TOWN OF WILLIAMSTOWN
FLOOD HAZARD AREA BYLAWS
Version 3.0.5

I. Statutory Authorization

In accordance with 10 VSA Chapter 32, and 24 VSA Chapter 117, § 4411, § 4412, and § 4424, there is hereby established a bylaw for areas of special flood hazard in the Town of Williamstown, Vermont. Except as additionally described hereafter, all administrative procedures follow 24 VSA Chapter 117. These bylaws shall apply in addition to all other bylaws of the Town of Williamstown, Vermont.

II. Statement of Purpose

It is the purpose of this bylaw to:

A. Minimize and prevent the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding and other flood related hazards; and

B. Ensure that the design and construction of development in flood and other hazard areas are accomplished in a manner that minimizes or eliminates the potential for flood and loss or damage to life and property; and

C. Manage all flood hazard areas designated pursuant to 10 VSA Chapter 32, § 753; and

D. Make the State, municipalities, and individuals eligible for federal flood insurance and other federal disaster recovery and hazard mitigation funds as may be available.

III. Lands to Which these Regulations Apply

A. Regulated Flood Hazard Areas

These regulations shall apply to the Special Flood Hazard Areas in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 VSA Chapter 32, § 753, which are hereby adopted by reference and declared to be part of these regulations. The location of the boundary shall be determined by the Administrative Officer (AO). If an applicant disagrees with the determination made by the AO, a Letter of Map Amendment from FEMA shall constitute proof for the applicant.

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.

C. Special Flood Hazard Areas Without Elevations or Limits

In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

IV. Required Notice and Permits for Development

In order to properly and fairly administer the requirements of this bylaw, all entities that intend to perform work or actions within the geographical limits of the Township of Williamstown, are hereby required to provide a Notice of Intent before any work is begun. This notice is to establish the location of such development only, which will then allow the AO to determine if the Flood Hazard bylaws apply.

A permit is required, for all proposed construction or other development, including the placement of manufactured homes and residential homes, in all floodway or floodway fringe areas. Conditional use approval by the Board of Adjustment (BOA) (Williamstown Planning Commission) is required for:

1. New buildings;
2. Substantial improvement of existing buildings; and
3. All development or projects in a floodway or floodway fringe area;

prior to being permitted by the AO. All development and subdivisions shall be reviewed to assure that such proposals comply with the standards in Section VII.

V. Certificate Of Occupancy

In accordance with 24 VSA Chapter 117, § 4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure within a Special Flood Hazard Area until a certificate of occupancy is issued therefore by the AO, stating that the proposed use of the structure or land conforms to the requirements of this bylaw. A certificate of occupancy is not required for structures that were built in compliance with the bylaw in effect at the time of construction and have not been improved since the adoption of this bylaw.

VI. Procedures

The following open space uses shall be permitted within flood hazard areas to the extent that they are not prohibited by any other ordinance or regulation and provided that they do not require erection of structures, storage of materials and equipment, importing fill from outside the flood area, do not obstruct flood flows and will not increase the flood level within the floodway during the occurrence of the base flood or increase off-site damage potential:

A. Uses

1. Agricultural uses, such as general farming, truck farming, pasture, orchard, grazing, outdoor plant nurseries, tree farming, and forestry.
2. Recreation uses, such as parks, camps, picnic grounds, tennis courts, golf courses and boat launching sites.
3. Residential uses, such as lawns, gardens, unpaved areas and play areas.
4. Maintenance of existing roads and storm water drainage.
5. Except for the permitted uses described above, all other uses which fall within any designated flood hazard area may be permitted only upon the granting of a conditional use permit by the BOA.

B. Required Prior Submission

Prior to issuing a conditional use permit, a copy of the application and supporting information shall be submitted by the AO to the National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 VSA Chapter 117, § 4424. A permit may be issued only following receipt of comments from the Agency or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.

C. Additional Notice

Adjacent communities and the Stream Alteration Engineer at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section shall be notified at least thirty (30) days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the National Flood Insurance Program. Any permit issued shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is fully maintained.

D. Review

Proposed development shall be reviewed by the BOA to assure that all necessary permits have been received from those government agencies from which approval is required by Federal, State, or Municipal law.

