



July 20, 2023

Waterford Zoning Board of Appeals
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

Re: 4 Ridgewood Avenue
Zoning Board of Appeals Variance Application
Application for Coastal Area Management Site Plan Permit

It is the opinion of the Alewife Cove Conservancy that the proposed development of the undeveloped property at 4 Ridgewood Avenue is inconsistent with the town's and state's regulations regarding flood safety and protection of coastal resources. As such, and for the reasons stated below, we respectfully request that the board **not grant** the requested variances.

The Alewife Cove Conservancy (ACC) is a 501(c)(3) non-profit, community-based organization that is dedicated to protecting and improving the health of Alewife Cove. The ACC has three fundamental principles:

1. To utilize ecosystem-based management to design solutions for the complex of challenges that affect Alewife Cove and Long Island Sound;
2. To empower our youth and community to take action and protect our waters through volunteer participation in Citizen Science and volunteer efforts;
3. To create a community of stewards that value, protect and are inspired to preserve our vital natural resources.

Coastal Hazard Area

The proposed development is located in a designated Coastal Hazard Area. Coastal Hazard Areas are defined as "those land areas inundated during coastal storm events or subject to erosion induced by such events." The area of Ridgewood Ave proposed for development currently experiences flooding and road closures during storm surges. The attached photograph, taken this past winter shows storm surge flooding along Shore Drive adjacent to the subject property, that resulted in road closure.

Sea Level Rise will certainly result in more frequent coastal flooding in the future. A Report by the *Adaptation Subcommittee to the Governor's Steering Committee on Climate Change* (2010) includes the following assessments regarding sea level rise:

- Sea level may increase by 12 to 23 inches by the end of the century

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Exhibit 12

- Sea level may increase by 41 to 55 inches by the end of the century with the “Rapid-Ice-Melt Sea Level Rise” scenario.
- There may be more coastal flooding caused by extreme storm events.

Data developed specifically for Connecticut by the Connecticut Institute for Climate Resilience and Adaptation (CIRCA) shows that sea level in Connecticut could rise as much as 20 inches by the year 2050 in flat, low-lying areas of the coast such as the subject parcel.

Waterford Zoning Regulations Section 25.3.6 - *Special Conditions Regarding Variances for the Use of Land in Flood Hazard Areas* – includes the following:

- “a determination that the granting of a variance will not result in increased flood heights, **additional threats to public safety, extraordinary public expense...**”
- “The Zoning Board of Appeals shall consider the following criteria in granting a variance:
3. **The safety of access to the property in times of flooding for ordinary and emergency vehicles.**
5. **The costs of providing governmental services during and after flood condition...**”

Waterford Zoning Regulations Section 25.4.5 – *Commission Action* – includes the following:

- “the board or commission with jurisdiction shall review coastal site plans for compliance with the following criteria established in Section 22a-106 of the Connecticut General Statutes:
1. Consistency of the proposed activity with the applicable coastal policies in Section 22a-92 of the Connecticut General Statutes.
2. The acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in Section 22a-93(15) of the Connecticut General Statutes. “

As stated in the June 22, 2023 letter from the CT Department of Energy & Environmental Protection to the ZBA: (emphasis added)

“Section 22a-92(b)(2)(F) of the CCMA (CT Coastal Management Act) requires the Zoning Board of Appeals “to manage coastal hazard areas to ensure that hazards to life and property are minimized.” **The Applicant has acknowledged the lack of dry egress from the property during coastal storm events.** While the proposed residential structure can be built to meet the National Flood Insurance Program (NFIP) first floor elevation requirement, this CCMA policy is far more conservative because it requires minimizing adverse impacts to life and property beyond conforming to FEMA standards. **Allowing new residential uses on a site where access/egress would be nearly impossible for residents and first responders during coastal storms appears to be inconsistent with this important policy.**

Based on our review of the application, it is our opinion that granting of the proposed variances to permit site development on the subject property will result in additional threats to public

safety, there will be no safe access to the property during flooding for ordinary and emergency vehicles, and would result in additional costs and extraordinary efforts by the town's emergency services during flood events. Granting of the variances would be inconsistent with the town's and state's regulations regarding coastal and flood hazard regulations and policies.

Coastal Resource Impacts

The property abuts and includes portions of Alewife Cove. In addition to the Coastal Hazard area, the property contains or abuts other coastal resources including tidal wetlands, coastal waters and estuarine embayments. It is our opinion that development of the property would result in impacts to these coastal resources and that the proposed variances to allow development of the property should **not** be granted.

- The proposed site plan depicts the proposed house approximately 7 to 11 feet from naturally vegetated (*Spartina sp.*) tidal wetlands to the west. There will be no vegetated buffer between the house and the wetlands. Any runoff from landscaped areas west and south of the house will flow directly into the tidal wetlands with no buffering. Residential runoff is known to contain pollutants associated with fertilizers, herbicides, pesticides, pet waste and others.
- The shoreline west of the house consists of irregularly shaped boulder fill. Grading west of the house will likely require additional fill and stabilization beyond the proposed limit of disturbance and potential encroachments into tidal wetlands.
- The proposed limit of disturbance west of the house is as close as 3 feet. It is unrealistic to assume that 3 feet will allow reasonable access for construction of the building. Unanticipated encroachments beyond the limits of disturbance will result in direct impact to tidal wetlands.
- While the proposed limit of disturbance south of the house preserves some existing vegetated areas, we have concerns that future homeowners will likely want to remove the vegetation to improve their view of open water and to provide direct water access.

