

SUBJECT TO APPROVAL

**MADISON COASTAL RESILIENCY COMMISSION
REGULAR MEETING MINUTES
Oct. 14, 2020**

The regular meeting of the Madison Coastal Resiliency Commission was conducted Wednesday, Oct. 14, 2020, at 7 p.m., in a public format, through a Zoom Online Webinar, with Public Participation made available through a publicly posted webinar link and password, as well as a call-in telephone number, with a webinar identification number.

MEMBERS PRESENT

Chairman Henry Maguire and Commissioners Graham Curtis, Woodie Weiss, Joseph Maco, Robert Sonnischsen, Wayne Rigney, Anthony Doina, Walter Welsh, David Clark, Clayton Patterson, William Gladstone, and Director of Planning and Economic Development David Anderson.

MEMBERS ABSENT

Marilyn Shaw, April Allen, Timothy Casey, Fred More, Elaine Stangland, and Gregory Makoul.

OTHERS PRESENT

Selectman Al Goldberg.

The regular meeting of the Madison Coastal Resiliency Commission was called to order at approximately 7 p.m. by Chairman Henry Maguire.

Call meeting to order. Chairman Henry Maguire called the meeting to order.

Update on Flood Plain Ordinance Review by Board of Selectmen.

Chairman Henry Maguire stated that the presentation to the Board of Selectmen on the Flood Plain Ordinance went well, and it was explained that a lot of what is in the ordinance is mandated by the state, and Madison is catching up. Two items brought questions—the two feet above Base Flood Elevation (BFE) versus one foot above BFE and the five year look-back period, according to Chairman Maguire. Director of Planning and Economic Development David Anderson stated that First Selectwoman Peggy Lyons will be interfacing with the town staff—the building official and the town engineer—and she asked that she, Mr. Anderson, and Chairman Maguire have a meeting to arrive at a mutual understanding as to what the Coastal Resiliency Commission would like to propose to the public regarding three items. Those three items are: having the five-year look back period enacted upon adoption of the ordinance; whether it makes sense to adopt the two feet above BFE at adoption of the ordinance or push it further into the future; and who is going to be the flood plain manager or administrator for the town, because that role might transition from the town engineer to the building official. During discussion, Commissioner Wayne Rigney stated that it sounds like their orientation is to give residents ample time to just absorb what the changes are, and then plan ahead, but the simple approach is to do both the five year look back and the two feet above BFE at the same time. The town engineer is responsible for flood analysis, hydrology, and flood plain management, and there is just a lot involved in it, according to Commissioner David Clark, who stated that he is not familiar with the background of the building official, and he thinks there is a certification process required, now, to become a certified flood plain manager. Chairman Maguire asked whether the Coastal Resiliency Commission has a preference for who should be responsible, looking long range, perhaps to 10 years, as to whether it should be the town engineer or the building official. It sounds like the town engineer has a higher level of technical expertise, Chairman Maguire stated. Commissioner Robert Sonnischsen

stated that other towns utilize the head of the zoning department, the town engineer, or the town manager as a flood plain administrator, adding that he does not know any town that uses the building official, and that, in his dealings, it is either the town planner or the town engineer. Any construction specific to a flood area would get flagged as being in a flood plain area, and there is some coordination between the building official and the town engineer, specifically, if the construction comprises over 50 percent, the town engineer would say a structure does not have to be raised, but if it is over 50 percent, then both the town engineer and the building official look at it, according to Mr. Anderson. Commissioner Joseph Maco stated that he did not think this issue has to be deliberated. Mr. Anderson stated that he and Chairman Maguire will have a conversation with First Selectwoman Lyons and provide her with the information that it is rare for a building official to be the flood plain administrator. Commissioner Woodie Weiss stated that it should remain with the town engineer. The town engineer has a civil engineering license, he stated. It is strongly recommended that the responsibility stay with the town engineer, according to Chairman Maguire. Further discussion focused on when to apply the five-year look-back period, whether to apply it at the adoption of the ordinance or to give it a retroactive date. It was suggested that residents could go through a variance process to be in compliance with the newly adopted ordinance, or the Coastal Resiliency Commission could recommend the implementation and timing of the five-year look-back period. Other towns have made look-back periods effective immediately upon passage of the flood plain ordinance, according to Commissioner Sonnischsen. Mr. Anderson stated that he is not in favor of going through a variance process to reach compliance with the ordinance; he suggested that the ordinance contain language that would provide relief to residents negatively affected by the five-year look-back period. The Coastal Resiliency Commission is trying to make structures more resilient, but people are going around the regulations, Commissioner Weiss stated. Every year, residents are postponing, and these structures are going to be lost to flooding, according to Commissioner Weiss. Any postponement of this is the wrong way to go, he stated. The Coastal Resiliency Commission's goal is resiliency, but its other goal is to work cooperatively with the town administration, by finding acceptable ways to move this forward, according to Mr. Anderson. Commissioners could pick an effective date for the five-year look-back period to begin, for instance, by having it be effective as of Jan. 1, 2017, Commissioner Rigney stated. Commissioner Weiss favored the idea of having the five-year look-back period dated three years earlier than the adoption of the ordinance. Mr. Anderson stated that he would say the five-year look-back period start with Jan. 1, 2018. The final discussion centered on the two feet above the base flood elevation in velocity zones and coastal AE zones. Mr. Anderson stated that if he is going to spend thousands of dollars to raise his structure, it is going to last 30 years, to 2050. Commissioners indicated that cost-wise the difference between raising a structure two feet, instead of one foot, is not that large. The state simply did it, Commissioner Weiss stated; it is two feet for every structure. Commissioner Graham Curtis stated that it is state law; it is two feet above the 500 year flood. It appears the commission prefers to hold tight at two feet, according to Chairman Maguire.

Discussion of Committee/Subcommittee Progress and Next Steps.

The three subcommittees are Technical, chaired by Graham Curtis, Communications, chaired by Walter Welsh, and Policy, chaired by Henry Maguire and Woodie Weiss. For Communications, Commissioner Welsh stated that the Audubon is having a Zoom meeting next week on the East River Marsh. The Technical subcommittee had a meeting to define the matrix and added more items to it, which will be distributed to the Coastal Resiliency Commission, according to Commissioner Weiss. Policy had no report.

General Discussion

A question was raised about Federal Emergency Management Agency (FEMA) applications requesting
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permission to add fill to areas proposed or under construction, and Director of Planning and Economic Development David Anderson stated that he was not prepared to address this matter. Chairman Henry Maguire suggested the topic be discussed at a later time.

Adjournment

At 8:18 p.m., Chairman Maguire adjourned the meeting.

Respectfully submitted,
Marlene H. Kennedy, clerk