

## **SUBJECT TO APPROVAL**

**MEETING DATE:** MONDAY, MARCH 22, 2021  
6:00 P.M.

**MEETING PLACE:** ROOM A - TOWN CAMPUS

### **BOARD OF SELECTMEN PUBLIC HEARING MINUTES**

**6:00 p.m. Public Hearing**

First Selectwoman Lyons called the Public Hearing of Monday, March 22, 2021 to order at 6:02 p.m. Present were First Selectman Banisch, Selectman Goldberg, Selectman Murphy, and Selectman Wilson. The Public Hearing was conducted to hear comment on:

1. The Madison I CDBG Small Cities Grant project at the Concord Meadows Apartments.

First Selectwoman Lyons started the meeting and asked Elaine Reitman, Board President to provide an overview of the 2018 Grant Year which included energy efficiency upgrades and ADA improvements. All funds benefited residents of Concord Meadows. There were no public comments.

2. Modifications to the Flood Plain Ordinance:

First Selectwoman Lyons explained that she and her husband own a home within the Flood Plain and that she would be turning over the meeting to Acting First Selectman, Scott Murphy. She added that written comments had been received throughout the day and that all written comments would be included in the meeting minutes record for this evening (they are attached). The Board invited in the Coastal Resiliency Commission to provide an overview of the process to-date. A copy of the presentation is attached to these minutes.

Soozi Flannigan 16 Tuxis Rd provided the following statement in the chat box:  
I read the proposal and have so many questions about how this will impact my family and I. What does this mean for a house built in 1900 in the flood zone that has not been raised? I didn't understand about level of furnace and hot water heaterThe house has been in our family for decades and I moved here 55 years ago. We have a limited income currently. Thank you Soozi Flannigan 16 Tuxis Rd 203-415-3795 sooziangel@aol.com. I will listen and if someone could get back to me in the near future that would be great.

Emile Geisenheimer of 14 Middle Beach Road stated that he sent an email to the board already. His property was raised in 1999 before it was required, however, he

wasn't sure if this raising met the new requirements. He stated that he strongly opposed to lookback period detailed in the draft Ordinance. He felt that the lookback in general is onerous. He stated that Ordinance will essentially lead to postponed maintenance and also an adverse effect on the value of the homes and therefore the tax rolls.

Janet Nicolini 8 Madison Ave. stated that she agreed with the comments of Mr. Geisenheimer. As a realtor in Town she felt increasing the lookback will lead to a hardship in sales in the area. She stated that the Town does not need to follow other towns in the area as Madison is already in better shape than other towns. She doesn't feel that the changes will lower any flood insurance premiums for residents in Town, either. This is presenting a hardship for residents in the AE Flood Zone.

Kim Brunstad 15 Tuxis Road thanked the Coastal Resiliency Committee and the Board of Selectmen for their hard work. She stated that she is also a lawyer and there are many items that jump out at her; starting with the definition of cost. If \$200,000 is reimbursed by the insurance company for hurricane damage, the value added should be \$0.00 as insurance payments bring the property back to what it was before the claim. She stated that the Ordinance is way too accelerate and is a draconian measurement of achieving the goal. She stated that going forward two years from now, then the Town could possibly do a 2-year look back. She added that the variance specifically does not allow for economic or financial hardship which could potentially be harmful to residents in the area. Overall, she cautioned that the Town may open itself to lawsuits.

Alexis Ufland 30 Linden Lane stated that she was unable to obtain a loan to tear down and rebuild on the property that she purchased. She is very restricted in what she can do to comply with the current regulations. She is half way through the work, and is now stuck in the middle.

Chuck Bijou 61 Bishop Lane stated that like the woman who spoke prior to him, he is in the middle of work on his property. He stated that there is a difference between the assessment and appraised value of the homes in Town. Using the appraised value would be beneficial to the homeowners. He added that the lookback is also cumbersome. He asked the Town to look through the Ordinance again to make the best decisions for the homeowners.

Dana Weinstein of 10 Prospect Street stated that she agrees with prior comments and she reiterated the need to use the appraised value of the home versus the assessed value of the home. She also cautioned that there should be a differentiation between maintenance work and improvement costs (eg. Replacing windows and replacing roofs should be maintenance work). She cautioned that routine maintenance items will now be restricted due to the lookback period.

Bruce Katz 11 Middle Beach Road stated that he doesn't understand the benefits purported in the Ordinance changes. He reiterated that assessed value is less than the

market value and will result in residents not maintaining their properties. He added that the Ordinance will also result in an increase in taxes throughout time.

Alex Province of 917 Boston Post Road stated that when he purchased his property, it was not in the flood plain. Having this Ordinance put up on his property now, he would not be able to restore his antique house. He added that banks may also not want to lend to these properties for such repairs.

Robert Patricelli of 25 Parkville Lane stated that his home was built in the 1890's and he has continuously made repairs to the home. He stated that he didn't understand the purpose or public goal of the proposed changes. In the end, the existing homeowners would be punished. He asked that the lookback period be shortened.

