

**WOLCOTT TOWN COUNCIL
PUBLIC HEARING
TUESDAY, JANUARY 4, 2011
Council Chambers
Wolcott Town Hall
7:00 P.M.
Page 1 of 3
MINUTES**

RECEIVED
10:20 a.m.
1-7-11
Dolores C. Seater
TOWN CLERK
WOLCOTT, CONN.

Note: These are summary minutes. A tape recording of this meeting is on file in Wolcott Town Hall, Commission Secretary's Office.

PUBLIC HEARING: PROPOSED ORDINANCE #94 'FLOOD PLAIN MANAGEMENT ORDINANCE' (ATTACHED)

Chairman Santogatta called the Public Hearing to order at 7:00 p.m. with the Pledge of Allegiance, and attendance was taken.

MEMBERS PRESENT: Chairman Michael Santogatta, Vice-Chairman Steven Olmstead, Michael Bokon, David Valletta, Michael Perrone, Gale Mastrofrancesco, Francis Masi, Charles Marsella, and Rachel Wisler

MEMBERS ABSENT: None

ALSO PRESENT: Brian Tynan, Town Attorney; Mark Garrigus, Chairman, Inland Wetlands & Watercourses Commission; John 'Corky' Mazurek; et al.

CALL OF MEETING:

Mr. Masi read the following into the record:

**TOWN OF WOLCOTT
PUBLIC NOTICE**

Take notice that a Public Hearing of the Wolcott Town Council will be held at Wolcott Town Hall, 10 Kenea Ave., Wolcott, CT, in the Council Chambers, on Tuesday, January 4, 2011, at 7:00 p.m., for the purpose of obtaining public comment on proposed Ordinance #94 entitled 'Flood Plain Management Ordinance'.

Copies of the proposed ordinance are available for inspection in the Town Clerk's Office. Copies will also be available on the night of the public hearing.

All interested citizens will have the opportunity to give written & oral comments at the hearing.

**Michael J. Santogatta, Chairman
Wolcott Town Council**

Dated Wolcott, CT

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December 27, 2010

**Published one time: Waterbury Republican American Newspaper on
MONDAY, December 27, 2010**

CORRESPONDENCE:

There was no written communication received.

PUBLIC COMMENT:

At this time, Chairman Santogatta advised that there are copies of the proposed ordinance and a map description available, and requested that anyone that would like to comment raise their hand, and upon being recognized, come forward and state their name and address.

A summary of each speaker's comments is listed below.

- 1. John 'Corky' Mazurek, of 116 Richard Avenue,** came forward and stated that he is present this evening representing the Wolcott Lions Club. He noted that he has reviewed the proposed ordinance and does not see anything in it that would impact the Lions' property, but he would like some assurance from the Council or from Inland Wetlands that anything in the new ordinance would not impact their ability to develop the fairgrounds that they are planning at 245 Wolcott Road.
- 2. Mark Garrigus, of 135 Garrigus Court,** came forward and commented that with respect to the Lions Club concerns regarding their property, the floodplain areas on the new maps are no different than the last set from 1982. Also, the basic conditions of not having any development in the floodplain are the same conditions; they are a little more stringent as far as fuel tanks, etc. It is basically the same conditions and approvals that are needed; if it gets through Planning & Zoning and Inland Wetlands, this ordinance probably wouldn't have to be used. It is more for violators who fill in floodplains and so forth.

Vice-Chairman Olmstead inquired that with respect to Mr. Mazurek's concerns, is it correct that nothing has changed, at which time Mr. Garrigus confirmed that nothing has changed with respect to the guidelines or restrictions.

At this time, Chairman Santogatta inquired if anyone else would like to come forward, at which time there were no further comments.

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ADJOURNMENT:

Upon **MOTION** by Michael Perrone, seconded by Charles Marsella, it was unanimously voted to **close** the Public Hearing at 7:06 p.m.

