



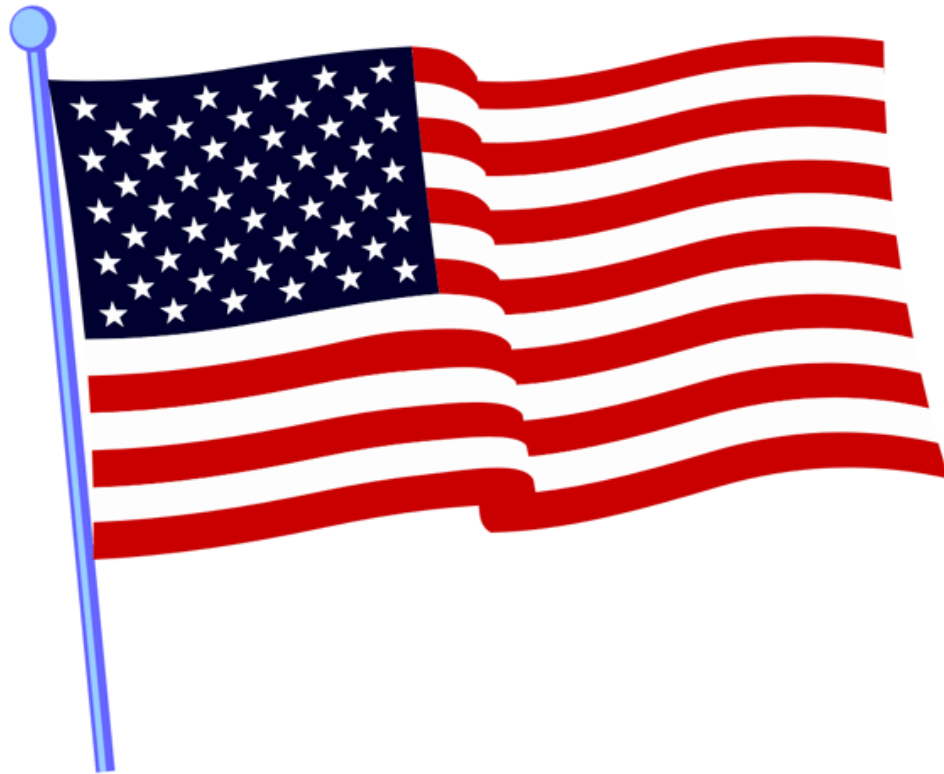
TOWN OF MADISON

CONNECTICUT

Special Meeting – February 1, 2023

Board of Selectmen

Pledge of Allegiance



Discussion of Flood Plain Ordinance (FPO)

Why Update the FPO?



Friday, December 23, 2022 at 9:26:04 AM
+41.271428,-72.607310
76 Middle Beach Rd W
Madison CT 06443



Friday, December 23, 2022 at 12:14:10 PM
+41.272726,-72.609993
18-24 Surf Club Rd
Madison CT 06443



Friday, December 23, 2022 at 11:36:47 AM
+41.271950,-72.590011
26 Linden Ln
Madison CT 06443



Friday, December 23, 2022 at 12:03:44 PM
+41.269651,-72.599289
1-33 Tuxis Rd
Madison CT 06443

Why Update the FPO?



Background

- Current Town FPO out of date. Does not comply with State Building Code, and not aligned with State guidelines, neighboring shoreline communities
- State law mandates Town to plan for a 20-inch rise in sea level by 2050. Sea level rise has direct impact on Madison shoreline:
 - Increased erosion rates
 - Increased frequency of flooding, coastal inundation, roadway damage
 - Beaches eroding, salt marshes moving landward, property being damaged
 - Storm surge or high tide now resulting in more frequent flooding; extreme storm events can cause even greater damage
- State/CIRCA developed model ordinance that is being adopted across the state
- BOS created Coastal Resiliency Commission (CRC) in 2019 to develop resiliency plan and recommend policy changes to address sea level rise
- CRC put forward recommendations to BOS on updates to FPO that included policy changes and adopting portions of the State Model

BOS received significant community feedback in 2021 on CRC recommended policy changes and postponed taking action for more investigation and staff review.

Highlights of Resident Concerns

Lookback Period

- Length of look back period for improvements problematic
- Retroactive application to existing property owners severely limits property improvements, disrupts projects underway
- Lookback not required by FEMA.