Heather Crawford of 553 Summerhill Road stated that as a marine ecologist and long-term member of the Conservation Commission, she is mostly in favor of the proposed changes. She stated that the concerns this evening come from the waterfront properties but added that this Ordinance also impacts homeowners abutting streams and other waterways. With the predictions of sea level rise and increase in coastal storms, the Town may see more damage and the tax impact should be spread throughout Town not just to the coastline.

Rosemary Harry 19 Tuxis stated that she is a smaller modest home in the area and she has been concerned about the nature of the lookback. She stated that the lookback may be appropriate but to implement it retroactively would not be appropriate. She stated that the definition of substantial improvement is also cumbersome. She added that she was confused about the objectives in Section 1.4 how the inclusion of repairs and recovery from storms meets the objective. She thanked all of the volunteers who worked on the Ordinance.

Sally Lawrence of 110 Middle Beach stated that she just learned about the Ordinance this morning, however, there is a large project at her property and she worries about the lookback period. She added that there has to be a better way to assign value to the house to make the improvements without creating such a burden on the homeowners.

Ann Haren of 11 Tuxis Road stated that she agreed with all points made so far this evening. She agreed that changes are needed but also that the way to accomplish the goals is not feasible in the current ordinance draft. She stated that if the Ordinance were to be enforced on her property she would be forced to sell their home. She stated that there has been great changes to properties due to topography change and this Ordinance creates a forced policy. If there will be a forced policy then the Town will have to create pathways to help fund the forced mandate.

Travis Gulick of 248 Boston Post Road stated that he is a realtor in Town. He stated that there is a lot that goes into raising a home and there are many building components that affect the repair costs and also the lookback period. He cautioned that the Ordinance could negatively impact sellers and buyers.

Greg Wagner of 382 Bartlet Drive stated that most real estate agents do not understand the rule and homebuyers will be greatly impacted by the Ordinance change when it comes to the lookback period. He added that he was concerned about what the goals the Ordinance was trying to accomplish.

John Ford of 57/61 Middle Beach Road stated that he has done substantial work to his properties and this proposed Ordinance was burdening homeowners and now he would have to cease his improvement work.

There being no objections, First Selectwoman Lyons adjourned the Public Hearing at 7:18 p.m.  
Respectfully submitted,

Lauren Rhines  
Town Services Coordinator / Risk Manager

# Town of Madison – Coastal Resiliency Commission

## Public Hearing - Floodplain Ordinance Review

### Background & Key Changes

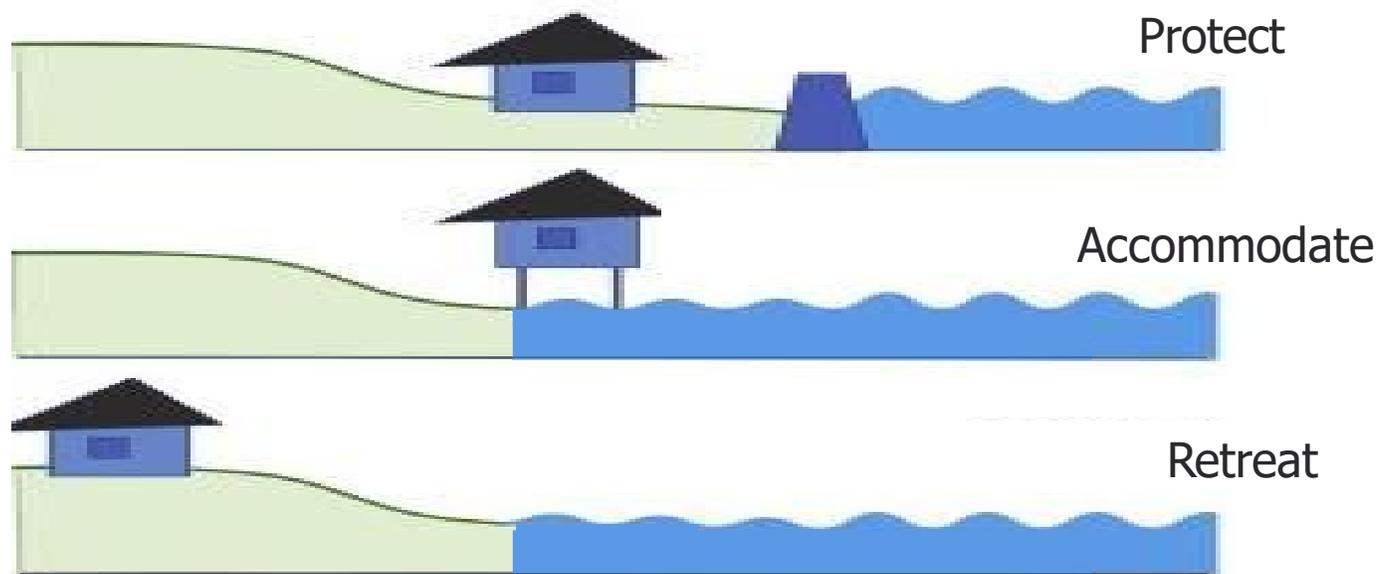
March 22, 2021

# Coastal Resiliency Commission

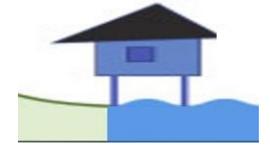
- CRC Established by BOS
- Commission charged to make plans for
  - sea level rise
  - climate change
  - flood risk & other risks
- Sea Level Rise – a concern for shoreline towns
- Flood risk: concern for all of Madison (sea, rivers, lakes)