VII. Development Standards

A. Floodway Areas

Encroachments or development above grade and less than two (2) feet above the base flood elevation within the regulatory floodway, as determined by Section VII C, is prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice by a registered professional engineer certifying that the proposed development will:

1. Not result in *any* increase in flood levels (0.00 feet) during the occurrence of the base flood.

2. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

Public utilities may be placed underground, and the analyses may be waived where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

Junkyards or storage facilities for floatable materials, chemicals, explosives, gases, flammable liquids, or other hazardous or toxic materials, are prohibited within the floodway.

Development within the regulatory floodway meeting the no rise requirements above must also meet all development standards under VII B, which follows.

B. Floodway Fringe Areas (i. e., special flood hazard areas outside of the floodway)

1. All Development shall be:

   a. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;
   b. Constructed with materials resistant to flood damage;
   c. Constructed by method and practices that minimize flood damage; and
   d. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

e. Removal of a building or other structure in whole or in part shall not result in any increase in flood levels during the occurrence of the base flood, nor increase any risk to surrounding properties, facilities, or structures from erosion or flooding.
f. Designed and constructed to be adequately drained to reduce exposure to flood hazards.

2. Residential Development:

New construction and existing buildings to be substantially improved that are located in Zones A, A1-30 and AE shall have the lowest floor, including basement, elevated to two (2) feet or more above the base flood elevation.

Manufactured homes to be placed and existing manufactured homes to be improved substantially that are:

a. Located in a new manufactured home park or subdivision, outside of a manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in a manufactured home park or subdivision which has incurred substantial damage from a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement during the occurrence of the base flood.
b. Located in an existing manufactured home park, where elevating a replacement home to or above base flood elevation is not possible, the lowest floor shall be supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 48 inches in height above grade and shall be securely anchored to an adequately anchored system designed to resist flotation, collapse, and lateral movement.

New subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) that are greater than 5 lots or 5 acres, whichever is lesser, shall include base flood elevation data.

3. Non-Residential Development

a. New construction located in Zones A, A1-30 and AE shall have the lowest floor, including basement, elevated to two (2) feet or more above the base flood elevation.
b. Existing buildings to be substantially improved located in Zones A, A1-30 and AE shall have the lowest floor, including basement, elevated to two (2) feet or more above base flood elevation or together with attendant utility and sanitary facilities be impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic

loads and effects of buoyancy to an elevation at least two (2) feet above the base flood elevation.

c. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

4. Subdivisions

Subdivisions (including manufactured home parks) shall be designed to assure:

a. such proposals minimize flood damage within flood-prone areas,
b. public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
c. adequate drainage is provided to reduce exposure to flood hazards.

5. Enclosed Areas Below the Lowest Floor

a. *Fully enclosed areas below grade on all sides* (including below grade crawlspaces and basements) *are prohibited.*

Enclosed areas below the lowest floor which are subject to flooding shall be used solely for parking vehicles, building access, or storage.

b. New construction and existing buildings to be substantially improved having fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

c. Designs for meeting this requirement must either (a) be certified by a registered professional engineer or architect or (b) meet or exceed the following minimum criteria:

(1) A minimum of two openings each having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
(2) The bottom of all openings shall be no higher than one foot above grade.
(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

6. Recreational Vehicles

Recreational vehicles placed on sites within special flood hazard areas shall either:

a. be on the site for fewer than 180 consecutive days;
b. be fully licensed and ready for highway use; or

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in section B.2 (b).

7. Accessory Structures

An accessory building that does not have a footprint greater than 120 square feet and represents a minimal investment, need not be elevated to the base flood elevation provided the building:

a. shall not be used for human habitation;
b. shall be designed to have low flood damage potential;
c. shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
d. shall be firmly anchored to prevent flotation; and
e. shall have service facilities such as electrical and heating elevated or flood proofed.

8. Water Supply Systems

New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

9. Sanitary Sewage Systems

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

10. On-Site Waste Disposal Systems

On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. The lowest elevation of the wastewater distribution field shall be located at least two (2) feet above the base flood elevation.

11. Watercourse Carrying Capacity

The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.

12. Junkyards or Storage Facilities

Junkyards or storage facilities for floatable materials, chemicals, explosives, flammable liquids, gases, or other hazardous or toxic materials, are prohibited within the floodway fringe areas.

13. Bridges and Culverts

Bridges and culverts, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.

14. Access

Subdivisions and Planned Residential Unit Developments *must be accessible by dry land access* located outside the special flood hazard area.

