



June 22, 2023

Waterford Zoning Board of Appeals
c/o Jill Stevens, ZEO
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

Re: Coastal Site Plan Review for 4 Ridgewood Ave

Dear Board Members:

Thank you for notifying the Land and Water Resources Division (LWRD) of the proposed coastal site plan application noted above which entails a variance request to allow construction of a single-family house on a vacant lot. Acting as the Commissioner's staff, our office has reviewed the CSP application for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA), and we offer the following comments for consideration with respect to the application.

The applicant is requesting a variance of the local side setback minimum for the current zoning district along the property line that abuts the Town's pump station #2, from fifteen feet to seven feet, and along Ridgewood Ave for the front of the property from thirty feet to fifteen feet. This requested side variance would place the proposed structure approximate fifty-eight feet from the Town's #2 pump station building. In addition to this variance request, the Applicant is also requesting a front yard setback variance from the minimum fifty-foot setback requirement to a fifteen-foot setback from the road.

The property is located within a coastal flood hazard area, FEMA-designated AE 10 flood zone and VE 13 zone. If the variances are granted, the Applicant proposes to construct an approximately 820 SF home. The structure will have two floors and be built to current FEMA VE-zone standards, with the first floor located at elevation 12'. The area under the first floor would remain open and be used for parking and temporary storage only. The existing elevation of the property is between two to eight feet. The open area below the elevated home would be graded to elevation 6'.

Section 22a-92(b)(2)(F) of the CCMA 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.

Prudent coastal management planning and development recognizes the potential hazards of each coastal site and avoids locating uses and placing people in predictable, life-threatening hazardous conditions. Accordingly, the Board must determine whether granting the variances necessary to allow for construction of a new residence on the property in question, even if the home is elevated and meets FEMA NFIP and local flood management development standards as proposed by the Applicant, will result in a significant exposure of life and property to flood hazards and will knowingly put people in harm's way, or if it only marginally adds to such exposure in light of the already developed nature of the surrounding area.

Further, with respect to sea level rise, 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. Because of the likelihood that the subject parcel will be inundated by a rising sea level within the next 30 years, we strongly caution the applicant that absolutely no structures such as seawalls or revetments will be allowed as solutions to any future flooding or erosion problems at the subject site. Structural solutions are allowed by CCMA policies only in very limited circumstances to protect residential structures existing prior to January 1, 1995, infrastructural facilities, and water-dependent uses. Since the subject lot is vacant, any proposal for a structural solution would likely be deemed inconsistent with the CCMA.

We note that a large portion of the 10,500 SF site (approximately $\geq 50\%$) is located below the Coastal Jurisdiction Line (CJL) in addition to containing tidal wetlands. The location of the proposed house would be, at most, within ten feet of tidal wetlands, with a corner of the proposed home located approximately 3 feet from delineated tidal wetlands. Construction activities close to tidal wetlands could potentially cause adverse impacts to these sensitive resources.

In addition, due to the minimal distance between the proposed structure and the CJL and on-site tidal wetlands, we are concerned that work associated with construction of the dwelling could potentially be in DEEP's regulatory jurisdiction. Performance of activities in tidal wetlands and/or below the CJL (whether temporary or permanent) requires authorization from the DEEP's Land and Water Resources Division.

Finally, it has also been brought to DEEP's attention that the existing stones on the property are actually remnants of an old crossing between Waterford and New London that was destroyed during the 1938 Hurricane. Accordingly, this remaining stone debris does not constitute an existing seawall for permitting purposes. The Applicant will need to contact our Permitting East Section to discuss this unique situation if there is any interest in removing them from the property.

CSPR: 4 Ridgewood Ave

June 2023 Resubmission of Application

Thank you for the opportunity to comment on this application. Should you have any questions regarding this letter or any other coastal management or Long Island Sound matter, please feel free to contact me at Karen.Michaels@ct.gov.

Sincerely,



Karen A. Michaels, EA III
Planning Section
Land and Water Resources Division

Cc: Waterford Coastal File