan 30 2014

Ad Title: CT Dept. of Housing - Final Notice and Public Explanation of Proposed Activities

Appeared in: Stamford Advocate

publication and the newspaper extracts hereto annexed were clipped from the above named issue of said newspaper.

Subscribed and sworn to this 6th day of February, 2014 before me.

KATHLEEN VITKO
NOTARY PUBLIC
State of Connecticut
My Commission Expires
July 31, 2017

[Signature]
Notary Public
Final Notice and Public Explanation of Proposed Activities in a 100-Year Floodplain and Wetland

January 30, 2014:

To: All Interested Agencies, Groups & Individuals

This is to give notice that the State of Connecticut Department of Housing (DOH) has conducted an evaluation as required by Executive Order 11988 and 11990 in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activities in the floodplain and wetland will have on the human environment for Connecticut Department Block (CDG-DR) State of Connecticut Disaster Recovery Program activities as described below under Title II of the Housing and Community Development Act of 1974 (PL 93-383).

Owner Occupied and Scattered Site Rehabilitation and Rebuilding Programs

These programs will serve 1-4 unit residential properties predominately within the floodplain, in Special Flood Hazard Areas.

EXP/Hurricane Sandy Business Disaster Relief Program

The State will provide business assistance for capital expenditures to repair or replace needed equipment, lost inventory, renovate facilities that were damaged/destroyed or to provide working capital needed as a direct result of the storm. Although the confirmation of site locations is currently in progress, the proposed projects will be located in the following four counties or the Mashantucket Pequot Reservation; Fairfield County, New Haven County, Middlesex County and New London County. There are approximately 47,000 units of in Fairfield County; 59,200 units of in New Haven County; 34,000 units of in Middlesex County; and 44,000 units of in New London County which is inclusive of the Mashantucket Pequot Indian Reservation of Federal Emergency Management Agency (FEMA) mapped special flood hazard areas (SFHA). Flood Insurance Rate Maps (FIRMs) may be viewed at www.fema.gov.

Reasons why the Proposed Actions Must be Located in the Floodplain

The OCR, SSR, or EXP Programs will provide funding to repair or rebuild on previously developed parcels. These programs are designed to recover the primary and residential units (up to 4 units), and small businesses that were damaged by Superstorm Sandy. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements. Many owners of 1-4 unit residences and small businesses (not more than 100 employees) do not have the resources to repair, reconstruct or mitigate their properties. Without financial support, the damaged properties will continue to deteriorate, which will do further harm to the communities in which the property is located. Small businesses within the impacted counties will continue to experience less than expected revenue especially during the busy summer season. Summer movies and many restaurants, lodgings, and retail establishments year-round. Many residents are dependent on seasonal and year-round employment in the tourism and hospitality industry. With program assistance, homes within the floodplain may be elevated to the highest standard for flood protection and flood-proofing of commercial buildings in the floodplain may be conducted leaving properties less vulnerable to future flooding conditions.

List of the Alternatives Considered

The State of Connecticut intends to consider all activities eligible under the federal guidelines for CDG-DR funding, and has not rejected any activity. However, due to limited funding, some alternatives will be considered as a lesser priority than others and will only be considered if funds continue to be available after having addressed those higher priorities.

