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July 30, 2021

Harbor Management Commission  
City of Stamford  
888 Washington Blvd.  
Stamford, CT 06901

RE: **APPLICATION OF SOUND BEACH LANDING LLC**

Dear Commissioners,

In an effort to address and respond to the comments from the Connecticut Department of Energy and Environmental Protection (DEEP) regarding the above referenced applications on Signal Road, the applicant has hired Sound View Engineering Associates, LLC (Sound View). Enclosed is a copy of Sound View's opinions in response to the DEEP letter of April 12, 2021.

We will be happy to discuss these issues, our response to these issues and your concerns and questions at the meeting of August 2<sup>nd</sup>. As always, thank you for your consideration.

Very truly yours,

  
Joseph J. Capalbo II

JJC/dm

VIA ELECTRONIC TRANSMISSION

July 30, 2021

The Franco Group, LLC  
36 Arcadia Rd #300  
Old Greenwich, CT 06870

Attention: Mr. Christopher Franco

Reference: Letter of Opinion – Development in the Special Flood Hazard Area  
40-48 Signal Road, Stamford, CT  
SEA Project No. 2021049

Dear Mr. Franco:

Per your request, **SOUND ENGINEERING ASSOCIATES** (“SEA”) herein provides the following information related to the Proposed Amendment of the Stamford Master Plan Map at 40 – 48 Signal Road. This opinion provides a response to the letter from the State of Connecticut Department of Energy and Environmental Protection (“CT DEEP”) dated April 12, 2021.

The proposed amendment, if approved, would change the current zoning from RA1 to RM1 for the subject properties and allow an increase in the number of dwellings that can be constructed within the Special Flood Hazard Area (“SFHA”) as defined by FEMA. The letter from the CT DEEP states that the proposed amendment is, in its opinion, not consistent with the Connecticut Coastal Management Act (“CCMA”) and goes on to cite three statutes. Included with the Letter of Inconsistency are four documents that provide additional site information and policy statements for the City of Stamford to review. The basis of the CT DEEP’s position is that an increase in the number of dwellings in the SFHA does not comply with three State statutes.

I have reviewed this information along with other relevant information presented herein and it is my professional opinion that the proposed amendment is in fact consistent with the CCMA, consistent with the National Flood Insurance Program (“NFIP”) as defined under CFR 60.3, and an increase in the number of dwellings located within the SFHA is allowed under current statutes provided that the structures and site are made to be compliant with NFIP standards, the State Building Code, and the City of Stamford Zoning Regulations, for structures located in the SFHA. As long as design and construction follow the requirements for structures located in the SFHA, hazards to life and property are minimized.

There are certain uses that are not recommended to be located within the high hazard area, such as assisted-living housing or hotels. But there are no restrictions to increase the number of dwellings located within the SFHA, only conditions regarding use, evacuation routes, construction techniques, and the like. In addition, recent changes in the State Building Code have adopted ASCE / SEI 24-14 “Flood Resistant Design and Construction” which all buildings located within the SFHA must comply with. This change in the State Building Code requires that structures be made compliant with NFIP standards for the safety of its occupants.

In addition, the existing properties consist of existing non-conforming uses and buildings that are not FEMA compliant. The proposed development would consist of changing the uses to conform with the proposed zoning and construction of buildings that would be FEMA compliant, thus improving current conditions and minimizing potential flood hazards to occupants.

The following demonstrates that Federal, State, and City regulations acknowledge that new dwellings may be constructed within the SFHA, provided that certain conditions are met, and only in certain cases are discouraged.

NFIP Standards are defined in the Code of Federal Regulation (Title 44 CFR 60.3 – Flood Plain Management criteria for flood-prone areas). Specifically, CFR 60.3(e) is applicable for properties located within the VE and AE Flood Zones and are identified as a coastal high hazard area. This section identifies requirements to which new construction shall comply with. New construction means a new or replacement structure. New construction by definition means to add one or more habitable structures where there is not one.

*CFR 60.3(c)(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.*

This federal regulation requires that new construction, substantial improvements, or other development (including fill) may be permitted provided that it is demonstrated that the cumulative effect, when combined with all other existing or anticipated development, may increase the Base Flood Elevation up to one foot at any point within the community. Therefore, under NFIP requirements, a proposed amendment that increases the number of dwellings within the SFHA may be allowed provided it meets the conditions noted.

Connecticut General Statutes regarding development in the SFHA provide requirements that are intended to align with the NFIP. The following statutes were cited by the CT DEEP and the proposed amendment is consistent with these statutes:

*"22a-92(a)(5) To consider in the planning process the potential impact of a rise in sea level, coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards;*

To minimize the potential of damage to and destruction of life and property does not mean that an increase in development is prohibited. It means that whatever development is allowed under zoning regulations, that prudence be used in the design of such development with regard to flooding. Provided that NFIP requirements are followed for construction methods, changing the zoning map from R1 to RM3 does not prohibit the planning process from considering impact of a rise in sea level, coastal flooding, and erosion patterns nor does it allow development in a manner that cannot minimize damage to or destruction of life and property.

*22b-92(b)(2)(F) to manage coastal hazard areas so as to ensure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, infrastructural facilities or water dependent uses;*

This section reiterates the previous but goes on to encourage nonstructural solutions to flood and erosion problems, except under certain conditions as described. Again, a change in the zoning map from R1 to RM3 does not preclude following this statute.