APPROVED:

Elizabeth Gaudiosi
Commission Secretary

Michael J. Santogatta, Chairman
WOLCOTT TOWN COUNCIL

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Michael J. Santogatta, Chairman
Wolcott Town Council
Dated Wolcott, CT
December 27, 2010
R-A December 27, 2010

Proposed Ordinance #94
FLOOD PLAIN MANAGEMENT ORDINANCE
TOWN OF WOLCOTT, CONNECTICUT

ARTICLE 1- PURPOSE AND APPLICABILITY

1.1 Purpose: It is the purpose of this Ordinance

1.1.1 to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the Town of Wolcott by the establishment of standards designed to

- a) protect human life and public health,
- b) minimize expenditure of money for costly flood control projects,
- c) minimize the need for rescue and relief efforts associated with flooding
- d) minimize prolonged business and employment interruptions
- e) minimize damage to public facilities and utilities,
- f) help maintain a stable tax base
- g) insure that purchasers of property are notified of special flood hazards and
- h) ensure that persons who occupy areas of special flood hazard assume responsibility for their actions; and

1.1.2 to ensure continued eligibility of owners of property in the Town of Wolcott for participation the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.*

1.2 Area of Applicability: This Ordinance is applicable to all special flood hazard areas within the Town of Wolcott as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated December 17, 2010, accompanying Flood Insurance Rate Maps (FIRM), dated December 17, 2010, and other supporting data applicable to the Town of Wolcott, 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 ordinance 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 and AE, including areas designated as a floodway on a FIRM. 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 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.

1.3 Requirement:

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, may be made within the "special flood hazard area" only in accordance with the requirements of this Ordinance.

1.4 Other Restrictions: This Ordinance is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.

1.5 Interpretation: In the interpretation and application of this Ordinance, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

1.6 Warning and Disclaimer of Liability: The degree of flood protection established by this Ordinance is considered reasonable for Townwide regulatory purposes and is based on available scientific and engineering studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of man-made or natural causes. This Ordinance does not imply that land outside of "special flood hazard areas" will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Wolcott, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

1.7 Severability.

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.

ARTICLE 2- Definitions

2.1 **General:** Certain terms and phrases used in this Ordinance are hereinafter defined and explained. Otherwise, the words in this Ordinance shall have the meaning commonly attributed to them.

Base flood means the flood having one percent chance of being equaled or exceeded in any given year.

Base flood elevation is the particular elevation of the base flood or **100-year flood** as specified on the Flood Insurance Rate Map. **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.**

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building 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.

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.

Development means 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.

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 July 5, 1982, the effective date 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 a) the overflow of inland waters and/or b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) is the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

Flood Insurance Study (FIS) is the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood proofing means any combination of structural or non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 feet anywhere in the Town: **For the purposes of this Ordinance, the term "Regulatory Floodway" is synonymous in meaning with the term 'Floodway'. The floodway is delineated on the Flood Insurance Rate map, which is part of this Ordinance.**

Functionally Dependent Use or Facility means 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 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.

Lowest Floor means 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.

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.

Market Value means the market value of the structure shall be determined by *an independent appraisal by a professional appraiser* 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.

Mean Sea Level (MSL) is 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.

New Construction means structures for which the "start of construction" commenced on or after July 5, 1982, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

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 July 5, 1982, the effective date of the floodplain management regulation adopted by the community.

Recreational Vehicle means a 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.

Special Flood Hazard Area (SFHA) means 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. The SFHA is also called the Area of Special Flood Hazard.

Start of Construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as 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.

Structure means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a trailer.

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 improvement means any repair, reconstruction, or improvement of a structure, taking place over a 5 year period, the cost of which equals or exceeds 50 percent of the market value of the structure either.

- a. Before the improvement or repair is started; or

- b. If the structure has been damaged and is being restored, before the damage occurred.

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-

- a. Any project for improvement of a structure to comply with existing State or Town health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- b. Any alterations of a structure listed on the National Register of Historic Places or the Connecticut State Inventory of Historic Places.

Variance means a grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation means 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 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 floodplains of coastal or riverine areas.

ARTICLE 3- STANDARDS

3.1 **General:** In Special Flood Hazard Areas, all development shall conform to the standards hereinafter specified,

3.2 **Anchoring:**

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, **resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.** No **manufactured home** shall be located in a Special Flood Hazard Area.