# CRC: Adaptation to Sea Level Rise & Flooding

- CRC Policy and Technical groups - Plans for response



# Floodplain Ordinance - Accommodation



Floodplain rules - accommodation for flood hazards

- Floodplain rules for Madison and **all towns** have been in place for **many years**
- Madison's most recent ordinance was adopted in 2010 and amended in 2013

# CRC – key recommended changes to the Madison Floodplain Ordinance

- Update lookback period from 1 year to 5 years
- Amend Base Flood Elevation (BFE) parameters: BFE plus 2' for VE and Coastal AE zones; BFE plus 1' for all other zones (this is already required)
- Establish an oversight body for variances that may be warranted for the FPO

# Background

Effective October 1, 2018, the Connecticut Office of the State Building Inspector (OSBI) amended the current state building code to adopt the 2015 International Residential Code (IRC).

The adoption of the 2015 IRC has made significant changes to the elevation and construction requirements for new construction and substantially improved structures in both coastal and inland floodplains.

## Background, *cont'd*

All municipalities have been **required** to utilize these new regulations since October 1, 2018, and, to assist this process, DEEP provided a model floodplain ordinance. To avoid confusion between our existing FPO and the new requirements, it is prudent to update the existing Madison FPO as soon as possible. Many municipalities, including Branford, Clinton, Guilford and Westbrook, have acted to adopt the model or modify building codes to include the new regulations.

A brief description of the significant differences between the DEEP model, the proposal for the new Madison FPO, and the existing FPO follows.

# Substantial Improvement Lookback Period:

Our current floodplain ordinance specifies a 1-year period, which, by today's standards, is far too short. DEEP recommends 10 years in their model, and CRC is recommending 5 years, which most towns, including Branford, Guilford, Clinton, and Westbrook, have adopted.

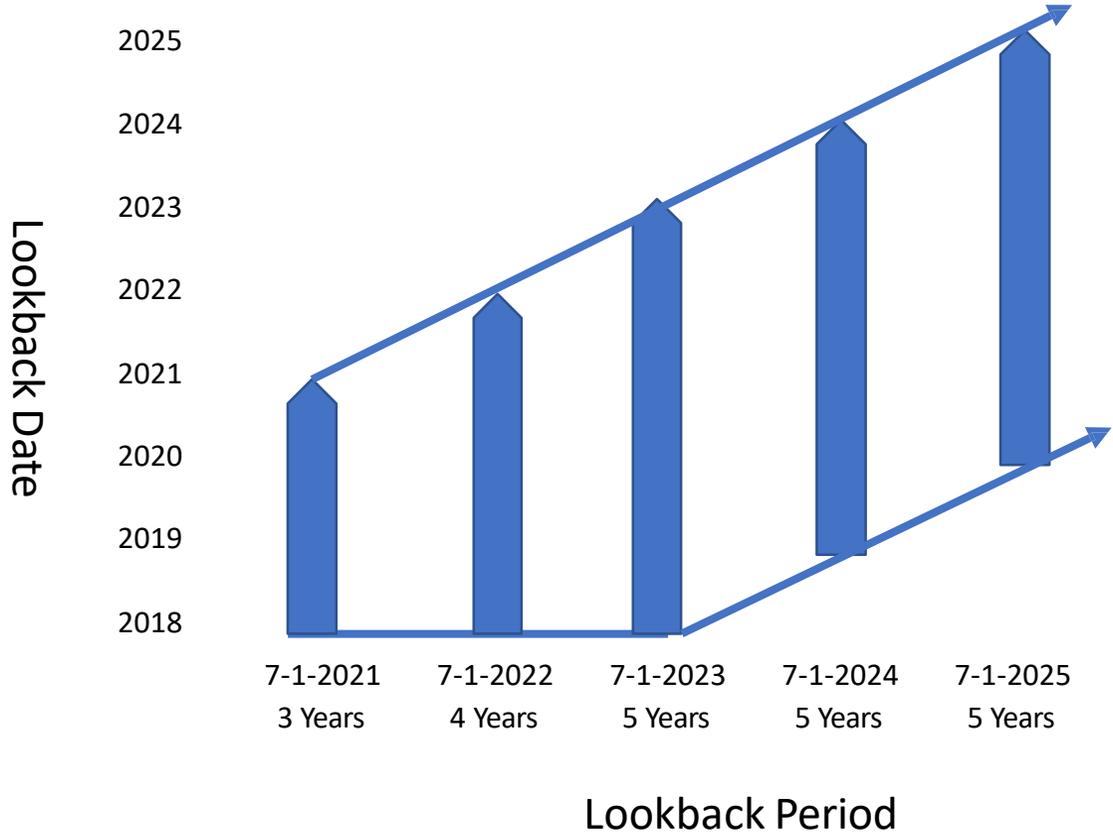
Based on suggestions from Town staff and engineers in the field, we propose phasing this in by ignoring any improvements that were completed by July 1, 2018. The lookback date is fixed to July 1, 2018 until July 1, 2023 and then becomes 5 years.