Alternative activities include: 1) Buyouts of destroyed or severely damaged 1-4 unit structures and restoration of the floodplain/restoration to its natural state: The limitation of land availability and high property values in the State will continue to encourage the reuse of land and structures in areas vulnerable to flooding. The cost of acquiring this limited resource would significantly impact the availability of funds to assist homeowners in meeting their unmet needs. This alternative would be considered only after other priorities have been met; 2) Reurbanization of rehabilitation and/or mitigation activity that has already been completed: DOH recognizes the need to return individuals and families back to their homes and get businesses back in business by addressing immediate unmet needs. To this end, providing reimbursements to homeowners and businesses that have already been in a position without immediate assistance will be considered only after other priorities have been met. 3) Buyout, Enforcement of new rules and small businesses that would not receive any assistance under the State of Connecticut Disaster Recovery Program (for example, small businesses may not be able to recover from the impacts of the storm events or make preparations to mitigate future storm damage). A No-Action alternative would not address the State’s need for safe, decent, and affordable housing, nor the need to restore our small business economy along the shore, and it would prevent some homes within the floodplain from being elevated to the highest standard for flood protection. Under the No Action alternative, the damage caused to the entire Connecticut shoreline would remain unabated. Hundreds of residences would not be rehabilitated and will deteriorate without the use of CDG-DR funds.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Under Connecticut General Statutes (C.G.S.) Sections 25-468 through 25-469, the Connecticut Flood Management Program requires certification or an exemption for all state actions within or affecting floodplains or natural or man-made storm drainage facilities. To be eligible for OCR, SSR, or EXP funding, all new construction and substantial rehabilitation (including the placement of prefabricated buildings and manufactured homes) in Flood Hazard Areas shall meet Flood Resistant Construction requirements of the State Building Code including provisions of both the International Rehabilitation Code and the International Building Code.

1. Be designed (or modified) and anchored as to prevent flotation, collapse, orientation movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage;
3. Be constructed by methods and practices that minimize flood damage; and
4. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located or both designed and located so as to prevent water from entering or accumulating within the components during floods.

No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining the insurance [24 C.F.R. 55.9 (b)].

In summary, property owners participating in these programs will be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high wind events, and benefit floodplain values:

1. All proposed rehabilitation, reconstruction, and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut’s Flood Management Program [Sections 25-68 of the Connecticut General Statutes].
2. For all structures funded by the OCR and SSR Programs, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, the assisted property owner(s) are required to maintain flood insurance for not less than 5 years from the date of the assistance [24 C.F.R. 56.6 (b) (1)] for structures funded by EXP for the term of the grant. No funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.
3. In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest [most recent] FEMA-issued Maps), program activity will adhere to construction standards, methods and techniques requiring a registered professional engineer to either design, review, or approve, the associated location, specific applicable elevation plans that demonstrate the design meets the current standards for Y zones in FEMA regulations [24 C.F.R. Part 61.3 (g)] is required by HUD Regulation 24 C.F.R. Part 51.6 (g) (2). Therefore, the requirements of the OCR, SSR, and EXP Programs will help ensure a minimal adverse impact to the floodplain.

In accordance with the process at 24 CFR 55.20 Subpart C, DOH has reevaluated the alternatives to building in the floodplain and has made a final determination that it has no practicable alternative to locating the proposed activities in the 100-year floodplain as summarized in this notice. Environmental documents that comply with steps 3 through 8 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This notice hereby satisfies 24 C.F.R. Part 55.20 (e). Step 7 of the eight-step decision process.

Written comments must be received by DOH on or before February 6, 2014. DOH encourages electronic submission of comments at CT.Housing.Plans@ct.gov. In the alternative, comments may be submitted on paper to: Hermina Delaire, Program Manager, Community Development Block Grant-Disaster Recovery Program, Department of Housing, 505 Hudson Street, 2nd Floor, Hartford, CT 06106 by February 6, 2014 during the hours of 8:30 AM to 4:30 PM. Further information can be found on the Department’s web site at http://ct.gov/con

Everette M. Klein, Commissioner, DOH
Affidavit of Publication

State of Connecticut
County of Fairfield

I, Chris Gensur, a billing representative of Graystone Group Advertising, 2710 North Avenue, Suite 200, Bridgeport, CT 06604, do solemnly swear that on:

Date: Jan. 30, 2014

Ad Title: CT Dept. of Housing - Final Notice and Public Explanation of Proposed Activities

Appeared in: New London Day

publication and the newspaper extracts hereto annexed were clipped from the above named issue of said newspaper.

Subscribed and sworn to this 6th day of February, 2014 before me.