3.3 **Construction Materials and Methods:** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and by using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a

structure shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3.4 Utilities: Water supply and sanitary systems shall conform to the following:

3.4.1. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

3.4.2 New and replacement sanitary sewage shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

3.4.3 On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

3.5 Building Location and Floor Elevation:

No new construction or substantial improvement of buildings and other structures for human occupancy shall be located in any special flood hazard areas. **No manufactured home or recreational vehicle shall be located in a special flood hazard area either permanently or temporarily. This includes manufactured homes located in special flood hazard areas outside of 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 in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.**

Any new construction or substantial improvement of buildings and other structures for other than human occupancy shall either have the lowest floor, including basement, elevated to or above the base flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:

- a. Be floodproofed so that, below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyance; and
- c. Be certified by a registered professional engineer or architect that the above standards are satisfied, which certifications shall be provided to the Building Inspector of the Town of Wolcott as set forth in Par. 4.2.3.

3.6 Floodways:

There shall be no encroachments, including fill, new construction, substantial improvements, and other development unless certification, **with supporting technical data**, by a registered professional engineer is provided demonstrating, **through hydrologic and hydraulic analyses performed in accordance with standard engineering practice**, that encroachments will 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.**

ARTICLE 4- ADMINISTRATION

4.1 Administration: The Building Official of the Town Of Wolcott is hereby designated to administer and implement the provisions of his Ordinance. The Building Official shall have the responsibility and authority to grant or deny permit applications for development in Special Flood Hazard Areas in accordance with the provisions of this Ordinance. The Mayor may appoint deputies to assist and act for the Building Official.

4.2 Flood Hazard Area Permit: Development, including new construction, substantial improvement and the placement of prefabricated buildings, may be made within Special Flood Hazard Areas only after a Flood Hazard Area Permit thereof has been obtained. Application for a Flood Hazard Permit shall be made to the Building Official on forms furnished for that purpose by such Official and shall include at least a) plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, b) existing or proposed structures, fill, storage, of materials and drainage facilities and c) the location of the foregoing. The following is required in connection with applications:

- 4.2.1 Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- 4.2.2 Elevation in relation to mean sea level to which any structure has been or will be floodproofed;
- 4.2.3 Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Par. 3.5.2;
- 4.2.4 Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- 4.2.5 Plans for any walls to be used to enclose space below the base floor elevation.

4.3 Duties and Responsibilities of the Building Official: Duties and responsibilities of the Building Official in the administration of this Ordinance shall include but not be limited to the following:

4.3.1 Permit Application Review:

a. review all Flood Hazard Area Permit applications to determine that the requirements of this Ordinance have been satisfied; **and that the proposed development and building site will be reasonably safe from flooding;**

b. review all such permit applications to determine that all other necessary permits have been received from those Federal, State or Town government agencies from which prior approval is required.

4.3.2 Other Base Flood Data: When base flood elevation data is not provided on the Flood Insurance Rate Map, the Building Official shall obtain, review and reasonably

utilize any base floor elevation data available from a Federal, State or other source, in order to administer the standards of this Ordinance.

a. The building official 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.

b. When BFEs have been determined within Zones A and AE on the community's FIRM but a regulatory floodway has not been designated, the Building Official 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.

4.3.3 Information to be Obtained and Maintained:

a. obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

b. for all new and substantially improved floodproofed structures, i) verify and record the actual elevation (in relation to main sea level), to which the structure was floodproofed and iii) maintain the flood proofing certification required in Par. 4.2.3;

c. maintain for public inspection all records pertaining to the provisions of this Ordinance; and

d. submit an annual report to the Federal Emergency Management Agency.

4.3.4 Alteration of Watercourses:

a. notify adjacent towns and the Connecticut Department of Environmental Protection, Water Resources Unit, prior to any alternation or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and

b. require that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

4.3.5 Interpretation of Boundaries: make interpretations where needed, as to the exact location of the boundaries of Special Flood Hazard Areas, such as where there appears

to be a conflict between a mapped boundary and the actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Par. 5.1.1.

4.3.6 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.

4.3.7 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.

4.3.8 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.

4.3.9 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.

- 4.3.10 **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.
- 4.3.11 **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.)