## **Basis for the Change:**

Madison is a forward-looking community – we want to respond to sea level rise and increased frequency of coastal storms

- Conformance with all surrounding towns
- Protects National Flood Insurance Program: lower claims & potential rate increases
- Protects town tax base
- Public safety to neighbors
- Helps protect homeowners from catastrophic loss

# How Lookback Works



# Base Flood Elevation

BFE is the anticipated flood level determined by FEMA for the 1% annual chance flood (100-year flood). This determination is made by considering existing and historical data. The State of Connecticut Building Code requires a minimum of BFE plus 1 foot for all flood zones.

In December 2018, DEEP, responding to Public Act 18-82, published guidance for municipal and state planning mandating that municipalities consider a sea level rise of 20 inches by 2050. FEMA determines BFE with a look back method using historical data. DEEP and the Connecticut Institute for Resilience and Climate Change (CIRCA) are recommending a **look forward approach** with a consideration of projected sea level rise of 20 inches by 2050. As a result of this approach, the State of Connecticut now requires all new buildings accepting funding from the State or Federal government to be constructed at BFE plus two feet regardless of flood zone.

## Base Flood Elevation, *cont'd*

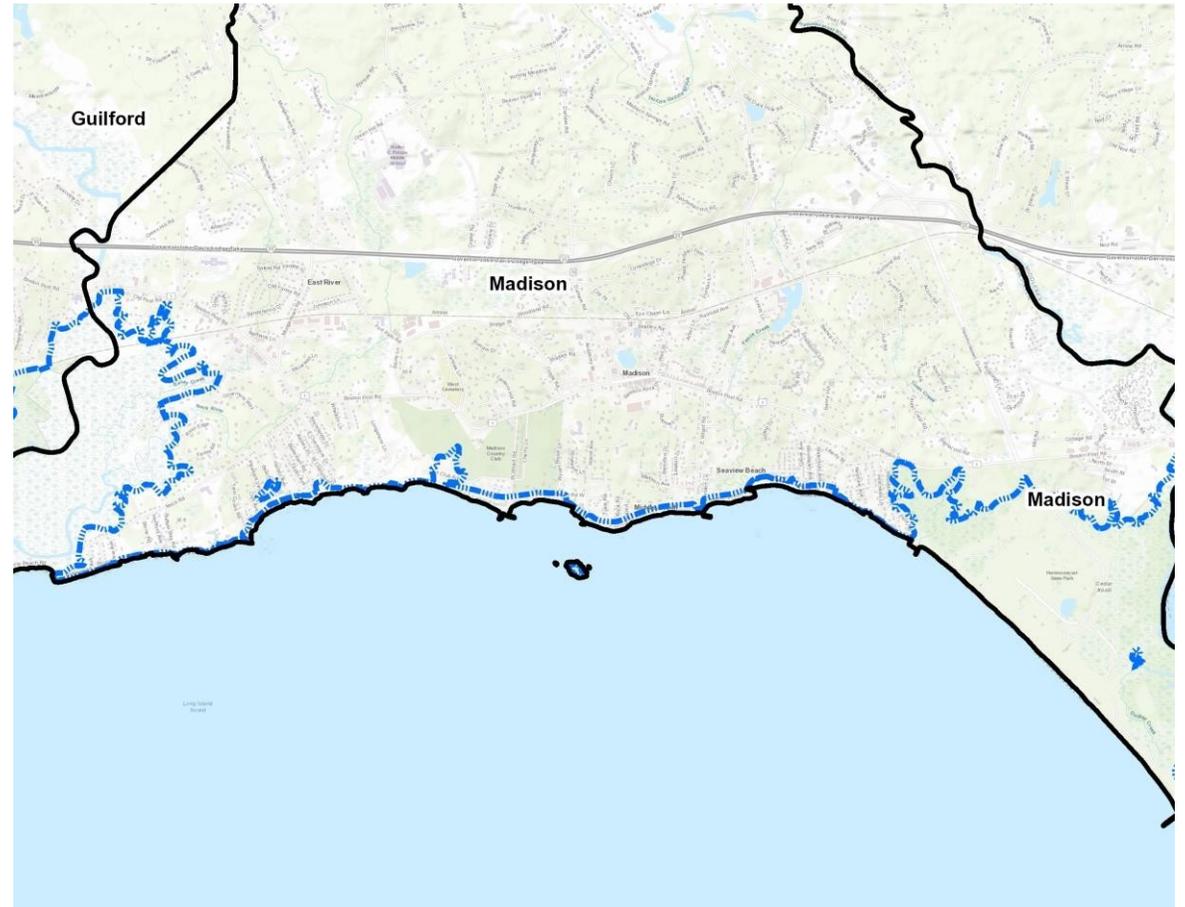
In addition, the State has codified the definition of "Flood Proofing" to be BFE plus 2' with additional increases based on sea level rise, and CIRCA sponsored a UCONN White Paper recommending BFE plus 2' at a minimum.