KATHLEEN VITKO
NOTARY PUBLIC
State of Connecticut
My Commission Expires July 31, 2017

Notary Public
LEGAL NOTICE
REQUEST FOR PROPOSALS

The Town of Groton, Connecticut, hereby announces its intent to award, in accordance with the<...> of receipt of proposal and must be submitted by 4:00 P.M., March 25, 2014.

Letters of "Intent to Bid" are required prior to receipt of proposals and must be submitted by 2/27/14.

Closing Date for Receipt of Proposals: 4:00 P.M., March 25, 2014

Proposals must be submitted to the Office of the Town Clerk in a sealed envelope. Proposals will be opened in public at 4:00 P.M. on the date and time specified above.

The Town reserves the right to reject any and all proposals or to change the terms of this solicitation at any time.

For further information, please contact:

Town Clerk
Groton Town Hall
104 Main Street
Groton, CT 06340
(860) 499-2550

The Town of Groton reserves the right to accept or reject any proposals and to award the contract to the most advantageous offer, which may not necessarily be the lowest.

The Town of Groton is an Equal Opportunity Employer.
Final Notice and Public Participation of Proposed Activities in a 10-Year Floodplain and Wetland

January 31, 2006

To all interested agencies, groups, and individuals:

This is to give notice that the State of Connecticut Department of Energy has conducted an evaluation as required by Executive Order 11816 and 13180 in accordance with the Federal Emergency Management Agency's (FEMA) Policies for Mitigation of Floodplain Management. To determine the potential effect of its activities in that floodplain and wetland on the human environment for Community Development Block Grant - Disaster Recovery (CDBG-DR) State of Connecticut Disaster Recovery Program activities as described below under Title I of the Federal and University Development Act of 1974 (PL 93-383).

Owner Grouped and Associated USDA Rehabilitation and Reconstruction Programs:

These programs will serve if any supplemental properties participating in the Floodplain in Special Flood Hazard Areas (SFHA).

DHR-Markham Sandy-Berrien Flood Risk Education Program:

The State will provide assistance for capital expenditures to repair or replace needed structures and inventories, remove existing structures that were damaged or destroyed to provide needed capital needed to a direct result of the storm.

Baits why the Proposed Actions Must Be Located in the Floodplain:

The CDBG-DR and EPA Programs will provide funding to repair or replace properties directly affected by the Tropical Storm Bonnie. All proposed rehabilitation, reconstruction, and mitigation of flood-damaged structures in the SFHA (100-Year Floodplain) must adhere to the most recent flood elevation data. Many owners of 1-4 family homes and small businesses (not more than 300 employees) do not have the necessary resources to repair, reconstruct, or sell their properties. Without financial assistance, the mayors and chief executives will continue to experience losses of property during the next severe storm. Since the time the numerous coastal communities and many others have experienced severe losses, many stakeholders are aware of the need and write down the need for the floodplain to become more resilient during the next severe storm. The State of Connecticut has made the decision to commit financial assistance to these communities.

List of Alternatives Considered:

The State of Connecticut intends to consider all activities eligible under the Federal and University Development Act of 1974, and has not excluded any such activity. However, the following alternatives are considered in this section of this notice and will be considered if funds continue to be available after having considered these priorities.

Alternative activities include:

1. Taming of damaged or severely damaged 34 units through the determination of the location of its related safety requirements.
2. The relocation of homes and business properties based on the requirements in the SFHA (100-Year Floodplain) that will not remove the need for flood insurance in the next severe storm. The relocation of the homes and business properties will be entitled to assistance only after all other activities have been completed.
3. The provision of financial assistance to local government entities for the relocation of the homes and business properties.

No final decision will be made to provide financial assistance to any person who has previously received federal flood damage assistance conditioned on obtaining and maintaining flood insurance, but failed to maintain and maintain this insurance.

In summary, property owners participating in these programs would be required to adhere to the following conditions to minimize the flood threat to properties, including those near high valley areas, and lower floodplain areas. Properties that have been damaged or severely damaged must be in the SFHA (100-Year Floodplain) to be considered eligible for financial assistance.

