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February 24, 2023



## Fairfield Beach Residents Association IMPORTANT UPDATE

### Penfield Pavillion Town Hall Meeting update



**Hundreds of town residents came to hear (or listened to) FEMA and the town administration give an update on the status of the Penfield Pavilion.**

**We would like to thank FEMA for taking the time to come down and talk to us. We would also like to thank Rep. Himes' office, our state Reps and the First Selectwoman Kupchick /Town Administration for setting this up.**

**Key highlights:**

1. Town of Fairfield will be retrograded in the Community Rating System (CRS) on March 31, 2023 unless there is a funded way forward to resolve the Penfield Notice of Violation (NOV.) This will remove the discounts on National Flood Insurance Program (NFIP) premiums residents currently receive (10% discount in the special flood zone and 5% everywhere else). This could cost beach area residents close to \$500,000 in increased flood insurance costs over the 2+ years it might take to get addressed.
2. FEMA explained that the basis for the NOV is that the town incorrectly placed the foundation grade beam higher than the natural grade and that is in violation of 44CFR 60-3 regulations which states buildings in this coastal zone VE need to be free of obstruction. The grade beams must be remediated or removed to come back into compliance.
3. The town unveiled new cost breakouts for the work at Penfield including several new options.
4. We expect and hope to see a flurry of activity as the BOS, BOF and RTM try to find and fund an acceptable solution prior to the March 31 deadline.

**Detailed background:**

1. Fairfield participates in the Community Rating System (CRS) as part of the National Flood Insurance Program (NFIP). Towns that exceed the normal resilience requirements for the NFIP are eligible for discounts on flood insurance policies through the NFIP. Fairfield is rated a CRS 8 which means policy holders in a special flood zone (most of the beach area) receive a 10% discount on their premiums and all other policy holders receive a 5% discount. In order to maintain our CRS 8 rating, all structures in the town must meet FEMA requirements. Since Penfield Pavilion does not meet FEMA requirements, we are not eligible for a CRS 8 rating. On March 31, FEMA will notify insurance companies we have moved to a CRS 10 rating which means all policies that are established or renewed after October 1, 2023 will no longer receive the discount. If we still have not addressed the NOV after the CRS retrograde, FEMA will place the town on probation which means in addition to the loss of the discount, all policy holders will be assessed a \$50 fee on their policies. If the town decides to do nothing about the NOV, FEMA will then suspend Fairfield from the NFIP which means we will not be allowed to participate in the NFIP and all policies will be terminated. Additionally, the town will not be eligible for FEMA grants or disaster relief funding. FEMA was clear the suspension was an extreme measure and would not be used unless the town refused to address the NOV; an outcome we do not expect.
2. If the town is retrograded to a CRS10, we can apply to be restored to a CRS 8 rating after the pavilion is brought into compliance. The application process will take about a year to complete. If the Penfield project takes 18 months, residents should expect it to take about 2-3 years to see the CRS 8 status, and associated discounts, restored.
3. The First Selectwoman's strong preference is to keep the pavilion and remediate the height of the grade beams to bring it into compliance. Until last night, the Town has stated the cost to address the NOV was ~\$8M. Last night a more detailed cost breakout was unveiled that indicated the cost to address the NOV once the fill has been remediated would be ~\$6.5M. The cost estimate to remediate the contaminated fill is \$5M. The total cost for all of the work at the Pavilion in this option (fill pile remediation and addressing the NOV by rebuilding the grade beam ) would be ~\$11.5M, There is a lot of work needed to fully define and justify the costs prior to BOF and RTM approval.

4.. The town also shared a new option to address the NOV which would demo the pavilion part of the building, leaving the lockers and bathrooms which are compliant. The cost for that was \$2.0 M for the demo, \$4.0 M to remove the fill (it is cheaper to remove when there is not a building on top of it) and up to \$2.5 Million to add things like a covered deck, a concession stand, life guard shack etc. So the cost for this option is \$6.0M plus whatever part of the \$2.5 M additional items the town agrees are needed. However, these additional item costs have not been fully discussed and vetted.

5. The town was just informed of the March 31, 2023 deadline on February 20. However the town was aware that if the NOV was not cleared up FEMA would put the town on probation and possibly other enforcement back in April of 2021 according to FEMA. Enforcement actions were mentioned in the 2018 noncompliance notifications as well. The town administration has been working with FEMA to get alignment on a solution that would clear up the NOV. The town has asked for an extension, but FEMA indicated they have already had years to address this and a town cannot continue to receive a discount when it is not in compliance. A representative from Rep Himes office indicated that they support the town in a request for an extension.

The FBRA is hopeful that the town and regulatory bodies can quickly align on a way forward so residents don't have to see an increase in their insurance rates. Please address any questions to Brenda and if residents are interested in seeing any of the documents and correspondence on this there is a binder at Town Hall and the town will be creating a Penfield section on its website.

If you are interested in listening to the recording, go to Fair TV.

<https://fairfieldct.org/fairtv/schedule>

#### About the FBRA:

Founded in 1955, the Fairfield Beach Residents Association is a 501(c)4 advocacy organization comprised of homeowners from the Old Post Road south to Fairfield Beach Road west to the end of the road, and Reef Road east to Beach Road. The FBRA aims to: Represent and implement the interests and desires of the membership in maintaining and improving Fairfield Beach and vicinity; promote cooperation among the owners and renters; represent the common interests of the membership in relation to governmental authorities; and provide for the mutual assistance, enjoyment, and quality of life for all people residing in the Fairfield Beach area.



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