The CRC looked at the various floodplain zones in Madison and, after much discussion and research, are recommending that Madison adopt BFE plus 2 feet only for zones VE and Coastal AE, which are adjacent to the Long Island Sound.

Our current FPO specifies BFE without any additional increase and this is no longer allowed. The State Building Code requires a minimum of BFE plus 1', and our recommendation is BFE plus 1' for all zones except VE and Coastal AE, which should be BFE plus 2'.

# VE and Coastal AE Zones

- VE and Coastal AE Zones
  - Along the shoreline as shown in Map
  - Approximately 150 structures
    - Mostly homes
    - Some garages



# Variations:

Under the existing ordinance there has been little use of a variance procedure. However, with the new ordinance, which includes many new updates, there may be need for consideration of variations in hardship situations. It is prudent to continue a variance process and the CRC supports this.

**From:** [Dede Stone](#)  
**To:** [Lyons, Peggy](#); [Goldberg, Al](#); [Murphy, Scott](#); [Duques, Erin](#); [Wilson, Bruce](#)  
**Cc:** [Sulzbach Michael](#); [Rhines, Lauren](#)  
**Subject:** Coastal Resiliency Commission Proposed Changes  
**Date:** Monday, March 22, 2021 2:58:46 PM

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CAUTION: This email originated from outside of the Town of Madison/Madison Public Schools. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe.

To the Madison Board of Selectmen:

Please note, I respectfully request that my letter be read aloud during the Public Hearing on 3/22/21 @ 6 pm. Thank you in advance.

Good afternoon Ladies and Gentlemen,

I am deeply concerned about the proposed amendments to the Flood Plain Ordinance, recommended by the Coastal Resiliency Commission.

During the Board of Selectmen meeting on 2/22/21, the Coastal Resiliency Commission (hereafter referred to as the CRC) made a presentation, which briefly outlined their proposed suggestions for changes to the Flood Plain Ordinance. Following the meeting I immediately emailed our First Selectwoman requesting a copy of the complete list of proposed amendments that the CRC provided to the Board of Selectmen. Initially I was sent the amended Flood Plain Ordinance (with proposed changes within the body of the document). After another request, I finally received the document, on March 8th, 2021 entitled "Madison's New Floodplain Ordinance" - Background & Key Changes" 2/21/21. This document states that it includes "a brief descriptions of the significant differences between the DEEP model, the proposal for the new Madison FPO, and the existing FPO." Given that the BOS stated after the presentation that a concerted effort needed to be made to educate Madison citizens on these issues, there has been little to no information provided. Other than a brief and incomplete article in the 3/4/21 issue of the Source, I have seen no effort made to clearly outline the issues - additionally, other than the notice of Public Hearing also published in the Source on 3/4/21, to the best of my knowledge none of the affected 160 plus homeowners have been sent any information directly from the BOS or the CRC. As this group of citizens, who collectively account for a large percentage of the towns real estate tax revenue, were not informed about the specifics of the proposed amendments, which directly affect their personal property values, shows an incredible lack of transparency from the town of Madison.

The following are my issues and concerns with the proposed amendments:

1.) Substantial look back period:

The CRC is proposing a look back period of 5 years, phasing it in by ignoring improvements prior to July 1, 2018. The CRC states that this was based on suggestions from Town Staff and engineers in the field. Who were the specific town staff involved in these suggestions? As homeowners of a historic seasonal cottage dating from 1893, we have been carefully restoring our cottage over the last three years, fully following the 50% rule, which allows using 50% of the appraised value of the structure each year. To comply with this, it has taken those 3 years to finish. During our renovation, an injunction was filed against the town, claiming that the Flood Plain Ordinance was not being followed; the town's legal counsel found that, in fact, all requirements in our case had been correctly adhered to. I am opposed to this 3-5 year look back - it discriminates against homeowners who have followed the rules, and effectively denies us the right to make any repairs or maintenance to our home until 2023. There should not be a look back period, but rather 50% rule going forward from the proposed June 1st 2021 amendment to the ordinance. The DEEP recommendations were made in October of 2018 - is this 3 year look back due to the fact that the town did not make an effort to follow the DEEP suggestions in 2018? If this is in fact the case, homeowners of affected properties should not be penalized due to the towns oversight of addressing this issue in 2018.

2) Base Flood Elevation:

The state of Connecticut requires all new buildings accepting funding from the State or Federal government to be

constructed at BFE plus two feet. While I certainly understand this requirement for municipal structures, who are receiving funding from the State or Federal government, this does NOT apply to residential structures in our town to the best of my knowledge. I cannot think of a single homeowner who has funded their homes with these monies. If this is adopted as recommended, those who have raised houses will face huge costs to comply by raising their homes an additional 2 feet.

3) Variances:

The CRC suggests that members of the CRC should be the ones to consider and rule on variances in hardship situations. I strongly oppose this suggestion. Any ruling or judgements should be overseen by a completely different Board or Commission; additionally, in order to have completely fair and objective decisions on variances, any member of the CRC should not be allowed to sit on the Board or Commission as I see this as a huge conflict of interest.

