



Shortbeach.org

The monthly meeting of the Civic Association of Short Beach was held on Monday, January 9, 2017, at the Union Church, 14 Pentecost Street, Short Beach, CT.

President Timothy Nicholas called the meeting to order at 7:33 pm. Also present: Margaret Carpenter, Frances Clark, Christine Collins, Robin Comey, Douglas Hanlon, and Margaret Wheeler, and Zoning Enforcement Officer David Perkins. Absent: Alinor Sterling and Amy Wilson.

There was a correction to delete the sentence “There is a need to speed up the application/ZBA process.” on page 3. Douglas Hanlon made a motion to approve the minutes as corrected and Robin Comey seconded. All in favor.

Additional comments/corrections after the minutes were approved:

- ✚ Move the paragraph about the Valley Street property to Old Business from New Business.
- ✚ Attach the notes from the ad hoc committee regarding FEMA to the end of the December minutes. However,

However, Frances Clark decided to add all the FEMA related attachments from Christine Collins to the end of this document since the December minutes were uploaded to the web site already.

Finance Report: Margaret Carpenter reported that there is \$12,201.91 in the checking account and \$81,091.70 in the savings account.

Sanitation: Trash can covers are doing the job per Doug Hanlon.

Fire and Police: No report.

Parks and Beaches: The right of way on Beckett Avenue has been cleaned so we paid Brian Thompson \$100.00.

Open items/Parks and Beaches:

- ✚ Frances Clark will get two quotes for trimming the trees in Pagano Park.

- # Margaret Wheeler will create a committee to add plants and a stone wall at the bluff and requested \$400.00. Frances Clark requested she write up a proposal.
- # Douglas Hanlon has not found any group to clean up one corner in Pardee Park. The fee will be \$50.00 for pizza.
- # Douglas Hanlon received a request to repair one side of the fence in Pagano Park where the top has been pulled away from top bar. He will call Atlas Fence for a quote. Frances Clark added that he should also include the bottom of the baseball fencing in Pardee Park.
- # Robin Comey reported that kids often take off their coats at Pagano Park and that they have been found in the trash barrels. She will look into creating a lost and found area.
- # Margaret Carpenter has a friend who may be interested in clearing the side and back fence in Pagano Park.

Roads and Sidewalks: There was a discussion about how to keep sidewalks clear of snow and leaves. We will try to use town facilities and encourage residents to call Public Works. The Town Highway supervisor looks at the property, leaves a note and may put liens on the offending houses. Doug Hanlon will give the town addresses. Frances Clark advised that this issue comes up every year and that it is nearly impossible to hire people to do this work. Also, in the past, it was decided that we not do the clean-up because of additional liabilities.

Open items/Roads and Sidewalks:

- # Greg Carpenter will paint signs on drains, weather permitting.

FEMA: Christine Collins spoke to the person who did Stamford's changes. They went up to 5' for people affected which may lead to bigger volume and floor area. This group is still having meetings so Timothy Nicholas will put this item on the January agenda. They had a discussion about Special Exceptions where we would have more control, but neighbors may appeal in Connecticut and the application might be rejected. Other towns are relying on Coastal Management. Chris Collins will invite Norman Cole, Land Use Bureau Chief, to our next meeting. Doug Hanlon suggested doing what Branford has done.

New Business: David Perkins has a meeting with the new restaurant about a liquor license. He will do the sign off.

David Perkins stated that Paul Parzych wants to put a garage on the Valley Street property.

David Perkins asked what his role is as Zoning Enforcement Officer with regard to the ZBA. The role is vague. Timothy Nicholas will call Walter Kawecki and David Perkins will see if he can get some information from the Town of Branford.

Robin Comey created an email list and a link to Google docs which she will put on our Web site.

David Perkins will speak to John Hackley about paying overdue assessments totaling more the \$1,000.

David Brooks was present to ask us if we want his son to do a logo. Frances Clark would like a new one for our minutes.

Old Business: David Perkins reported that the Baniyas, Charlotte, and Chase properties have been cleaned up.

Since David Perkins made an agreement with Shore Automotive to move their lights, it was decided that we do not need a zoning revision for outdoor lighting.

