

Be Prepared

for Rewards & Work on Waterfront Properties

by MEG BARONE

Living along a body of water brings tremendous rewards – spectacular views, dazzling sunsets, cooling summer breezes, a feeling of serenity and peace.

As with everything worth having, it also requires some effort to maintain and protect such amenities including the upkeep of beaches, docks, boardwalks, seawalls and related waterway structures. In most areas it also requires having flood insurance as a precautionary measure.

Connecticut's coastal shoreline is lucky to have Long Island as a barrier, which helps to minimize the impact of major storms, but occasionally the state is hit and those who are properly prepared fair best.

“As a counselor for people who are buying residential properties, to the extent they are located in or around either tidal waterfront or inland-wetlands areas that are susceptible to flooding, certainly it would be prudent to have that type of insurance to protect them against extreme flooding conditions,” said Attorney Michael Cacace, a land use and real property lawyer at the Stamford law firm of Cacace, Tusch and Santagata.

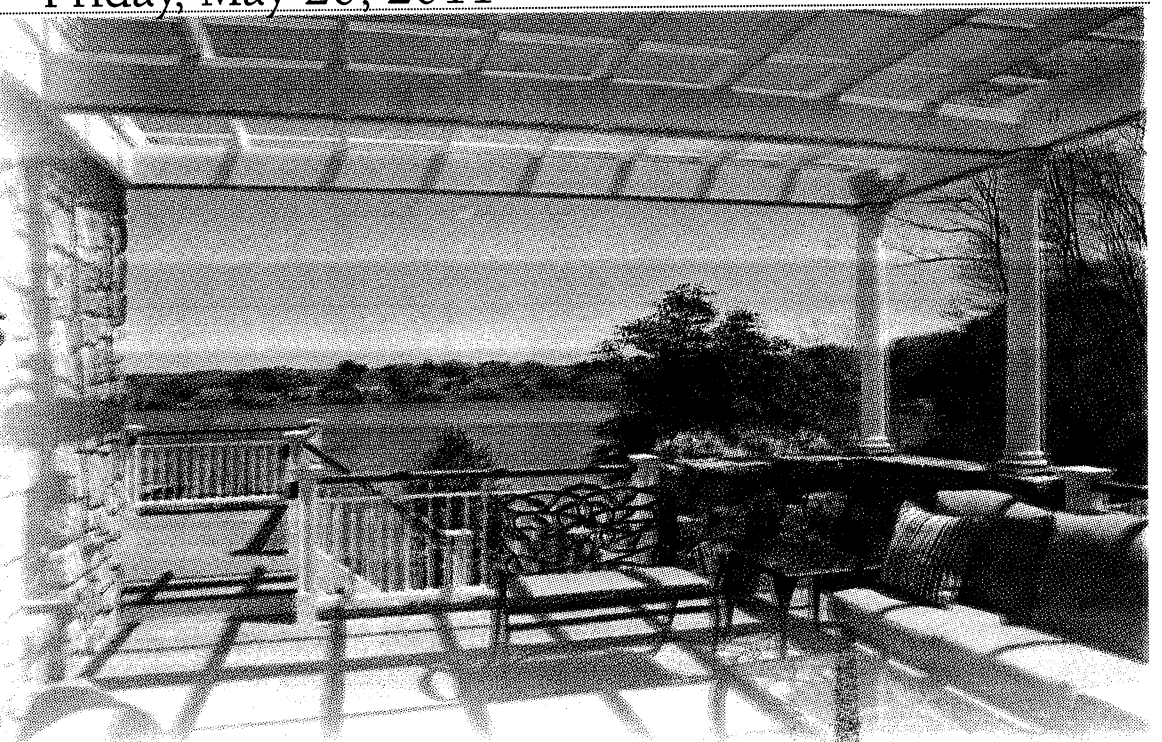
There are national flood insurance standards in place. The City of Stamford has increased the national standard by one foot as it applies to building codes. “We make people build their (coastal) homes at one foot higher than the national standard,” said Stamford's City Planner Norman Cole.

In those communities where flood insurance standards are higher than the national average insurance premiums are generally less expensive, some experts said.

Additionally, houses that were built before flood compliance regulations were adopted in 1980, and therefore at greater risk of incurring flood damage in the event of severe storms, are grandfathered in, which means those homeowners would not be subjected to higher insurance rates. They are eligible for insurance plans at the same rate of other homeowners whose homes were built after the more stringent regulations were put in place.

However, any subsequent home improvements must be held to 50 percent of the home's value, Cole said. For example, if a house that was built before 1980 was valued at \$500,000, any further construction could not add more than \$250,000 to the value of the home.

That regulation does not just apply to coastal proper-



ties but also to houses on lakes and rivers, Cole said.

Few places are actually protected enough to have docks so not all owners of waterfront properties have the opportunity to construct them. For those who can, docks are a wonderful amenity, “particularly a deep water dock,” said David Ogilvy, a Greenwich realtor.

“For the boater, it's wonderful to have a waterfront property with a dock right outside your door so you can just grab your towel and walk right out to your boat,” said Michelle Genovesi, of Michelle and Company, an affiliate of William Raveis Real Estate.

The planning stages of a dock can be time-consuming because of the documentation that is needed to obtain permits, but there are companies that are equipped to help homeowners with the permitting process.

Tim McCarthy, an environmental scientist with Coastline Consulting and Development, said the permit process includes conducting a survey, getting engineer drawings and maps and compiling a detailed report that examines the environmental, public trust and navigation impacts.

The Madison-based Coastline Consulting and Development builds docks and helps residents secure the necessary permits from the state Department of Environmental Protection and, on the

federal level, from the U.S. Army Corps of Engineers. Additionally, there are some municipalities that require their own local permits, he said.

Darien requires a local permit in certain circumstances, according to Jeremy Ginsberg, that town's director of planning and zoning, while nearby Stamford does not.

“The DEP has primary jurisdiction. We don't subject them to a second review,” Cole said.

Those who have docks, whether small structures on small lakes or deep water docks on Westport's Bermuda Lagoon, should have those insured as well, Cacace said.

“To the extent you have docks placed in the water, that in and of itself has an inherent risk given weather conditions whether it's storm water flooding, weather condition flooding, whether it's ice, snow winds, all can affect the stability of anything placed in the water, whether it's an inland-wetland pond, a river, stream or coastal tidal waters. To the extent that asset has value, insurance is a prudent thing to have,” he said.

Additionally, he said, there are liability issues that can arise. Were a dock to become disengaged from its foundation and moorings, it could cause damage to other people's property. So coverage for both replacement and liability is a wise thing to investigate with your insurance broker,” Cacace said.