C. Areas Without Base Flood Elevations Or Limits

In Zones A, AE, AH, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachments will not increase the base flood elevation by more than one (1) foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

VIII. Administration

A. Administrative Officer and Board of Adjustment

There is hereby established an Administrative Officer and a Board of Adjustment appointed by the Williamstown Select board as specified under 24 VSA Chapter 117, § 4448 and § 4460. Currently, the Administrative Officer (AO) is the Williamstown Town Manager and the Board of Adjustment (BOA) is the Williamstown Planning Commission.

B. Notice of Intent

A Notice of Intent shall be made to the AO and shall include the following: *(The Notice of Intent is for any and all construction done on any property located in Williamstown)*

1. The 911 address of the property on which the work is to be performed;
2. The name of the public road nearest to the location of the work;
3. The name and contact information for the property's owner;
4. The name and contact information of any agent(s) authorized to act for the owner; and
5. The property's tax parcel number which may be found on the tax bill.
6. No fee is required to submit a Notice of Intent.

C. Conditional Use Permit Application Submission Requirements

1. Applications for Conditional Use shall apply to all development in all flood hazard areas.

2. Applications for a Conditional Use Building Permit shall include:

a. The name and contact information for the owner of the property, including any agents authorized to act on their behalf;
b. The required permit application will require a thorough description of the proposed development and the following;
c. A copy of the Notice of Intent including the date it was submitted and a copy of the official response by the AO.
d. A general location map showing the location of the development, the property, its 911 address, tax ID number, and its relation to the nearest public road(s).
e. Where applicable, a site plan that depicts the proposed development, all water bodies, any proposed fill, pre- and post- development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
f. When the boundaries of the floodway fringe area, and/or the floodway areas, or both, fall within close proximity (200'or less) to the site of the development, they shall be accurately drawn on the site plan, otherwise those boundary locations shall be generally indicated by arrows and distances.
g. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the permit application. The identified permits, or official letters indicating such permits are not required, shall be submitted to the AO and attached to the permit before work can begin;
h. If this is an appeal for a variance, then the appeal must include responses to the criteria set forth in 24 VSA Chapter 117, § 4469 and § 4424(E), and 44CFR, Section 60.6.
i. Seven (7) copies of the application, including one to be forwarded to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Program; and,
j. The appropriate fee(s) as determined by the Select board.

3. For applicants seeking conditional use approval, approval for nonconforming structures or uses, or a variance, the following also need to be provided:

a. A list of abutters' names with their mailing addresses;
b. A statement of purpose and need for the proposed development;
c. A description of the alternatives considered in place of the proposed development, including alternate locations on the site, especially outside the hazard area;
d. Such pertinent information as identified in the regulations or deemed necessary by the BOA for determining the suitability of the proposed development of the site;
e. Copies of the application sufficient for the file, the BOA members, the State

National Flood Insurance Program Coordinator, and additional parties such as the VT Department of Environmental Conservation's Stream Alteration Engineer, the Army Corps of Engineers, and adjacent communities, if affected as described in V, part C. above; and

f. Any additional fee(s) as the Select board requires.

D. Referrals

1. Upon receipt of a complete application for a substantial improvement or new construction, the AO shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 VSA Chapter 117, § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of thirty (30) days from the date the application was mailed to the Agency, whichever is sooner.

2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, a copy shall be submitted to the NFIP Coordinator by the AO as above; copies of the application shall also be submitted to any affected adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of thirty (30) days from the date the application was mailed to the Agency, whichever is sooner.

E. Public Notice

1. Prior to the issuance of a permit, proposals needing review for conditional use, nonconforming structures, nonconforming uses, or variances must have a warned public hearing. A copy of the application shall be submitted to the NFIP Coordinator at least thirty (30) days prior to the date of the public hearing. Public notice of the hearing shall be provided at least fifteen (15) days before the date of the hearing by all the following:

   a. Publication of the date, place, and purpose of the hearing in the newspaper;
   b. Posting of the same information in three (3) or more public places within the municipality including posting within view from the public right-of-way nearest to the property for which the application is made; and
   c. Written notification to the applicant and to the owners of all properties adjoining the property subject to development, without regard to any public rights-of-way, as well as to all interested persons (as defined in 24 VSA Chapter 117). The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to make any subsequent appeal.
   d. For hearings on developments on properties located within 500 feet of a