The proposals to amend the FPO by the Coastal Resiliency Commission will, if approved by the Board of Selectmen, forever change Madison's shoreline and its many historic and vintage homes and cottages. These suggestions are extremely detrimental to a very large group of Madison taxpayers who have lovingly restored and maintained their homes - in many cases over several generations. To see our iconic shoreline comprised of largely new homes, each towering over the road with no charm, history or longtime generational ties would be a complete aberration, and is the antithesis of the Madison that so many of us hold dear. I am strongly opposed to the proposed amendments to the existing Flood Plain Ordinance by the Coastal Resiliency Commission.

Respectfully submitted,

Dede Stone

Sent from my iPad

**From:** [Sara Greenwood](#)  
**To:** [Wilson, Bruce](#); [Lyons, Peggy](#); [Duques, Erin](#); [Goldberg, Al](#); [Murphy, Scott](#)  
**Subject:** No to Amending Flood Plain Ordinance  
**Date:** Monday, March 22, 2021 2:15:42 PM

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We are unable to attend tonight's zoom meeting but would like this letter read.

We oppose the proposed amendments to the Flood Plain Ordinance. Those along the shoreline are already bearing the brunt of the finances of the Town. In the last tax assessment, our taxes increased from approximately \$27,000 a year to approximately \$44,000 a year-- a 43% increase!!

We recently inquired about the cost of having our house raised by a respected builder known for his work on old homes along the shoreline. The estimate was \$850,000--that is not a typo--\$850,000. The ridiculously high cost is due to getting equipment in with the house being so close to our neighbors which is the norm in the shoreline.

Now the town wants to further restrict (more strict than the Federal regulations), at significant financial burden to shoreline homeowners.

No!

Sara Greenwood  
150 Middle Beach Road

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Dear AI: Please feel free to share this letter as appropriate including at the public hearing today.

We understand the BoS are considering a proposal which would apply the 50% rule for construction to a 5-year period instead of the current 1-year period. For a house like ours, where the value is in the land and not the building, it creates some issues that might not have been considered and some incentives that might not be desirable.

As you know, we own the property at 98 Middle Beach Road. We bought in Connecticut because we wanted to be close to our daughters who were in Boston, Providence and New York. We could have gone anywhere; we looked from Groton Long Point to Branford. We fell in love with Madison and especially the beauty of Middle Beach Road. The community has a fairy tale look to it. More than a decade later we are still enchanted.

**Deferred Maintenance** In our case, the assessed value of the building is \$275,200. As we understand the rule changes under discussion, we would be limited to \$137,000 of total work in our house over a five year period. Anything more and we would have to raise the house to the new required level (about 8 feet, I think, in our case). That leaves less than \$30,000 a year for a home that is right on the Long Island Sound and exposed to salt air 24 hours a day, 7 days a week. It is a very hostile environment. \$30,000 is a very low number for annual upkeep on a home valued at over \$2 million. With the proposed rules in place we would have to consider the risk of running afoul of the extended look back provision. For instance, if we had a kitchen fire or a tree fall through our roof in 2026, we would be in trouble if we had done the kind of annual routine maintenance we currently do in order to keep our home in first class shape. The only rational solution we will have is to start deferring maintenance now in ways that keep our running total of expenditures very low to make sure we have room to make repairs in the case that there is a real (but small) loss.

The problem for owners of smaller or unwinterized homes is even more acute. Their assessments are far lower, so they will be even more driven to put off all but the most urgent work. The result will be that the homes along Middle Beach, Middle Beach West and off of Neck Road will slowly but visibly start to show shabbiness around the edges in a slow but unstoppable decline. This will, of course, lead to reduced values and reduced tax rolls.

**No Desirable Improvements** Clearly no homeowners would do any optional home improvements. For instance, if we were to spend next winter improving our energy efficiency with new windows, insulation and HVAC system we might be improving the environment. We can agree this would be a good thing. But we would use most of the 50% we were allowed for the next 5 years. We cannot take that risk. So...no solar panels, no energy efficient appliances, no double pane windows.

**Reduced Marketability** A new buyer paying millions of dollars for our house is going to want his own kitchen and bathrooms, maybe a different layout and, sooner or later, a new septic tank. This might be accomplished under the expanded rule, but only with the risk of even a small emergency in the next five years triggering the 50% rule. That is likely to scare off most buyers. Of course, the buyer could choose to raise the house (\$200,000 according to our neighbor who just did that). I leave it to each of us to decide whether our beautiful 100+ year old house would have the grace and charm that it has today sticking up in the air on stilts a full story higher. I would not be a fan.

Which leaves the other inevitable conclusion:

**Teardown and Rebuild** With a 5-year rule and the difficulties it imposes the only solution for someone spending millions of dollars to purchase a property will be to tear down the house and start over. At that price, one certainly would maximize porch frontage on all floors overlooking the Sound. Construction would go from setback to setback. With our hurricane experience we would build in concrete (a really strong plus for those who favor hardening but not so nice for the 1898 aesthetics).

This is not an idle observation. Tear downs and rebuilding is occurring in cities and towns everywhere. The new homes almost always maximize the size of the house to rationalize the land price. It isn't only in Madison...it is exactly what the economics demand everywhere.