ARTICLE 5- APPEALS AND VARIANCES

- 5.1 **Appeal Board:** The Zoning Board of Appeals of the Town of Wolcott shall hear and decide appeals and requests for variances from the standards of this Ordinance. Such Board shall have the following duties:
- 5.1.1 To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement and administration of this Ordinance.
- 5.1.2 to issue variances from the standards of this Ordinance, under the general considerations set forth in Par. 5.2 and the conditions for variances specified in Par. 5.3; and
- 5.1.3 to issue variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the considerations and conditions of Par. 5.2 and 5.3.
- 5.2 **General Consideration:** In passing upon applications for variance, the Zoning Board of Appeals shall consider a) the technical evaluations and studies that are the basis for this Ordinance, b) the standards of this Ordinance and c) the following:
- 5.2.1 the danger that materials may be swept onto other lands to the injury of others;
- 5.2.2 the danger to life and property due to flooding or erosion damage;

- 5.2.3 the susceptibility of the proposed development and its contents to flood damage, and the effect of such damage on the individual owner;
- 5.2.4 the importance of the services provided to the community by the proposed development;
- 5.2.5 the necessity of a waterfront location for the function of the development;
- 5.2.6 the availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
- 5.2.7 the compatibility of the proposed development with existing and anticipated other development;
- 5.2.8 the relationship of the proposed development to the plan of development for the Town and the flood plain management program for that area;
- 5.2.9 the safety of access to the property in times of flood for ordinary and emergency vehicles;
- 5.2.10 the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
- 5.2.11 the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

5.3 Conditions for Variance: The following are applicable to the issuances of variances by the Zoning Board of Appeals:

- 5.3.1. No variance shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.
- 5.3.2 Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of one half (1/2) acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation, provided that the following criteria are met:
 - a) a showing of good and sufficient cause;
 - b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing Town laws, ordinances and regulations.

Variations shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5.3.3 When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this Ordinance.

5.4 Effective Date and Filing: A variance issued under this Ordinance shall become effective at such time as is fixed by the Zoning Board of Appeals, provided a copy thereof shall be filed in the Office of the Wolcott Town Clerk and in the land records of the Town of Wolcott in the same manner as required for filing of variances from Zoning Regulations.

5.5 Notice and Records: The Building Official shall notify the applicant for variance in writing that a) the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance and b) such construction below the base flood elevation increases risks to life and property. The Building Official shall maintain a record of such notice to applicants, shall maintain a record of all variance actions including the justification for their issuance and shall report such variances issued in his/her annual report to the Federal Emergency Management Agency.

5.6 Appeal to Court: Any person or persons singularly or jointly aggrieved by any decision of the Zoning Board of Appeals acting under this Ordinance, or any person owning land which abuts or is within a radius of 100 feet of any portion of the land involved in any decision of said Board, or any officer, board or commission of the Town of Wolcott, having jurisdiction or responsibility over the flood hazards of the Town, may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the same manner as provided under the provisions of Section 8-8 of the General Statutes of the State of Connecticut.

ARTICLE 6

The ordinance entitled "FLOODPLAIN MANAGEMENT ORDINANCE" (#49), which was enacted by the Town Council on May 5, 1982 is hereby repealed and superseded by Ordinance #94, on the effective date.

This ordinance was adopted at a Regular Meeting by the Wolcott Town Council on **January 4, 2011** and becomes effective on **February 5, 2011**.

Thomas G. Dunn, Mayor
Town of Wolcott

Michael Santogatta, Chairman
Wolcott Town Council

Date

Date

Public Hearing Date: January 4, 2011

Approved by Town Council: January 4, 2011

Date Published: January 15, 2011

Effective Date: February 5, 2011

(21 days after publication)

CERTIFICATION

I, Dolores C. Slater, Town Clerk for the Town of Wolcott, do hereby certify that the above is a true and correct copy of Ordinance #94 adopted by the Town Council at its regular meeting on January 4, 2011, in which a quorum was present and acting throughout and that the ordinance has not been modified, rescinded, or revoked and is at present in full force and effect.

Dolores C. Slater, Town Clerk

Date

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