1. All programs include rehabilitation, reconstruction, and mitigation of flood-damaged structures in the SFHA (100-Year Floodplain) that are under consideration. The program activities will be considered eligible for financial assistance.
2. The relocation of homes and business properties based on the requirements in the SFHA (100-Year Floodplain) that will not remove the need for flood insurance in the next severe storm. The relocation of the homes and business properties will be entitled to assistance only after all other activities have been completed.

No final decision will be made to provide financial assistance to any person who has previously received federal flood damage assistance conditioned on obtaining and maintaining flood insurance, but failed to maintain and maintain this insurance.

In summary, property owners participating in these programs would be required to adhere to the following conditions to minimize the flood threat to properties, including those near high valley areas, and lower floodplain areas. Properties that have been damaged or severely damaged must be in the SFHA (100-Year Floodplain) to be considered eligible for financial assistance.

1. All programs include rehabilitation, reconstruction, and mitigation of flood-damaged structures in the SFHA (100-Year Floodplain) that are under consideration. The program activities will be considered eligible for financial assistance.
2. The relocation of homes and business properties based on the requirements in the SFHA (100-Year Floodplain) that will not remove the need for flood insurance in the next severe storm. The relocation of the homes and business properties will be entitled to assistance only after all other activities have been completed.

In summary, property owners participating in these programs would be required to adhere to the following conditions to minimize the flood threat to properties, including those near high valley areas, and lower floodplain areas. Properties that have been damaged or severely damaged must be in the SFHA (100-Year Floodplain) to be considered eligible for financial assistance.
Affidavit of Publication

State of Connecticut
County of Fairfield

I, Chris Gensur, a billing representative of Graystone Group Advertising, 2710 North Avenue, Suite 200, Bridgeport, CT 06604, do solemnly swear that on:

Date: Jan. 30, 2014

Ad Title: CT Dept. of Housing - Final Notice and Public Explanation of Proposed Activities

Appeared in: New Haven Register

publication and the newspaper extracts hereto annexed were clipped from the above named issue of said newspaper.

Subscribed and sworn to this 16th day of February, 2014 before me.

KATHLEEN VITKO
Notary Public
State of Connecticut
My Commission Expires July 31, 2017

[Signature]

Kathleen Vitko
Final Notice and Public Explanation of Proposed Activities in a 100-Year Floodplain and Wetland

January 30, 2014

To: All Interested Agencies, Groups and Individuals

This is to give notice that the State of Connecticut Department of Housing (DOH) has conducted an evaluation as required by Executive Order 1098 and 1189 in accordance with HUD regulations at 24 CFR 92.35 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activities in the floodplain and wetland will have on the human environment for Community Development Block Grant Disaster Recovery (CDBG-DR) State of Connecticut Disaster Recovery Program projects as described below under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

Owner Occupied and Scattered Site Rehabilitation and Relocating Programs

These programs will serve 14 unit residential properties predominately within the floodplain, as Special Flood Hazard Areas.

EXP/Hurricane Sandy Business Disaster Relief Program

The State will provide business assistance for capital expenditures to repair or replace seepage equipment, lost inventory, renovate facilities that were damaged/destroyed or to provide working capital needed as a direct result of the storms.

Although the confirmation of site locations is currently in progress, the proposed projects will be located in the following four counties or the Mastic Beach Project Federal Assistance Area: Fairfield, New Haven, New London, New London County, and New Haven County. There are approximately 47,600.67 acres in Fairfield County: 39,246.98 acres in New Haven County: 39,605.95 acres in Middlesex County, and 44,964.12 acres in New London County which is inclusive of the Mastic Beach Project Federal Assistance Area (FEMA) mapped Special Flood Hazard Areas (SFHA's). Flood Insurance Rate Maps (FIRM's) may be viewed at www.msc.fema.gov.

