

State of Rhode Island

County of Washington

In Hopkinton on the second day of April 2020 A.D. the said REMOTE meeting was called to order by Town Council President Frank Landolfi at 6:30 P.M. in the Town Hall Meeting Room, 1 Town House Road, Hopkinton, RI 02833.

PRESENT: Frank Landolfi, Scott Bill Hirst; Town Manager William McGarry. The following individuals participated remotely: Sharon Davis, Sylvia Thompson, Barbara Capalbo; Town Clerk Elizabeth Cook-Martin; Town Planner James Lamphere; IT/GIS Director Christopher Scheib.

The REMOTE Meeting was called to order with a moment of silent meditation and a salute to the Flag.

Flood Hazard Overlay District Decision

This matter had been scheduled to allow the Town Council to render a decision on proposed amendments to Section 33 of Chapter 134 of the Hopkinton Zoning Ordinance entitled Flood Hazard Overlay District, introduced & sponsored by Council President Frank Landolfi. The amendments are intended to bring the zoning ordinance including the zoning map into conformity with the revised Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program, effective April 3, 2020. The hearing was held on March 31, 2020.

Council deliberations.

He noted Councilor Hirst had not been present for the hearing on March 31, 2020 and asked Town Planner James Lamphere to give a brief overview. He stated this ordinance was in the public interest to adopt, which will allow the Town to come into compliance with FEMA regulations and in doing so our citizens will be able to access flood insurance without having to go into the open market to get it. In addition, they will be allowed to access other federal funds that might come their way such as CDBG Funds; any type of renovations on an existing home in a flood plain; this applies to new construction as well; that will all have to be reviewed by the Building Official to make sure it complies with the State Building Code which

is in compliance with FEMA regulations. It gives the Town an opportunity to oversee all the construction and renovations in the flood hazard areas to make sure it is done properly, such that when flooding occurs in those flood hazard areas that are subject to recurrent flooding, when something like that happens the construction should be able to withstand it; it should be elevated high enough, etc. and people have insurance, so it is in our best interest to adopt it. Councilor Hirst noted he was working on March 31, 2020 and indicated he supported the ordinance amendment and was aware that the Town Clerk had to get the ordinance out as soon as possible. He thanked Mr. Lamphere and all concerned for their work on this matter.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR DAVIS TO ADOPT THE FLOOD HAZARD DISTRICT ORDINANCE AMENDMENT.

POLL VOTE:

IN FAVOR: Landolfi, Hirst, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

The ordinance follows:

TOWN OF HOPKINTON, RI

Chapter 271

An Ordinance in amendment of Chapter 134

Section 134-5.10. Flood Hazard Overlay District

In accordance with the provisions of Chapter 45-24, R.I Gen. Laws, including those sections known as the “Rhode Island Zoning Enabling Act of 1991”, it is ordained by the Town Council of the Town of Hopkinton that Chapter 134 – Section 33, Flood Hazard Overlay District, of the Code of Ordinances of the Town of Hopkinton entitled “Zoning Ordinance”, as amended as follows:

CHAPTER 134 - Section 33. FLOOD HAZARD OVERLAY DISTRICT

- (A) **Purpose.** The purpose of this ordinance is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters by ensuring that development in floodplains designated by the Federal Emergency Management Agency (FEMA) is in compliance with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The Town of Hopkinton elects to comply with said requirements.
- (B) **Applicability.** This special flood hazard area overlay district contains special flood hazard areas, including floodways and coastal high hazard areas. Special flood hazard areas are subject to recurrent flooding which presents serious hazards to the health, safety, welfare, and property of the residents of the town. Regulation of the development and alteration of such areas thus is in the public interest.

(C) Flood hazard overlay district defined. The Special Flood Hazard Areas are herein established as a flood hazard overlay district. The flood hazard overlay district includes all Special Flood Hazard Areas within the Town of Hopkinton designated as Zone A, AE AH, AO, A99, V or VE on the Washington County Flood Insurance Rate Map (FIRM), as it may be amended and Digital FIRM, as it may be amended, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Washington County FIRM that are wholly or partially within the Town of Hopkinton are panel number 44009C0045J, , 44009C0062J, 44009C0064J, 44009C0065J, 440009C0068J, 44009C0135J, 44009C0141J, 44009C0142J, 44009C0143J, 44009C0144J, 44009C0151J, 44009C0152J, 44009C0153J, 44009C0154J, , 44009C0161J, 44009C0143J, 44009C0144J, and 44009C0163J dated April 3, 2020. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Washington County Flood Insurance Study (FIS) report dated April 3, 2020. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and the official copies are on file with the Town Clerk.

(D) Review by building official. The building official shall review all development proposed in the flood hazard overlay district to ensure the development is in compliance with the all State Building Code requirements including the provisions of the 12th edition of the State Building Code (SBC 1 and 2-2019), and all subsequent amendments, concerning flood-resistant siting and construction.

Disclaimer of liability. The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

a. Severability. If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.

b. Abrogation and greater restriction. This section shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this section imposes a greater restriction, the provisions of this section shall control.

c. Enforcement. The building official shall enforce all provisions as applicable in reference to RIGL § 23-27.3-108.1.

d. Penalties. Every person who shall violate any provision of this code shall be subject to penalties put forth in RIGL § 23-27.3-122.3.

This ordinance amendment shall take effect upon passage.

REFERENCES

42 U.S.C. 4011 et seq.; 44 CFR Pts. 59, 60; R.I. Gen. Laws § 45-24-30(10); R.I. Gen. Laws § 45-24-33; R.I. State Building Code (10 ed. 2010) R.I. State Building Code (12 ed. 2019 SBC 1 and 2, 2019).

This amendment shall take effect upon passage.

ADJOURNMENT

A MOTION WAS MADE BY COUNCILOR HIRST AND SECONDED BY
COUNCILOR CAPALBO TO ADJOURN.

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk