

Town of

P.O. Drawer 519
Zoning Department



East Lyme

108 Pennsylvania Ave
Niantic, Connecticut 06357
(860) 691-4114
Fax (860) 691-0351

DATE: January 25, 2021
TO: East Lyme Zoning Commission
FROM: William Mulholland *WM*
RE: Section 15 Flood Hazard Areas

The Zoning Commission is proposing to amend Section 15 of the East Lyme Zoning Regulations to reduce the "look back" time period regarding substantial improvements and substantial damage. Historically the Town of East Lyme chose a "10 year look back" period during it's last major update of these regulations. However, the ten (10) year period has proven to be over-restrictive and not practicable to property owners in flood zones.

The present rule limits improvements to 50% of the Market Value of the subject structure over ten years. Given today's costs of improvements, we are finding that property owners are not maintaining their structures due to the 50% limit. This results in the deterioration of many of these properties and the loss of the homes traditional character. As a result, the Commission has chosen to propose this amendment to the regulations. Further, it is my understanding that the communities of Stonington, Noank and Waterford have also either reduced their look back period or are in the process of doing so.

The specific proposal is as follows: the current language for substantial damage and substantial improvements is found in Section 15.1 Definitions of the Zoning Regulations. The current language is:

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.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement 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, 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”.

It is proposed to modify both definitions by deleting the number ten (10) in “10-year period” and replace it with the number two (2).