Reasons why the Proposed Actions Must be Located in the Floodplain

The CDBG, S&R and EXP Programs will provide funding to repair or rebuild on previously developed parcels. These programs are designed to recover the primary and rental residential (up to 4 units) and small businesses that were damaged by Superstorm Sandy. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements. Many owners of 14-unit residential units and small business (not more than 100 employees) do not have the resources to repair, reconstruct or mitigate their properties. Without financial support, the damaged properties will continue to deteriorate, which will further endanger the communities in which the properties are located. Small businesses within the impacted counties will continue to experience loss of revenue especially during the late winter/spring season. Summer tourist revenue sustains coastal communities and many restaurants, lodgings, and retail establishments year-round. Many residents are dependent on seasonal and year-round employment in this tourist and hospitality industry. Without program assistance, homes within the floodplain may be elevated to the highest standard for floodproof and flood-free living of commercial buildings in the floodplain may be conducted leaving properties less vulnerable to future flooding conditions.

List of the Alternatives Considered

The state of Connecticut intends to consider all activities eligible under the federal guidelines for cost-benefit ratio, and has rejected any such activity. However, due to limitations, some alternatives will be considered as lesser priority or sub priorities. Two alternatives may be considered if funds continue to be available after assessing those higher priorities.

Alternative activities include: 1) Structural and non-structural measures to reduce the risk of flooding and the destruction of the floodplain. The limitation of availability and high property values in the state will continue to ensure the reuse of land for structures in areas vulnerable to flooding. The cost of acquiring these lands is significant and therefore a cost-benefit analysis would significantly impact the availability of funds to assist homeowners in recreating their previous structures. This alternative will be considered only after other priorities have been met. 2) Rehabilitation of rehabilitation and mitigation activities that have already been completed. DoH recognizes the need to return individuals and families back to their homes and yet businesses to business by addressing immediate unmet needs. This will provide homeowners and small business 3) Critical assistance to homeowners and small businesses that have been affected by the storm. Any assistance will be issued under the State of Connecticut Disaster Recovery Program Action Plan.

As a result, these homeowners and small businesses may not be able to recover from the impacts of the storm; and may need to make adjustments to future flood management. A floodplain alternative would not address the State's need for safe, sound, and affordable housing, nor the need to restore our small business economy along the shore, and it would prevent some homes within the floodplain from being elevated to the highest standard for flood protection. Under the No Action alternative, the damage caused to the entire Connecticut shoreline would remain unabated. Hundreds of residents would not be rehabilitated and will deteriorate without the use of CDBG-DR funds.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Under Connecticut General Statutes (C.G.S.) sections 26-4 through 25-6h, the Connecticut Flood Management Program requires certification or an exemption for all coastal actions within or affecting floodplains or natural or man-made storm drainage facilities. To be eligible for CDBG, S&R or EXP funding, all new construction and substantial rehabilitation (including the placement of precast reinforced concrete homes) in Special Flood Hazard Areas must meet the Flood Resistant Construction requirements of the State Building Code, including provisions of both the International Residential Code and the International Building Code.

1. Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage;
3. Be constructed by methods and processes that minimize flood damages and prevent flooding;
4. Be constructed with electrical, heating, ventilation, air conditioning, plumbing equipment, and other service facilities that are designed or located in such a manner that will help to prevent water from entering or accumulating within the components during flood events.

No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance (34 C.F.R. 58.6 (d)).

In summary, property owners participating in these programs would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high wind events, and benefit floodplain values:
1. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut's Flood Management Program (C.G.S. 26-4 through 25-6h of the Connecticut General Statutes),
2. All structures funded by the CDBG and S&R Programs, if it is partially in the 100-year floodplain shown on the Flood Insurance Rate Maps, the assisted property owner(s) are required to maintain flood insurance for not less than five years from the date of the assistance (24 CFR 58.6(b) (1) (iv) for structures funded by CDBG for the term of the grant. This funding can be provided in municipalities not participating or if suspended participation in the National Flood Insurance Program.
3. In the case of "Coastal High Hazard Areas" "V" or "V1" areas on the latest (most recent) FEMA-based Map, program activities will adhere to construction standards, methods and techniques requiring a registered professional engineer to either design, supervise, or both, to assure compliance with the associated location, specific elevation requirements that demonstrate the design meets the current standards for V Zones in FEMA regulation 44 C.F.R. Part 60.2 (a) (e) as required by HUD Regulation 24 C.F.R. Part 55.1. (a), (1) (b), Therefore, the requirements of the COE, COA and LEO Program will help to ensure a critical adverse impact to the floodplain.