*22b-92(b)(2)(I) to regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources."*

Regardless of the zoning classification, any development associated with this property would have little to no adverse impact upon adjacent coastal systems and resources. The resources located on and adjacent to the property include the following (according to the CT DEEP Coastal Resource Map):

- Beaches & Dunes
- Modified Bluffs and Escarpments (adjacent property)
- Nearshore Waters
- Coastal Flood Hazard Area (SFHA)

No work will be done on the existing beach, adjacent properties, or in the water. Only work that complies with NFIP standards will be done in the SFHA. Therefore, the change in zoning does not mean that a development cannot be designed to minimize adverse impacts.

The position that a change in zoning from RA1 to RM1 is not prohibited by statute is further supported by the fact that certain activities are explicitly disallowed within the Coastal Boundary and that increasing the number of dwellings is not one of them. For example, under CGS Section 22a-92(b)(1)(E), siting of tank farms within the Coastal Boundary is explicitly disallowed, and under CGS Section 22a-92(c)(1)(H) construction of major new airports are explicitly disallowed. It is apparent that the CT DEEP has chosen certain statutes that, in its opinion, support a predisposed position rather than identifying a statute that explicitly prohibits an increase in the number of dwellings located in the SFHA. Moreover, the document included in the CT DEEP letter titled "DEEP Fact Sheet Concerning Coastal Hazards Management" is, in my opinion, misleading when reviewed against the Connecticut General Statutes.

Section 7.1 of the City of Stamford Zoning Regulations provide guidance for construction within the SFHA. It accounts for new construction with the SFHA, which inherently acknowledges that development in the SFHA is not prohibited. The CT DEEP would like the Connecticut General Statutes to explicitly prohibit an increase in the number of dwellings in the SFHA. But an increase in the number of bedrooms, increase in the number of dwellings, and changes in the zoning regulations can all be done in compliance with NFIP, the laws of Connecticut, and the City of Stamford Zoning Regulations, provided that design and construction comply with ASCE / SEI 24-14 in order to minimize the potential of damage to and destruction of life and property.

Lastly, I have included an email correspondence from the CT DEEP to the Town of Greenwich commenting on the consistency for development of multi-family dwellings in the SFHA. The Town of Greenwich approved a zoning change to allow multi-family dwellings in the SFHA where it was previously not allowed. The CT DEEP agreed that this is consistent with the CCMA for that project, which is very similar to this proposed development. Based on this document, the CT DEEP has acknowledged that new residential development where there was previously none allowed, can be done, provided it meets applicable codes and regulations. Therefore, the assertion from the CT DEEP now that it is not consistent with the CCMA, cannot stand on those statutes that it cited.

I am available to discuss this matter further. Please contact me with any questions or comments.

Very truly yours,  
**SOUND ENGINEERING ASSOCIATES**

Tim DeBartolomeo, PE, SECB  
Principal

Attachments: 44 CFR § 60.3 - Flood plain management criteria for flood-prone areas  
CT DEEP Correspondence to the Town of Greenwich dated April 3, 2019

#### **44 CFR § 60.3 - Flood plain management criteria for flood-prone areas**

##### § 60.3 Flood plain management criteria for flood-prone areas.

The Federal Insurance Administrator will provide the data upon which flood plain management regulations shall be based. If the Federal Insurance Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Federal Insurance Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Federal Insurance Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in § 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Federal Insurance Administrator. Minimum standards for communities are as follows:

(a) When the Federal Insurance Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Federal Insurance Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

- (1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;
- (2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;
- (3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;
- (4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;
- (5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:
  - (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
  - (ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and
  - (iii) Maintain a record of all such information with the official designated by the community under § 59.22 (a)(9)(iii);
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;
- (8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

- (1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;
- (2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including

basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant

utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

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.

(d) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;



(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of § 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(e) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under § 59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. 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.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones VI-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in paragraphs (b)(1) and (e) (2) through (7) of this section.

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.

(f) When the Federal Insurance Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in § 59.1 in accordance with the eligibility procedures under § 65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

**Dygert, Bianca**

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**From:** Gaucher, John <John.Gaucher@ct.gov>  
**Sent:** Wednesday, April 03, 2019 9:52 AM  
**To:** Dygert, Bianca  
**Cc:** 'Anthony D'Andrea'  
**Subject:** 89 River Road, Row America CSPR

**Importance:** Low

**RECEIVED**

APR 3 2019

PLANNING & ZONING  
COMMISSION

[EXTERNAL]

Bianca,

We have reviewed the above-referenced proposal for consistency with Connecticut Coastal Management Act policies. The proposal of multi-family residential units in a coastal flood hazard area, particularly when the depth of flooding would be significant even in a 10-20 frequency year storm event, would usually be discouraged. However, in this case, the volume of fill proposed has brought the elevation of access/egress to the site to nearly the predicted 100-yr storm level elevation. Therefore, access for emergency responders and emergency egress for during extreme coastal storms should not be significantly impeded. Accordingly, we have no comments for the Planning & Zoning Commission's consideration. Please let me know if you have any questions or if you need any additional information.

John Gaucher  
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Land & Water Resources Division  
Bureau of Water Protection and Land Reuse  
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Hartford, CT 06106

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