**“What should Madison do?”** you asked me. My suggestion would be to adopt regulations consistent with the FEMA requirements and State directives. That would mean a one-year time limit to the look back at construction costs. The BoS's action might also note the great leeway given to the Town under FEMA regulations in determining what types of expenditures are excludable from the calculation of the 50% rule and instructing the Town's staff to offer as much relief as is reasonable. If we are “falling behind” other Shoreline communities, as has been suggested, we are falling behind in a race to deferred maintenance and a reduced tax base. And inevitably the tearing down of the affected houses.

We understand the desire to harden our shoreline for higher sea level and stronger storms, and we support the goal. The current 1-year rule already requires that any significant loss from any cause would require rebuilding above the flood requirements. It also requires anybody making substantial changes to meet the new standards. The 5-year rule will mean that our historic homes get torn down and replaced by concrete structures designed to the maximum size permitted. The views from Middle Beach Road will look like ocean views in the Hamptons. In the interim there will be the slow decay of deferred maintenance.

On the other side, I am not sure what the Town gains from this rule. Yes, the new houses will be more inured to flood and wind. But these losses are borne by homeowners, not by the Town. Every one of us is keenly aware of the issues of rising water and stronger storms. And each of us will take action as soon as appropriate to our individual situation without additional governmental regulation.

We urge you to consider keeping the 1 year rule for improvements so that we can protect the beautiful beach community that has evolved over 100 years and so that we can protect the Town's unique charm.

Jonathan and Kristine Kislak  
98 Middle Beach Road

**From:** [Emile Geisenheimer](#)  
**To:** [Lyons, Peggy](#)  
**Subject:** "New FloodPlain Ordinance"  
**Date:** Monday, March 22, 2021 1:23:11 PM  
**Importance:** High

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Dear Peggy,

Would you please have the letter below read into the record of tonight's Hearing and share it with the full Board of Selectmen.

Thanks,  
Emile

Dear Selectmen,

My wife and I are the owners of 14 Middle Beach Road. We oppose the change in the Madison Floodplain Ordinance that we understand is being proposed by the CRC. We believe that Madison should do no more than the minimum required by State and Federal law. The CRC proposal offers no benefit to the Town of Madison rather it poses risks of serious unintended negative consequences for the Town while severely harming property owners rights.

The adoption of the CRC proposal will immediately diminish the market value of water front property in Madison. Potential buyers would certainly be put off by the burdens imposed by the proposed new ordinance. The reduction in market values will lower the taxes that can be collected from waterfront properties and serve to increase the taxes of property away from the water.

The proposed look back provision will encourage postponing maintenance. Maintaining a water front property is extremely expensive. Historically, the Town Appraiser has over allocated market value of a waterfront property to the land and little value to the structure. If the Town's appraised value of the structure is used, a well maintained home could easily trigger the 50% rule with 5 years of routine maintenance. Home owners will spend less on maintenance to avoid this result. Property values could be further diminished.

We bought 14 middle Beach in 1995 and spent a year rebuilding it. Ours was the first house elevated in the Town of Madison before there was any regulation requiring elevation. We built a storm drainage system into our crawlspace based on a Dutch design. We hired a Yale structural engineer to design a hurricane resilient structure. The windows meet Florida's building code for wind endurance. I grew up in New Orleans and have a deep respect for the power of Hurricanes. No water has entered our home during Hurricane Irene, Hurricane Sandy, or the recent northeasters.

It is in the Town's interest for property owners to improve their property and an ordinance that

discourages it is inappropriate and self-defeating. The Selectmen should recall the original purpose of requiring the elevation of a home resulted from recurring flood insurance claims due to repeated flood damage. Thus should a homeowner spend more than 50% of the value of his/her home to repair flood damage, the home should be elevated to prevent a recurrence. Today the regulation has become completely disconnected from actual flood damage and has taken on a life of its own.

Emile Geisenheimer  
14 Middle Beach Road  
[geisenheimer@icloud.com](mailto:geisenheimer@icloud.com)

**From:** [Janet Nicolini](#)  
**To:** [Lyons, Peggy](#); [Murphy, Scott](#); [Duques, Erin](#); [Wilson, Bruce](#); [Goldberg, Al](#)  
**Subject:** Testimony for tonight's hearing  
**Date:** Monday, March 22, 2021 12:44:19 PM

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Hello, I am not sure I will be able to attend tonight's meeting but I would like to submit the following testimony.

I'm asking the board to vote against any proposals by the coastal resiliency committee to increase the flood elevation and to increase the Lookback period for home renovations when the home is in a designated floodplain. If there is a mandate to do either of these things by FEMA or any other federal or state government, I would like to hear what that is. If there is no mandate, I ask you to seriously consider what the upside would be to taking such action. The downside is, it will seriously restrict Madison residents who are in more modest homes in AE flood zones from doing the renovations. Many of these homeowners cannot afford to lift their homes to higher elevation standards. And since the restriction applies to 50% of the value of the building only appraisal, that does not amount to much for some of these more modest homes where the land is valued at far more than the structures. For example if someone wanted to add on a screened porch, or do an internal renovation of kitchens and baths, and also a new roof within that five years, they would most likely fall in violation of this new code.