In accordance with the process at 24 CFR 52.29 Subpart C, DOH has reevaluated the alternatives to building in the floodplain and has made a final determination of the most practical alternative to locating the proposed activities in the 100-year floodplain as summarized in this notice. Environmental Title I Draft document complying with steps 3 through step 6 of Executive Order 11298, are available for public inspection, review and copies upon request at the offices and locations detailed in the last paragraph of this notice which contains all of the comments. This notice hereby satisfies 24 CFR Part 52.29 (g), Step 7 at the eight-step decision process.

Written comments must be received by DOH on or before February 6, 2014, DOH encourages submission of written comments at 100 Grove Street, Suite 102, New Haven, CT 06510. Written comments may also be submitted on paper to Annette DelRusso, Program Manager, Community Development Block Grant-Disaster Recovery Program, Department of Housing, 100 Grove Street, 2nd Floor, New Haven, CT 06510. Written comments may be submitted on paper to Annette DelRusso, Program Manager, Community Development Block Grant-Disaster Recovery Program, Department of Housing, 100 Grove Street, New Haven, CT 06510 or electronically at NDOH.audit@ct.gov during the hours of 8:30 AM to 4:30 PM. Further information can be found on the Department's website at http://www.ct.gov/doh.

Eveenwe M. Klein, Commissioner, DOH

February 4, 2016
AFFIDAVIT OF PUBLICATION

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AVISOS TEMPORÁRIO DE REVISÃO PÚBLICA DE LAS ACTIVIDADES PROPIETAS

Efectivo el lunes, 1º de febrero 2014, la Autoridad de Vivienda de

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State of Connecticut
County of Fairfield

I, Chris Gensur, a billing representative of Graystone Group Advertising, 2710 North Avenue, Suite 200, Bridgeport, CT 06604, do solemnly swear that on:

Date: Jan 30 2014

Ad Title: CT Dept. of Housing-Final Notice and Public Explanation of Proposed Activities

Appeared in: CT Post

publication and the newspaper extracts hereto annexed were clipped from the above named issue of said newspaper.

Subscribed and sworn to this 16th day of February, 2014 before me.

KATHLEEN VITKO
Notary Public
State of Connecticut
My Commission Expires July 31, 2017

Kathleen Vitko
Notary Public
Final Notice and Public Explanation of Proposed Activities in a 100-Year Floodplain and Wetland

January 30, 2014:

To All Interested Agencies, Groups and Individuals,

This is to give notice that the State of Connecticut Department of Housing (DOH) has conducted an evaluation as required by Executive Order 11988 and 11060 in accordance with 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activities in the floodplain and wetland will have on the human environment for Community Development Block Grant – Disaster Recovery (CDBG-DR) State of Connecticut Disaster Recovery Program activities as described below under Title I of the Housing and Community Development Act of 1974 (PL. 93-383).

Owner Occupied and Scattered Site Rehabilitation and Rebuilding Programs

These programs will serve 1-4 unit residential properties predominantly within the floodplain, in Special Flood Hazard Areas.

EXP/Hurricane Sandy Business Disaster Relief Program

The State will provide business assistance for capital expenditures to repair or replace needed equipment, lost inventory, renovate facilities that were damaged/destroyed or to provide working capital needed as a direct result of the storm.