Base Flood Elevation (BFE)

- Requiring BFE + 2 ft seemed excessive
- Town and FEMA at BFE only, Building Code at BFE+1 ft
- State recommending BFE+2 in VE zones only

Structure Value

- Town use of Appraised Value from Town Assessor not in step with current real estate market. Problematic for older homes
- No allowance for independent appraisals

Improvement Value

- Town relies on cost determination of Building Official
- Some towns allow for independent cost estimates

Penalties

- Sizable fines and possible jail penalties seemed excessive
- Through issuance of building permits, enforcement actions already fall under Building Code

Variances

- Does not allow for financial hardships, storm related damage, resiliency improvement projects (i.e. storm windows, better roof, etc.)
- Town has no active appeals mechanism

Madison FPO and FEMA

- Town's current FPO complies with minimum requirements established by FEMA for inclusion in the National Flood Insurance Program (NFIP)
 - Town definition of improvement, repairs, modifications or additions is compliant with FEMA
 - FEMA does not permit local regulations to distinguish between type of work being done (i.e. new improvements v. result of fire, storm, etc.) and prohibits municipalities to amend the definition unless the amendment is stricter than FEMA
 - Improvements need to exceed 50% of appraised value of the structure to require elevation to BFE. Town can determine what is appraised value. Town currently using Assessment value
 - Town 1-year lookback period permitted, but not required by FEMA
 - FEMA and Town require new construction to be at Base Flood Elevation (BFE)
 - Variances limited by FEMA and state regulations to hardships. Cannot be financial or based on personal considerations
- Residents receive a benefit on insurance by having a compliant property

Regulations for Coastal Communities

Municipality	BFE	Look Back	Market value
Greenwich	+1	Life of structure	Professional appraisal Cost approach to value
Stamford	+1	5 years	Professional appraisal
Darien	+1	3 years	Assessor
Norwalk	+1	Life of structure	Independent private appraisal
Westport	+1	5 years	Assessor
Fairfield	+1	Life of structure (to be confirmed)	Assessor
Bridgeport	@ or above BFE	Life of structure	Assessor
Stratford	BFE/Coastal V +1	1 year	Professional appraisal Cost approach to value
Milford	+18"	10 years	Assessor or private
West Haven	BFE	1 year	Appraisal-3 options
New Haven	+1	10 years	Appraisal
East Haven	+1	10 years	Appraisal
Branford	+1	5 years	Appraisal
Guilford	+1	5 years	Appraisal
Madison	BFE	1 year	Assessor
Clinton	+2	5 years	Assessor
Westbrook	+1	5 years	Assessor
Old Saybrook	+2	10 years	Assessor or private
Old Lyme	+1	2 years	Professional appraisal Cost approach to value
East Lyme	+1	2 years	Appraisal
New London	+2	10 years	Assessor or private appraisal town chosen
City of Groton	+1	1 year	Appraisal or assessor
Stonington	+1	1 year	Appraisal
Waterford	+1	Life of Structure	N/A

BOS Policy Considerations

Lookback Period

- LI coastal communities vary. State recommending 5 years. Neighbors Guilford and Clinton at 5 years
- No retroactive application to existing or previous projects
- Easier to administer 1/1/24 start date for tracking purposes

Base Flood Elevation (BFE)

- FPO should refer to Building Code BFE + 1 ft to align with Building Code, BFE +2
- Could require BFE+2 in VE zones and CAZ (Coastal A) zones for new construction or substantial improvement

Structure Value

- Town use of Appraised Value from Town Assessor keeps values consistent across properties. Staff recommended
- Some Towns accept independent appraisals. Not recommended by Town Staff

Improvement Value

- Town relies on determination of Building Official.
- Could allow for independent cost estimates as appeal mechanism from pre-approved contractors

Penalties

- Defer to Building Code for enforcement actions/fines

Variances

- Granting of variances limited by FEMA and State regulations.
- Town must establish a Flood Prevention Climate Resilience and Erosion Control Board

BOS FP Ordinance - Next Steps

- Potential BOS Objectives
 - Update to align with State Building Code and other state regulations
 - Encourage and/or require property owners in a flood zone to make their properties more resilient
 - Protect coastal neighborhoods from sea level rise
- Potential Next Steps
 - Finalize FPO objectives
 - Determine BOS preferences on key policy issues
 - Town staff and Town Counsel to finalize draft FPO
 - BOS to review/amend draft Ordinance and send to Public Hearing
 - Modify draft Ordinance based on public feedback, send to second Public Hearing
 - Adopt New Flood Plain Ordinance (target April 2023)