2. Applications for a Conditional Use Building Permit shall include:

a. The name and contact information for the owner of the property, including any agents authorized to act on their behalf;
b. The required permit application will require a thorough description of the proposed development and the following;
c. A copy of the Notice of Intent including the date it was submitted and a copy of the official response by the AO.
d. A general location map showing the location of the development, the property, its 911 address, tax ID number, and its relation to the nearest public road(s).
e. Where applicable, a site plan that depicts the proposed development, all water bodies, any proposed fill, pre- and post- development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
f. When the boundaries of the floodway fringe area, and/or the floodway areas, or both, fall within close proximity (200'or less) to the site of the development, they shall be accurately drawn on the site plan, otherwise those boundary locations shall be generally indicated by arrows and distances.
g. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the permit application. The identified permits, or official letters indicating such permits are not required, shall be submitted to the AO and attached to the permit before work can begin;
h. If this is an appeal for a variance, then the appeal must include responses to the criteria set forth in 24 VSA Chapter 117, § 4469 and § 4424(E), and 44CFR, Section 60.6.
i. Seven (7) copies of the application, including one to be forwarded to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Program; and,
j. The appropriate fee(s) as determined by the Select board.

3. For applicants seeking conditional use approval, approval for nonconforming structures or uses, or a variance, the following also need to be provided:

a. A list of abutters' names with their mailing addresses;
b. A statement of purpose and need for the proposed development;
c. A description of the alternatives considered in place of the proposed development, including alternate locations on the site, especially outside the hazard area;
d. Such pertinent information as identified in the regulations or deemed necessary by the BOA for determining the suitability of the proposed development of the site;
e. Copies of the application sufficient for the file, the BOA members, the State

municipal boundary, written notice shall be given to the clerk of the adjoining municipality.

2. Public notice of all other types of development review hearings, including site plan review, shall be given not less than seven (7) days prior to the date of the public hearing, and shall, at a minimum, include the following:

    a. Posting of the date, place, and purpose of the hearing in three (3) or more public places within the municipality; and
    b. Written notification to the applicant and to the owners of all properties adjoining the property subject to development, without regard to any public rights-of-way, as well as to all interested persons. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to make any subsequent appeal.

3. The applicant shall bear the cost of the public warning and notification of adjoining landowners.

4. No defect in the form or substance of any required public notice under this section shall invalidate the action of the BOA where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the BOA or the Environmental Court, the action shall be remanded to the BOA to provide new posting and notice, and to take new action.

F. Decisions

1. The AO shall act within thirty (30) days to investigate the development identified by a Notice of Intent and determine that (a) no further action is required or (b) that a conditional use building permit request is required. The AO will then notify the applicant of the decision. The decision shall be issued in writing and include a statement of the factual bases on which the conclusions were made. Decisions of the AO can be appealed as described below. If the AO fails to act within the 30-day period, it shall be deemed on the 31st day that no further action is required.

2. Within fourteen (14) days of the receipt of an application for a certificate of occupancy, the AO shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and that all work has been completed in conformance with all the permit approvals. If the AO fails to grant or deny the certificate of occupancy within fourteen (14) days of the date of submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the applicant and copied to all known lender(s).

3. Within forty-five (45) days of the receipt of a conditional use building permit request, the AO shall refer the request to the BOA for review along with findings and recommendations from an onsite investigation by the AO and comments from the NFIP Coordinator, ANR, and any other official parties required to be notified. Within fifteen (15) days of receipt of the referral, the BOA shall meet to schedule a public hearing on the request. The hearing shall be held within forty-five (45) days of the date of the BOA meeting. The BOA will continue to receive information until the close of the business day prior to the day of the hearing.

4. The BOA shall consider comments from the NFIP Coordinator at ANR and all other official parties in making its decision. The BOA may recess the proceedings on any application pending submission of additional information. The BOA shall close the hearing promptly after all parties have submitted the requested information, adjourn the hearing, and may then deliberate in private prior to issuing its decision. The minutes of the hearing shall include minutes of the private deliberations.

5. Decisions by the BOA shall include a statement of the factual basis on which the BOA has reached its conclusions regarding the manner by which the proposed development will meet the development standards, and a statement of those conclusions. In rendering a decision in favor of the applicant, the BOA may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this bylaw and the municipal plan then in effect. BOA decisions shall be conditioned to assure that all necessary permits must also be received from those government agencies from which approval is required by Federal, State, and/or Local laws and/or ordinances for the approval to be valid. The BOA may provide for the conditioning of permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following:

    a. Completion of the project to the satisfaction of the BOA;
    b. Adequate stabilization; or
    c. Protection of public facilities that may be affected by a project.