In the event that something like this is passed, I would ask you to seriously define and think about what a renovation is. Is putting a necessary new roof on a home renovation? Is doing some internal redecorating for kitchens and bathrooms a renovation, if it does not involve structural changes?

And if it is not mandated, why would you increase the elevation by 1 foot? Just what is the upside of that?

The current law is sufficient for when people are doing a massive renovation, and everything is taking place within a short timeframe. That is a great application for this law. I have heard the argument that other surrounding towns have the five-year look back, but to me keeping our law the way it is puts Madison at an advantage.

Yes, my house is in an AE flood zone, but it was not in a flood zone when I purchased the home in 2008. It was re-drawn into the flood zone, just barely, when the town redrew the maps. We have never flooded. When maps are redrawn again, there will be many more of us in this situation.

I would ask you to call an official town meeting and town vote before you make a change that will negatively affect so many of us. Thank you for your consideration.

Janet Nicolini  
8 Madison Avenue

**From:** [Joseph Sakmar](#)  
**To:** [Board of Selectmen](#)  
**Subject:** Madison's New Floodplain Ordinance  
**Date:** Tuesday, March 23, 2021 1:06:06 PM

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All,

I attended the Public Hearing on March 22, 2021 and wish to include this document as part of the minutes of that meeting.

First, I want to state that I agree with the vast majority if not all the points made by the various homeowners and builders that had the opportunity to speak.

There are two things I find most important to address, the first was brought up by a gentleman who posed the question of what common good is being served by changing the lookback period. Although it was mentioned that neighboring communities are doing something similar, the details were absent. The quick research I was able to do yielded that some communities are shortening their lookback from five to one year to encourage investment as they did in Stonington and another from a lifetime lookback to two years as they did in Waterford. Their reasons for the change were to rectify the fears that people shared in the zoom session: homeowners might be discouraged to routinely invest in the upkeep of the properties or possibly face a huge cost to conform in the face of substantial damage.

Second, has to do with the calculation of the 50% value of the structure itself which I realize is a pass down from FEMA, but for the property I am associated with, I struggle to see how this would work out. The structure on the property was built in 1894 as a cottage, basically the shell of a house with no heat or interior paneling for that matter and has been in the family for over 100 years. Although strong enough to survive The Great New England Hurricane of 1938, the cost of conforming to the current BFE would exceed 50% of the assessed value of the structure. Routine annual maintenance averages \$30,000 a year just to keep the place up. I think everyone can understand the guidelines issued by FEMA and wrestle with accommodation, but I know that the lookback is completely determined by the BOS. I strongly recommend that you reconsider your suggestion to change the lookback period unless you can clearly convey to the 150 property owners directly involved and the building community that supports them as to its benefit.

Please feel free to contact me if you have any questions or would like further explanation of my concerns.

Respectfully

Joe Sakmar

102 Middle Beach Road

**From:** [Bill Burks](#)  
**To:** [rwjaburks@aol.com](mailto:rwjaburks@aol.com)  
**Cc:** [Attorney.general@ct.gov](mailto:Attorney.general@ct.gov); [bebeburks@yahoo.com](mailto:bebeburks@yahoo.com); [dedeseeberstone@icloud.com](mailto:dedeseeberstone@icloud.com); [Duques, Erin](#); [Goldberg, Al](#); [Lyons, Peggy](#); [Murphy, Scott](#); [Wilson, Bruce](#)  
**Subject:** Re: Proposed financial regulations re repair, maintenance etc. of houses in Madison, CT  
**Date:** Monday, March 22, 2021 5:49:46 PM

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**CAUTION:** This email originated from outside of the Town of Madison/Madison Public Schools. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe.

Well said! Makes lots of sense. Hope they read it.

On Mon, Mar 22, 2021 at 1:56 PM <[rwjaburks@aol.com](mailto:rwjaburks@aol.com)> wrote:

Sunday, 22 March 2021

Dear Sirs/Madams:

My name is Robert W. Burks. I share equal ownership of 49 Middlebeach Rd. in Madison Ct. with my brother, William P. Burks, MD. and write to express my concern re the proposed and potentially draconian changes you have under consideration. I would appreciate your reading my brief comments at the zoom meeting scheduled for 6:00PM today.

Why are the changes being proposed? For what purpose? Who will benefit from the potential financial harm to existing homeowners due to the proposed new regulations - higher Town of Madison tax assessments; local contractors; construction companies; building supply companies; etc.??? Surely not existing homeowners!!!

As a long-time summer resident of Madison (60 plus years), I basically do not understand why such regulations are even under consideration and am suspicious of the motives involved since there has been virtually no satisfactory explanation offered; the great majority of existing homeowners along the shoreline (who are among the largest taxpayers in Madison) have not requested such changes and would probably be the only ones to suffer (and would certainly gain no benefits); and the proposed regulation changes are discriminatory in intent and end result.

I am copying the Office of Attorney General William Tong in Hartford with this Email reflecting my concern over this matter.

Sincerely, Robert W. Burks.