Remaining undeveloped properties, such as this one, within the Coastal Hazard Area of the Ridgewood neighborhood are typically those that pose constraints to development due to the presence of Coastal Resources and Flood Hazard Areas. It is our opinion that these marginal properties should remain undeveloped if they pose additional risks to future residents from flooding or cause additional impacts to coastal resources. These properties would also be of more value in their undeveloped state for future implementation of potential flood mitigation measures to address sea-level rise and as potential areas for tidal marsh migration to offset losses associated with sea-level rise.

Additional information on Sea Level Rise Effects on Roads and Marshes can be viewed at <https://maps.cteco.uconn.edu/projects/slammm/>. This interactive model and map viewer can be

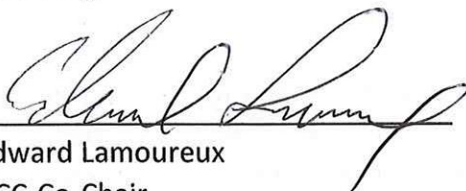
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used to better understand how Connecticut's coastal area marshes and roads may respond to sea-level rise.

We would encourage owners of such marginal, undeveloped properties within the Coastal Hazard Area to consider preservation of these sensitive areas through tax deductible donations of the properties to a land trust or other entity.

Thank you for your attention to our concerns.

Sincerely,


Edward Lamoureux
ACC-Co-Chair
Chris Clouet
ACC Co Chair
Chris Allan
Professional Wetland Scientist
ACC Member & Volunteer Technical Advisor

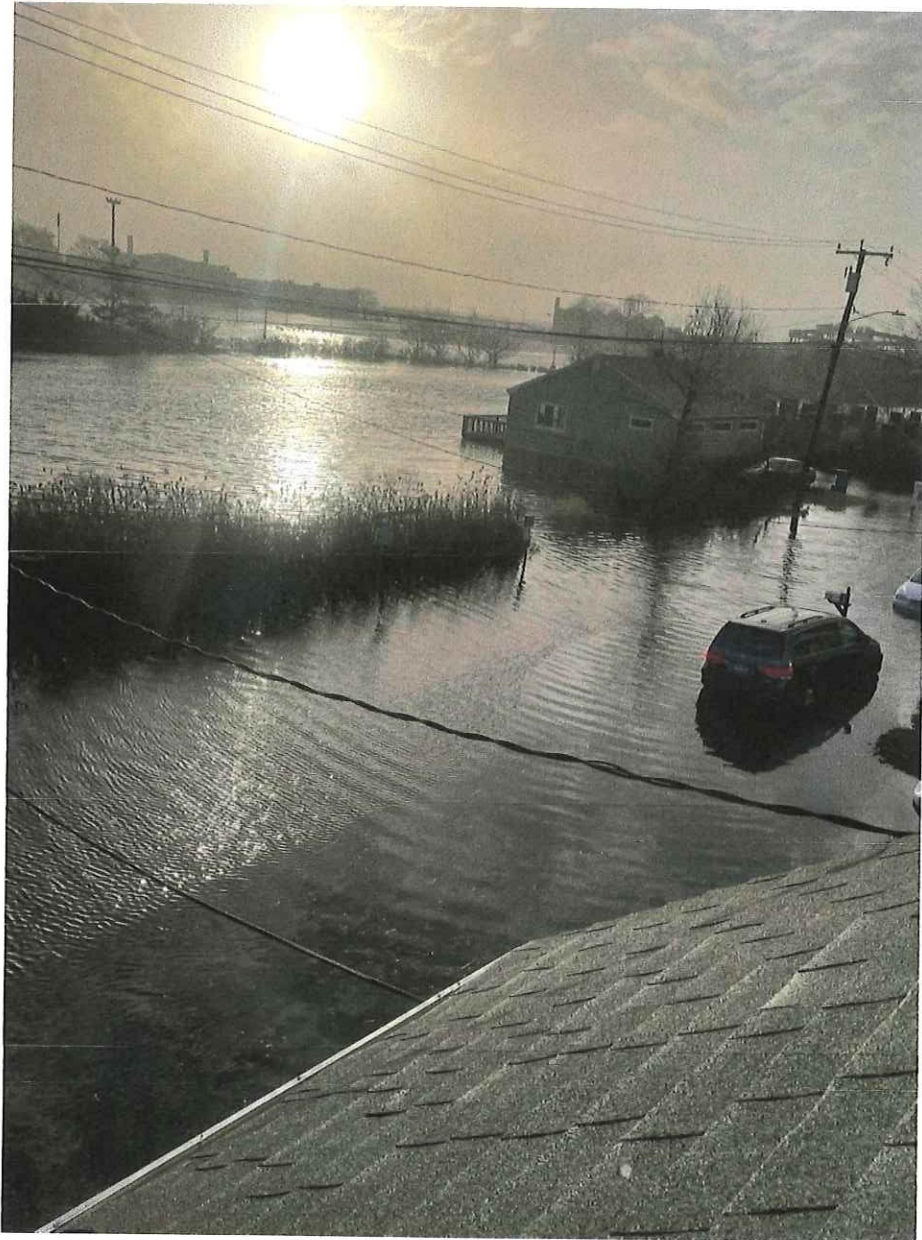


Photo of Shore Drive approximately 250 ft northeast of 4 Ridgewood Ave.

Photos of Flooding on Shore Drive during Nor'easter on March 4, 2023