6. Decisions of the BOA shall be issued in writing within forty-five (45) days after the adjournment of the final hearing. All decisions shall be sent by certified mail to the applicant, and appellant in matters of appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing. The decision will include a notice that an Interested Person may appeal the decision within fifteen (15) days.

G. Records

1. Within three (3) days of receiving a Notice of Intent, the AO shall deliver a copy of the notice to the Williamstown Listers and:

    a. If no further action is required, the AO shall file the original notice as required

in 4.a. following; or

b. If further action is required, or if the decision is appealed, within thirty (30) days of the date of the decision or the notice of appeal the AO shall deliver a legible copy of the notice to the Williamstown Town clerk for recording in the land records as provided in 24 VSA Chapter 35, § 1154(a) and Chapter 117, § 4449. The AO may charge the notifying or appealing party, as appropriate, for the costs of all recording fees as required by law.

2. Within three (3) days following the issuance of a permit, the AO shall:

   a. Deliver a copy of the permit to the Williamstown Listers; and
   b. Post a copy of the permit in at least one public place in the municipality until the expiration of fifteen (15) days from the issuance of the permit.

3. Within thirty (30) days after the issuance of a permit or within thirty (30) days of the issuance of a notice of violation, the AO shall:

   a. Deliver the original or a legible copy of the permit and any approvals, or notice of violation to the Williamstown Town Clerk for recording in the land records as provided in 24 VSA Chapter 35, § 1154 (a) and Chapter 117, § 4449;
   b. File a copy of the permit and any approvals in the Williamstown town hall in a location where all permits issued under this bylaw are kept; or
   c. File a copy of the notice of violation in the Williamstown Hall in a location where all notices of violation issued under this bylaw are kept; and
   d. The AO may charge the applicant or violator for the costs of all recording fees as required by law.

4. The AO shall properly file and maintain a record of:

   a. All Notices of Intent submitted under the requirements of this bylaw;
   b. All permits issued in areas covered by this bylaw;
   c. Elevation Certificates with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including the basement, of all new or substantially improved buildings (not including accessory buildings)in the Special Flood Hazard Area;
   d. All flood proofing and other certifications required under this bylaw; and
   e. All decisions of the BOA (including variances and violations) and all supporting findings of fact, conclusions, and conditions.

H. Permit Validity

Each permit issued shall:

1. Contain a statement of the period of time within which an appeal may be made;

2. Require posting of a notice of permit on a form prescribed by the municipality within

view from the public right-of-way most nearly adjacent to the subject property until the time for appeal has passed;

3. Not take effect until fifteen (15) days after issuance has passed, or, in the event a notice of appeal of a decision by the AO is properly filed, no such permit shall take effect until adjudication by the BOA is complete and the time for making an appeal to the environmental court has passed without an appeal being made. If an appeal is made to the environmental court, the permit shall not take effect prior to adjudication by the environmental court; and

4. Be valid for a period of two (2) years.

I. Appeals

An interested person as defined in Section XIV may appeal any decision or act of the AO by filing a notice of appeal with the secretary of the BOA, or with the municipal clerk if no such secretary has been elected. This notice of appeal must be filed within fifteen (15) days of the date of that decision or act, and a copy of the notice of appeal shall also be filed with the AO.

A notice of appeal shall be in writing and shall include the name and address of the appellant, a brief description of the property with respect to which the appeal is made, a reference to the regulatory provisions applicable to the appeal, the relief requested by the appellant, and the alleged grounds as to why the requested relief is believed proper under the circumstances.

The BOA shall set a date and place for a public hearing of an appeal under this chapter that shall be within sixty (60) days of the filing of the notice of appeal. The BOA shall give public notice of the hearing as specified in part D. 1. above. Any person or body empowered to make an appeal with respect to the property at issue may appear and be heard in person or be represented by an agent or attorney at the hearing. Any hearing held under this section may be adjourned by the BOA from time to time; provided, however, that the date, time, and place of continuance shall be announced at the hearing before adjourning. All hearings under this section shall be open to the public and the rules of evidence applicable at these hearings shall be the same as the rules of evidence applicable in contested cases in hearings before administrative agencies as set forth in 3 VSA Chapter 25, § 810.

Decisions of the BOA may be appealed under the provisions of 24 VSA Chapter 117, § 4469 in the case of a request for a variance. Within thirty (30) days of a decision of the BOA, under 24 VSA Chapter 117, § 4471, an Interested Person who has participated in the original municipal regulatory proceeding may appeal the BOA's decision to the environmental court.