Though the confirmation of site locations is currently in progress, the proposed projects will be located in the following four counties or the Mashantucket Pequot Indian Reservation: Fairfield County, New Haven County, Middlesex County and New London County. There are approximately 47,330.96 acres in Fairfield County, 58,500.98 acres in New Haven County; 34,528.35 acres in Middlesex County; and 44,664.12 acres in New London County which is inclusive of the Mashantucket Pequot Indian Reservation of Federal Emergency Management Agency (FEMA) mapped special flood hazard areas (SFHAs). Flood Insurance Rate Maps (FIRMs) may be viewed at www.msc.tct.gov.

Reasons why the Proposed Actions Must be Located in the Floodplain

The CDBG-DR, SDR and EXP Programs will provide funding to repair or rebuild on previously developed parcels. These programs are designed to recover the primary and rental residences (up to 4 units), and small businesses that were damaged by Superstorm Sandy. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements. Many owners of 1-4 unit residences and small businesses (not more than 100 employees) do not have the resources to repair, reconstruct or mitigate their properties. Without financial support, the damaged properties will continue to deteriorate, which will do further harm to the communities in which the properties are located. Small businesses within the impacted counties will continue to experience loss of revenue especially during the busy summer season. Summer tourism revenues sustain coastal communities and many restaurants, lodgers, and retail establishments are dependent on seasonal and year-round tourism. Many homeowners are dependent on the tourism and hospitality industry. With program assistance, homes within the floodplain may be elevated to the highest standard for flood protection and flood-proofing of commercial buildings in the floodplain may be conducted leaving properties less vulnerable to future flooding conditions.

List of the Alternatives Considered

The State of Connecticut intends to consider all activities eligible under the federal guidelines for CDBG-DR funding, and has not rejected any such activity. However, due to limited funding, some alternatives will be considered as a lesser priority than others and will only be considered if funds continue to be available after having addressed those higher priorities.

Alternative activities include: 1) Buyouts of destroyed or severely damaged 1-4 unit structures and restoration of the floodplain/ventland to its natural state: The limitation of land availability and high property values in the State will continue to encourage the reuse of land and structures in areas vulnerable to flooding. The cost of acquiring this limited resource would significantly impact the availability of funds to assist homeowners in meeting their unmet needs. This alternative will be considered only after other priorities have been met. 2) Reimbursement of rehabilitation and/or mitigation activity that has already been completed; DOH recognizes the need to return individuals and families back to their homes and get businesses back in business by addressing immediate unmet needs. To this end, providing reimbursements to homeowners and small businesses that have been able to address their own needs without immediate assistance will be considered only after other priorities have been met. 3) No-action. Homeowners and small businesses will not receive any assistance under the State of Connecticut Disaster Recovery Program Action Plan. As a result, these homeowners and small businesses may not be able to recover from the impacts of the storm events or make program changes for future storm damage. A No-Action alternative would not solve for safe and adequate, affordable housing, nor the need to restore our small business economy along the shore, and it would prevent some homes within the floodplain to be elevated, or to receive federal standard for flood protection. Under the No Action alternative, the damage caused to the entire Connecticut shoreline would remain unaddressed. Hundreds of residences would not be rehabilitated and will deteriorate without the use of CDBG-DR funds.

Mitigation Measures to be Taken to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Under Connecticut General Statutes (C.G.S.), Sections 25-66b through 25-66h, the Connecticut Flood Management Program requires certification of or an exemption for all state agencies within or affecting floodplains or natural or man-made storm drainage systems. To be eligible for CDBG-DR, SDR or EXP funding, all new construction and substantial rehabilitation (Including the placement of prefabricated buildings and manufactured homes) in Flood Hazard Areas shall meet Flood Resistant Construction requirements of the State Building Code including provisions of both the International Rehabilitation Code and the International Building Code.

1. Be designed (or modified) and anchored as to prevent flotation, collapse, or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage;
3. Be constructed by methods and practices that minimize flood damage; and
4. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located or both designed and located so as to prevent water from entering or accumulating within the components during floods.

No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance, but failed to obtain and maintain the insurance (24 C.F.R. 58.6 (b)).

