

State of Rhode Island

County of Washington

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

PRESENT: Frank Landolfi, Sylvia Thompson, Barbara Capalbo, Town Manager William McGarry; The following individuals participated remotely: Sharon Davis; Town Clerk Elizabeth Cook-Martin; Building & Zoning Sherri Desjardin; Town Planner James Lamphere. Absent: Scott Bill Hirst.

Persons calling in remotely who identified themselves: Joe Moreau, Sherri Aharonian.

Council President Landolfi read from the agenda: “Understanding the people have a vested interest in the operation of their government, the Hopkinton Town Council intends to allow the public to have input at their meeting on March 31, 2020. However, due to the COVID-19 virus, the Council wants to be sure that everyone will do so safely from their own homes. Public Comment Period – please call in by 6:30 PM and the toll-free numbers were provided”.

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

PUBLIC HEARING - Flood Hazard Overlay District

The Council opened a public hearing 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 proposed ordinance appeared as a display ad in the Westerly Sun on February 28, March 6 & 13, 2020. The proposed ordinance amendment follows:

Proposed Ordinance Amendment:

SECTION 134-5.10. FLOOD HAZARD OVERLAY DISTRICT.

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, 44009C0068J, 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.

Said proposed amendments may be amended as a result of further study or the views expressed at the public hearing without further advertising. The amendment shall take effect immediately upon passage.

Council discussion:

Council President Landolfi called on Ms. Desjardin and Mr. Lamphere for their comments. Ms. Desjardin reported FEMA had recently updated the Flood Maps and FEMA and surprisingly in light of the circumstances with the coronavirus, found that they would not be extending the April 3, 2020 deadline. Adopting the ordinance amendment would bring the Town into compliance with the FEMA maps and we would not be suspended from the flood program, which would cause undue hardships for all those in the special flood hazard area right now. The biggest change was under Section C of the ordinance; Section C shows the flood

map numbers, the panel identifier, which includes a series of numbers and a letter; the current suffix letters would be amended from the current letter “H”. FEMA has changed these map panel numbers so the Town would be adopting these in accordance with the FEMA regulations. Council President Landolfi questioned why there was a change to the identifier; if there was a rationale behind the change. Ms. Desjardin indicated no explanation was given but it appeared to be an overhaul with FEMA in regards to the maps themselves; there did not seem to be any changes to the special flood hazard areas that she was aware of; it comes down to basically a housekeeping issue. Mr. Lamphere stated it would be good to get this done and in place so people would be able to purchase flood insurance through the federal government, otherwise they would have to go out to the private market to acquire it and it is very expensive. For people already in the flood hazard areas, if they want to access to Federal Funds, like CDBG Funds, to make their property more flood proof, if this was not in place by the deadline, they would be unable to access these funds. He felt it would be smart to get it adopted. Ms. Desjardin added that if the Town was suspended as a result of not adopting the ordinance amendment by the deadline, the Town would receive a notice of suspension, a \$50.00 surcharge would be assessed to individual property owners then NFIP would notify the Town and the Town would be required to notify the property owners that they are suspended. Council President Landolfi indicated he was very disturbed when FEMA was not going to extend the deadline which required the scheduling of two additional meetings. He stated he had sent an email but had not heard anything back. Councilor Davis did not have any questions and had been concerned whether her property was in a flood zone and found it was not. She felt Ms. Desjardin and Mr. Lamphere explained it; she had no reservations. Councilor Thompson felt it was critical to get this done. Councilor Capalbo felt it had been explained in a clear and concise way; it was important and she supported getting it done right away.

Public comment:

Mr. Moreau asked if there was a copy of the flood plain proposal map available to view to see how close a resident might be to a flood plain. Ms. Desjardins explained Mr. Moreau could view this on-line and utilize the flood plain mapping

tool; that he could “Google” RI Flood Mapping Tool, which would bring him to his address and he could view his property. There were no further questions.

A MOTION WAS MADE BY COUNCILOR CAPALBO AND SECONDED BY COUNCILOR THOMPSON TO CLOSE THE HEARING AND SET IT DOWN FOR A DECISION ON APRIL 2, 2020.

POLL VOTE:

IN FAVOR: Landolfi, Capalbo, Thompson, Davis

OPPOSED: None

SO VOTED

ADJOURNMENT

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

SO VOTED

Elizabeth J. Cook-Martin

Town Clerk