Open items/Old Business:

- # We need a diary and a discussion of an hourly rate for payment for the ZEO.
- # David Perkins needs to investigate pieces of a car in the driveway on Court Street.
- # We need to coordinate both of the applications, ours plus ZBA's. Christine Collins will confer with David Perkins regarding revisions of directions and application definitions. Alinor Sterling will be asked to assist.
- # ZBA training class – someone will contact Bruce Hyde to schedule a class for a minimum of fifteen people.
- # Valley Street property – Margaret Wheeler has had no information about the title search.
- # Issues:
 - Do we want the property?
 - What do other owners think?
 - What do we want to do with the property?
 - What is the cost?
 - How to get a legal title?
 - Have to talk to the Land Use Committee.

Charter Rewrite: There are still errors that need correcting.

Zoning Applications: There were no applications this month.

Adjournment: Margaret Carpenter made a motion to adjourn at 9:25 pm and Christine Collins seconded. All in favor.

Respectfully Submitted,
Frances R. Clark, Clerk

Notes for Discussion

Nov. 30, 2016

A group of people who are members of CASB have been meeting occasionally to explore how the changes in the flood zones and FEMA regulations might affect our zoning in Short Beach. We have been talking with each other, asking information from Janice Plaziak, our town engineer, and speaking with DEEP officials and other Zoning officials in towns who have been considering similar issues. We hope to present our thoughts on the issue to the CASB, so that the Board can decide if it wants to create a committee of the board, which might explore further and take action.

We have a very brief list of possibilities---

- 1) Do nothing—make no changes
(This leaves any accommodations being made to the ZBA , comments by West Haven Town Planner)
- 2) Amendment to Regulations
Change to regulations that would allow different height requirements for properties that are in a flood plain and/or have had ‘significant damage’. This can include
 - a) going on to a special exception (see number 3) if the owner wants to do more than is allowed or
 - b) no special exception, where the owner would apply for a variance if they want to do more than is allowed.

See Examples

A number of towns have made adjustments in their regulations: Stamford, CT, Fairfield and Westport, as mentioned by Town Planner of West Haven, Dave Colleen

Four examples gathered by Dave Perkins from various regulations

One example --Change in regulations in Stamford CT. Norman Cole 203 668-9904

- 3) Special Exception in the Zoning Regulations for FEMA/Flood affected properties
Factors to be considered?
Roofline, Sightlines, Character of neighborhood, Floodplain as hardship etc
(Decision to be made by Zoning Board with public hearing. Legally required to approve if it meets factors cited. Legally more complicated. Note: Requires skill and expertise.)
- 4) Hog Wild

Possible Sources of information and help--

DEEP person assigned to the area, just changed?

Norman Cole, Bethany, CT 203 668-9904 Land Use Bureau Chief

Janice Plaziak, more information or answer questions

Bruce Hyde, Land use training

Other town planners

Related ideas---

Education for both boards about the flood regulations from Diane Ifkovik, DEEP, Janice Plaziak for FEMA issues.

Examples of Amendments

Found by Dave Perkins

Any structure in a v zone that has had repetitive damage claims as determined by FEMA may by special exception be structurally altered so that the base elevation meets the FEMA regulation and that the maximum height of the structure not exceed 35 feet.

portions of the structure that do not conform to the regulations as to setbacks may be altered only so that the height of that portion of the structure does not exceed 30 feet.

Any structure in a v zone that has had repetitive damage claims as determined by FEMA may by special exception be structurally altered so that the base elevation meets the FEMA regulation and that the maximum height of the structure may not exceed the amount required by the increase in base elevation. In no case shall the final height be more than 40 feet.

(D)(6) Building height. No building shall exceed a maximum height of 31 feet measured from Design Flood Elevation to the highest point of the structure, with the exception that a building in an X Zone when measured from the finished grade should have a maximum height of 35 feet.

From the City of Stamford Regulations changed Dec. 31, 2015

Where a residential building is to be built, altered or reconstructed in order to comply with the Minimum Elevation Standard of Article III, Section 7.1 Flood Prone Area Regulations, and such building is located fully or partially within the Coastal Boundary as defined in Article III, Section 7(1) Coastal Area Management Regulations, building height may be measured from the Base Flood Elevation applicable to the residential building, provided that the resulting height of the building measured from average grade is not more than five (5) feet greater than the maximum building height permitted in the applicable Zoning District.

Application #214-06: Amendment to the Definition of “Building Height”, adopted by the City of Stamford in 2016 (new language underlined).

Building, Height of: The vertical distance to the level of the highest point of the roof surface if the roof is flat or inclines not more than one inch (1") vertical in one-foot horizontal, or the mean level between the eaves and the highest points of the roof if the roof is of any other type, measured as follows:

- a. If the building adjoins the front property line or is not more than ten feet (10') distant therefrom, measured at the center of the front wall of the building from the established grade of the curb; or if no grade has been officially established from the elevation of the existing curb; or if no grade has been officially established and no curb exists, measured from the average level of the finished ground surface across the front of the building.
- b. If the building is more than ten feet (10') from the front property line, measured from the average level of the finished ground surface at a point three (3) feet from the exterior walls of the building. Where the finished ground surface is made by filling, the level of such finished ground surface for the purpose of this definition shall not be deemed to be more than three (3) feet above the average level of the existing ground surface at a point three (3) feet from the exterior walls of the building. Where a residential building is to be built, altered or reconstructed in order to comply with the Minimum Elevation Standard of Article III, Section 7.1 Flood Prone Area Regulations, and such building is located fully or partially within the Coastal Boundary as defined in Article III, Section 7(T) Coastal Area Management Regulations, building height may be measured from the Base Flood Elevation applicable to the residential building, provided that the resulting height of the building measured from average grade is not more than five (5) feet greater than the maximum building height permitted in the applicable Zoning District.

STAFF REPORT

To: Stamford Zoning Board
From: Norman F. Cole, AICP, Land Use Bureau Chief
Subject: Appl. 214-06; RICHARD REDNISS; DEFINITION OF BUILDING HEIGHT in FLOOD PRONE AREAS
Date: July 2, 2014

DESCRIPTION:

This proposed text amendment is intended to provide limited relief in the calculation of building height for residential buildings that are subject to coastal flooding and need to be elevated to protect against recurring flood damage and to comply with the standards of the Flood Prone Area Regulations. Permitted building heights in the affected zoning districts (RA-1, R-20, R-10, R-7.5, R-6, R-5 and RM-F) range from 30 to 40 feet, measured from average grade to the midpoint of a gabled roof. This amendment would allow the measurement to be taken from the Base Flood Elevation provided that the resulting height is not more than five (5) greater than the height otherwise permitted. The proposed text amendment reads as follows:

Where a residential building is to be built, altered or reconstructed in order to comply with the Minimum Elevation Standard of Article III, Section 7.1 Flood Prone Area Regulations, and such building is located fully or partially within the Coastal Boundary as defined in Article III, Section 7(T) Coastal Area Management Regulations, building height may be measured from the Base Flood Elevation applicable to the residential building, provided that the resulting height of the building measured from average grade is not more than five (5) feet greater than the maximum building height permitted in the applicable Zoning District.

SCOPE: Properties benefitting from this proposed modification of building height include all residential buildings located within the Coastal Boundary that are in a designated flood hazard area. New and substantially improved residential buildings are required to be elevated to one foot above the Base Flood Elevation, whereas commercial buildings are not required to be elevated and can comply with flood regulations through other design measures. The Coastal Boundary terminates at Broad Street on the Rippowam River and at East Main Street on the Noroton River, and focuses on those properties subject to coastal flooding where recent storms have caused significant property damage and where flood heights are expected to continue to increase due to rising sea levels. Development within the Coastal Boundary is also subject to comprehensive site and architectural plan review by the Zoning Board (Section 7-T, Coastal Site Plan Review) to insure that elevated buildings are appropriately designed with proper drainage and landscaping.

RATIONALE:

“Research based on global climate models suggests a possible range of sea level rise in the New York Metropolitan region of 2.5 to 7 inches in the next 25 years, 6 to 15 inches in the next 50 years, and 1 to 3 feet in the next 100 years. Rising seas in Long Island Sound will increase the intensity, duration, and frequency of high water levels associated with coastal storm flooding. Coastal flooding threatens natural ecosystems as well as commercial, civil, and residential infrastructure and assets. When considering climate change impacts, Stamford should first seek to avoid impacts, then minimize them and finally, adapt to the unavoidable impacts as much as possible. “Adaptation” refers to preparing for inevitable climate changes, with particular emphasis on sea level rise.” (Sustainability Amendment, 2011, Stamford Master Plan)