In summary, property owners participating in these programs would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high wind events, and benefit floodplain values:

1. All proposed rehabilitation, reconstruction and mitigation of substantially damaged structures in the 100-year floodplain must adhere to the most recent elevation requirements in accordance with the State of Connecticut's Flood Management Program (Sections 25-66b through 25-66h, the Connecticut General Statutes).
2. For all structures funded by the CDBG-DR and SDR Programs, if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, the assisted property owner(s) are required to maintain flood insurance for not less than five years from the date of the assistance (24 C.F.R. 58.6 (a) (1)); for structures funded by EXP, for the term of the grant. No funding can be provided in municipalities that are not participating in or exempt from participation in the National Flood Insurance Program.
3. In the case of "Coastal High Hazard" areas ("V" or "VE" Zones on the latest (most recent) FEMA- Issued Maps), program activities will adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review, approve, or per the associated location, specific applicant elevation plans that demonstrate the design meets the current standards for V Zones in FEMA regulation 44 C.F.R. Part 03.3 (a) as required by HUD Regulation 24 C.F.R. Part 59.1 (c) (3). Therefore, the requirements of the CDBG-DR, SDR and EXP Programs will help ensure a minimal adverse impact to the floodplain.

In accordance with the process at 24 CFR 55.30 Subpart C, DOH has reevaluated the alternatives to building in the floodplain and has made a final determination that it has no practicable alternative to locating the proposed activities in the 100-year floodplain as summarized in this notice. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the times and location designated in the last paragraph of this notice for receipt of comments. This notice hereby satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision process.

Written comments must be received by DOH or before February 6, 2014. DOH encourages electronic submission of comments at CT-Housing-Plains@ct.gov. In the alternative, comments may be submitted on paper to Hermia Delaio, Program Manager, Community Development Block Grant-Disaster Recovery Program, Department of Housing, 505 Hudson Street, 2nd Floor, Hartford, CT 06106 by February 6, 2014 during the hours of 8:30 AM to 4:30 PM. Further information can be found on the Department's web site at http://www.ct.gov/doh.

Eveino M. Klein, Commissioner, DOH
1. COMMENT

From: Will Thompson [mailto:w@wtaia.com]
Sent: Thursday, January 30, 2014 7:02 PM
To: CT Housing Plans
Cc: Will Thompson
Subject: Licensed design professional clarification in flood velocity zones

Dear Commissioner Klein,

In reviewing your authority's public notice today about building (and rebuilding) in flood zones you singled out professional engineers as the sole design professional allowed to oversee plans for projects in Velocity Zones.

Typically in the referenced codes and standards (FEMA & ICC) and in Connecticut statutes a licensed design professional that is either an Architect or a Professional Engineer would be allowed to oversee the preparation of such documents. I ask that your agency consider revising the current language.

In my practice, like many other licensed architects, I have been involved in many coastal projects in such zones. The current language removes us from leading such projects.

I am interested and would appreciate your response. Thank you for your time.

Sincerely,
Will Thompson

William Thompson, AIA & Associates, LLC
Architects, LEED AP BD+C

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203 453-0066 w
203 453-0000 fax

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CTDOH RESPONSE: The above comment references language in the OORR, SSRR and EXP Programs’ mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial values (within the floodplain or wetland). This language is derived 44 CFR Part 60.3 (e) (4) which states, “A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e) (4) (i) and (ii) of this section.” CTDOH has no objection to the inclusion of the phrase “or architect” within corresponding floodplain management documentation and will include the aforementioned phrase in the following:

- Floodplain Management and Wetland Protection Areawide Compliance Document aka 8-Step Decision Making Process (sections: DOH Approach; Step 5 Identify methods to minimize the potential adverse impacts within the floodplain or wetland and to restore and preserve its natural and beneficial values; and Final Notice); and
- Tier 1 of a 2-Step Tiered Environmental Review (section: Conditions for Approval Floodplain Management).

A second publication of the Final Notice will not be required in order to implement this change.