

From: [Balint, Marcy](#)
To: [Bill Mulholland](#)
Cc: [Jennifer Lindo](#); [Ifkovic, Diane](#)
Subject: CT DEEP Comments on Proposed Zoning Amendments to Section 15 Flood Hazard Regulations
Date: Monday, September 27, 2021 4:03:55 PM
Attachments: [image002.png](#)
[EastLymeFloodRegReviewSec15.docx](#)
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September 27, 2021

East Lyme Zoning Commission
c/o William Mulholland, Zoning Official

P.O. Drawer 519
Niantic, Connecticut 06357

Subject: CT DEEP Comments on Proposed Zoning Amendments to Section 15 Flood Hazard Regulations

Dear Commissioners:

Thank you for notifying the Land and Water Resources Division (LWRD) of the proposed text amendment noted above received on September 17, 2021. Acting as the Commissioner's staff, our office has reviewed the revised text for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA Connecticut General Statutes (CGS) sections 22a-90 through 22a-112, inclusive) and offers comments attached from Diane Ifkovic, our office's state NFIP

coordinator. Please contact Diane with any questions regarding these comments directly at Diane.Ifkovic@ct.gov.

These comments are made in response to the review requirement contained in C.G.S. Section 22a-104(e) which requires that any zoning regulations or changes thereto affecting the area within the coastal boundary, shall be consistent with the policies of C.G.S. Section 22a-92 and the criteria of subsection (b) of Section 22a-102 of the CCMA. Further, this section requires that notification be sent to the Commissioner of Energy and Environmental Protection at least 35 days prior to the commencement of the public hearing. Once notified, our Office is responsible for reviewing the proposal's consistency with the policies of Section 22a-92 and the criteria of Section 22a-102(b) of the CCMA. This response does not necessarily reflect other planning and zoning considerations which may apply.

Should you have any questions regarding this letter or any other coastal management matter, please feel free to contact me via email: Marcy.Balint@ct.gov

Sincerely,

Marcy L. Balint

Marcy L. Balint, Sr. Coastal Planner
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Conserving, improving and protecting our natural resources and environment;

Ensuring a clean, affordable

September 21, 2021, DEEP review comments (Diane Ifkovic)

Town of East Lyme, Section 15 - Flood Hazard Areas, Zoning Regulations, proposed changes

Definitions

Areas of Special Flood Hazard and Special Flood Hazard Area (SFHA). These are the same definition. I would suggest deleting one as it is redundant and might be confusing. If I have to make a suggestion, **keep Special Flood Hazard Area (SFHA)** as it is the more standard FEMA term and delete the other one.

Coastal High Hazard Area – You have a definition in red text and one in black text. I assume you will be adding the one in red text and deleting the one in black text. Maybe just add strike-through to the definition in black text so it is clear that you are removing it.

Cost – For the definition of “Cost”, please delete the reference to septic systems and water supply wells as exclusions. FEMA has stated these should not be included.

Highest Adjacent Grade (HAG) – add this definition below as you need it for the new section you are adding on AO and AH zones, term is used there.

Highest Adjacent Grade (HAG) – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

15.3.1 - Instead of the red text you currently have, add this additional language. I would add it to the paragraph and also to subpart F in this section so it is clear what you want on plans.

the limit of the 100-year floodplain, the limit of moderate wave action (LiMWA) boundary line, the floodway boundary line and base flood elevation(s)

15.4.1 E. This section is blank. Seems like a re-formatting error.

15.5.2 B. I think you also need to strike through the initial paragraph of this section currently in black text as it is redundant when you add the new red text shown.

15.5.2 C (h) The section references are incorrect. Change 5.3.1.3 (a)-(g) to 15.5.2 C (a)-(g). Change 5.3.1.3 (a)-(c) to 15.5.2 C (a)-(c). Change 5.3.1.2 to 15.5.2.B.

15.5.2 C – The language below is tacked on to the end of this section and it seems out of place. Maybe it should be moved to 15.3.3 as a new subpart? Or blend it with Section 15.3.3 C?

Upon completion of the applicable portion of construction, the applicant shall provide verification to the Zoning Official of the following as is applicable:

Lowest floor elevation shall be verified for:

- (a) A structure in Zones A, AE, AO or AH is the top of the lowest floor including basement);
- (b) A structure in Zones VE and Coastal AE is the lowest horizontal structural member (excluding pilings or columns);
- (c) A non-residential structure that has been dry flood-proofed is the elevation to which the flood-proofing is effective. (Note: For insurance purposes, a dry flood-proofed, non-residential structure is rated based on the elevation of its lowest floor unless it is floodproofed to one foot above the BFE.);

15.5.2.D – Change title of this section to Manufactured Homes and Recreational Vehicles

Subpart 1. Change Section 5.3.1 to Section 15.5.2

Subpart 2. Change Section 5.3.2 to Section 15.5.3

Subpart 5. Change Section 5.1 to Section 15.5.1. Change Sections 5.3.3.1, 5.3.3.3, 5.3.3.4 to Sections 15.5.2, 15.5.1A and 15.5.2 D 3.

Subpart 6. Change Section 5.1 to Section 15.5.1. Change Section 5.3.2 to Section 15.5.3. Change Sections 5.3.3.2, 5.3.3.3 and 5.3.3.4 to Sections 15.5.3.3, 15.5.1 A and 15.5.2 D 3.

Section 15.5.2 E can be removed as you added all new language to 15.5.2 D

Section 15.5.3 - Text says (VE and Coastal **AF** Zones). Change to (VE and Coastal **AE** Zones).

Section 15.5.3 B. 1. Elevation – You have old language here in black text that can be eliminated with the new subparts 1 and 2 that was added in red text, redundant language.

Section 15.5.3 B. 4. iii. – Change Section 5.3.1.3 to Section 15.5.2.C

On bottom of page 24, you have two “orphaned” sections in red text (mentions building envelope and chimney). This should be moved to 15.5.3 B, add as subparts 3 and 4. These are standards for coastal high hazard areas.