Elevating and flood proofing homes to minimizing the risk of flooding damage is a fundamental adaptation strategy for existing homes and approved building lots in flood hazard areas. Recent coastal storms have caused significant damage and focused attention on the need to reduce flood risks. But changes in flood insurance rates have been an even bigger problem. The National Flood Insurance Program, implemented in 1973, mandated flood insurance for all properties in the flood plain, and heavily subsidized the insurance premium costs for existing homes built below the Base Flood Elevation. After years of historic storms, the program was reportedly \$24 Billion in debt due to the escalating costs of these subsidized premiums. In 2012 Congress passed the Biggert-Watters reform Act to roll back subsidies to make insurance premiums reflect the real risk of flooding, resulting in insurance premiums increasing as much as ten times in one year. Legislation was recently passed (The Homeowners Flood Insurance Affordability Act of 2014) to limit the annual rate of increase in premiums to no more than 18%. To escape the escalating financial burden of rising insurance premiums, the first step is to elevate the first floor of the house to one foot above the Base Flood Elevation.

Response of Other Communities:

- Town of Westport, CT. As of 1/04/13, the Town of Westport allows the height of buildings in flood plains to be increased up to an additional five (5) feet. The regulation requires that the first finished floor be elevated to at least the Base Flood Elevation. No basement or cellar is permitted below the Base Flood Elevation.
- Town of Greenwich, CT. On June 17, 2014, the Town of Greenwich conducted a public hearing on a similar amendment to establish a new grade plane for properties within the 100-year Flood Plain, measuring building height from the Base Flood Elevation. Decision on this amendment is pending.
- New York City. On October 9, 2013, the City has enacted zoning amendments to measure building height with respect to the latest FEMA flood elevations, to locate mechanical systems above grade, accommodate off-street parking above grade, impose flood zone restrictions on ground floor uses and improving streetscapes.
- Other Connecticut Municipalities. The DEEP Office of Long Island Sound Programs reports that most other towns experiencing significant coastal flood damage continue to use zoning variances to allow buildings to be elevated to the Base Flood Elevation.

Referrals

Planning Board: At its June 10, 2014 meeting, the Planning Board reviewed this proposed Text Change and voted to recommend approval with two conditions: 1) Limiting the potential height increase to five (5) feet by eliminating the last sentence of the original Text Amendment. (This sentence has now been removed from the proposed Text Change), and 2) that the Zoning Board make every effort to contact the Board of Representatives members most affected by this amendment with the request that they notify their constituents.

South Western Regional Planning Agency (SWRPA): At its June 2, 2014 meeting, the SWRPA Referral Committee voted to approve the proposed Text Change, noting that the additional five feet in proposed building height is not likely to have any adverse inter-municipal impact, with the following recommendation from their staff: Stamford should review Greenwich's proposal (#14-25), and both planning director's should discuss these amendments to be sure of the inter-municipal impact.

Other Referrals: This proposed Text Change was also referred to the Town of Greenwich, the Town of Darien, and the Town of New Canaan. To date, no responses have been received.

DISCUSSION:

This proposed text amendment would provide limited relief to residential buildings to encourage buildings to be elevated above the Base Flood Elevation, without sacrificing any as-of-right zoning rights. The building height relief is directly related to the depth of flooding on each individual property, not to exceed an increase of five (5) feet. This appears to be an appropriate and measured response to climate change and expected increases in coastal flooding, that will encourage compliance with Flood Prone Area Regulations and provide an adaptation response to coastal flooding as recommended in the Master Plan. It is notable that New York City has already adopted a similar zoning amendment that grants building height increases well in excess of five (5) feet. Many other communities in Connecticut, as a stop gap measure, are issuing zoning variances to facilitate elevation of buildings. However, zoning variances are not an appropriate long term solution to a city-wide flooding condition that is not unique to individual properties. Where one property claims a hardship for a general flooding condition that equally affects surrounding properties, the hardship argument must fail. Limitation of this amendment to the Coastal Boundary is appropriate for several reasons: (1) climate change and rising sea levels directly impact coastal flooding, with impacts on riverine flooding not well understood, (2) the Environmental Protection Board is the lead agency that administers flood regulations outside the Coastal Boundary and should recommend policy changes regarding elevating buildings in these areas, and (3) within the Coastal Boundary the Zoning Board must issue Coastal Site Plan Review approval for all construction in a floodplain, with consideration of grading, drainage, landscaping and architecture to insure that elevated buildings are appropriately designed to be attractive and compatible with neighborhood character and not "stilt buildings".

SUMMARY:

Subject to receipt of public hearing comments, this text amendment appears appropriately designed, consistent with the Stamford Master Plan and will provide a comprehensive solution to all properties impacted by coastal flooding. Staff endorses this text amendment.