

**PLANNING AND ZONING COMMISSION**  
*EXCERPT OF MINUTES*  
**PUBLIC HEARING/GENERAL MEETING**  
**JUNE 11, 2013**

Place: Room 119, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:  
Spain, Cameron, DiDonna, Voigt, Olvany

STAFF ATTENDING: Ginsberg, Keating  
RECORDER: Syat  
Channel 79

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Mr. Spain read the following agenda item:

**PUBLIC HEARING**

**Proposed Amendments to the Darien Zoning Regulations put forth by the Planning & Zoning Commission (COZR #2-2013).** Proposal to modify subsection 210 (the definition of Substantial Damage and the definition of Substantial Improvement); to modify subsection 822a Inventory of Regulated Areas to refer to the Flood Insurance Rate Maps that take effect on July 8, 2013; and to modify subsection 825f(1) by specifically referring to a Connecticut Coastal Jurisdiction Line rather than Mean High Water or High Tide Line.

Mr. Ginsberg introduced the proposed Zoning Regulation amendments and noted that these were initiated due to a January 7, 2013 letter from the State of Connecticut DEEP, which required that all towns which have flood maps that are changing must initiate these changes. Assistant Director Dave Keating explained that the Town of Darien participates in the National Flood Insurance Program (NFIP). He then described the various flood zones in Darien. He noted that FEMA has used updated calculation methods to update their Flood Insurance Rate Map (FIRM). As part of this new mapping they have expanded the flood area and modified flood heights in some areas. Mr. Keating mentioned the Town of Darien exceeds FEMA's requirements as the Town requires that the finished floor elevation of any new residential structure be at least one foot above the base flood elevation.

The proposed amendments before the Commission this evening are for changes to two definitions: "Substantial Improvement" and "Substantial Damage"; and changes to specifically reference Flood Insurance Rate Maps that take effective on July 8, 2013; and to modify subsection 825.f.1 which refers to a Connecticut Coastal Jurisdiction Line rather than Mean High Water. Mr. Keating noted that all the changes are consistent with the Town Plan of Conservation and Development. He added that insurance aspects are changing to the flood insurance program and subsidies will be phased out over the next few years.

Mr. Ginsberg noted that there is wording which won't be remaining in Section 210 Substantial Damage relative to a three year period and he confirmed that if there was any confusion as to the written proposal put forth. Ms. Cameron noted that she has some punctuation issues. Mr. Olvany mentioned that, in his opinion, equalized assessed evaluation is not market value and maybe it would be appropriate to include equalized assessed evaluation rather than market value as an

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appropriate reference point. Mr. Ginsberg said that market value was the wording put forth by the State of Connecticut but he can check with them on that question. If he believes equalized assessed evaluation is an appropriate substitution, the Commission can always come back for a Zoning Regulation amendment in the future. He believed however that it would be essential to get the State desired wording in the Regulations as soon as possible. Mr. Spain also noted the change relative to coastal jurisdiction lines which would replace any reference to mean high water. There was no one from the public present to comment on the Zoning Regulation amendments. There were no further questions or comments from Commission members, and Ms. Cameron made a motion to close the public hearing on this matter. That motion was seconded by Mr. Voigt and unanimously approved.

*Discussion, deliberation, and possible decision if public hearing has been closed:*

**Proposed Amendments to the Darien Zoning Regulations put forth by the Planning & Zoning Commission (COZR #2-2013).** Proposal to modify subsection 210 (the definition of Substantial Damage and the definition of Substantial Improvement); to modify subsection 822a Inventory of Regulated Areas to refer to the Flood Insurance Rate Maps that take effect on July 8, 2013; and to modify subsection 825f(1) by specifically referring to a Connecticut Coastal Jurisdiction Line rather than Mean High Water or High Tide Line.

Mr. Spain suggested that the Commission could adopt the Regulations as put forth this evening. Mr. Ginsberg said that he would research the issue brought up by Mr. Olvany about the phrase “equalized assessed evaluation” rather than “market value”. Mr. Olvany made a motion to adopt the regulations as put forth this evening with an effective date of Sunday, June 30, 2013 at 12 noon. Mr. DiDonna seconded that motion, which was unanimously approved.