J. Other Duties and Responsibilities of the Administrative Officer

In addition to other duties as identified above and elsewhere in this bylaw, the AO shall maintain a record of:

1. All permits issued for development in areas of special flood hazard;

2. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) of the lowest floor, including basement, of all new or substantially improved buildings;
3. The elevation (consistent with the datum of the elevation on the NFIP maps for the community) to which buildings have been flood proofed;

4. All flood proofing certifications required under this regulation; and

5. All variance actions, including justification for their issuance.

IX. Variances to the Development Standards

Variances may be granted in writing by the BOA only in accordance with all the criteria in 24 VSA Chapter 117, § 4469 and § 4424(E), and 44CFR, Section 60.6.

Any variance issued in the Special Flood Hazard Area will not increase flood heights, and will inform the applicant in writing over the signature of the chair of the BOA that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as $25 for each $100 of coverage. A copy of such notification shall be maintained with a record of all variance actions.

X. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas of special flood hazard covered under this bylaw and uses permitted within such areas will be free from flooding or flood damages. This bylaw shall not create liability on the part of the Town of Williamstown, Vermont, or any town official or employees thereof for any flood damages that result from reliance on this bylaw or any administrative decision lawfully made hereunder.

XI. Validity and Severability

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

XII. Precedence of Bylaw

The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other applicable bylaws. Where this bylaw imposes a greater restriction, the provisions of this bylaw shall take precedence.

XIII. Enforcement and Penalties

It shall be the duty of the AO to enforce the provisions of this bylaw.

Whenever any development occurs contrary to these flood hazard area regulations, the AO, in his/her discretion, shall institute appropriate action in accordance with the provisions of 24 VSA Chapter 65, § 1974a or pursuant to 24 VSA Chapter117, § 4451 or § 4452 to correct the violation.

Upon determining that a violation has occurred, the AO shall notify the alleged offender of the violation by certified mail.

A. The notice of enforcement shall state that:

1. A violation exists;
2. That the alleged offender has an opportunity to cure the violation within seven (7) days of receipt;
3. That failure to cure the violation may result in fines and/or loss of flood insurance;
4. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days within the next twelve (12) months; and,
5. That the notice of violation may be appealed as specified in VIII - H.

No action may be brought unless the alleged offender has had at least a seven (7)-day warning notice by certified mail. An action may be brought without the seven (7)-day notice and opportunity to cure if the alleged offender repeats the violation after the seven (7)-day notice period and within the next succeeding twelve (12) months. The seven (7)-day warning notice shall state that a violation exists; that the alleged offender has an opportunity to cure the violation within the seven (7) days, and that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven (7) days.

B. Copies of the notice of violation will be:

1. Mailed to the Vermont NFIP Coordinator and, within 30 days, shall be
2. Filed in the conditional use permit files; and
3. Delivered to the Williamstown Town Clerk for recording in the Town Land Records.

C. After seven (7) days, if the violation has not been remedied, in accordance with 24 VSA Chapter 59, § 1974a and Chapter 117 § 4451 & 4452, any person who is found to have violated this bylaw shall be fined by the court not more than $100.00 for each offense. No action may be brought under this section unless such notice as required in part A. above has been given in the specified form. In default of payment of the fine, the violator shall pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense.

D. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the NFIP requesting a denial of flood insurance to the violator. The declaration shall consist of : (a) the name of the property owner and address or legal description of the property sufficient to confirm its identity or location, (b) a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, ordinance, or bylaw, (c) a clear statement that the AO making the declaration has authority to do

so and a citation to that authority, (d) evidence that the property owner has been provided notice of the violation and the prospective denial of insurance, and (e) a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

E. Violations of the Vermont Accepted Agricultural Practices regulations shall be enforced under this section as violations of this bylaw. Such violations shall also be immediately reported to the Vermont Secretary of Agriculture for enforcement under 6 VSA Chapter 215, § 4812.

XIV. Definitions

Administrator: The Federal Insurance Administrator.

Administrative Officer: The Williamstown Town Manager.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year. The "Base Flood" is commonly referred to as "the 100 year flood".

Base Flood Elevation (BFE): The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

Basement: Any area of the building having its floor elevation (below ground level) on all sides.

Board of Adjustment: The Williamstown Planning Commission.

Building: A walled and roofed structure including a gas or liquid storage tank that is principally above ground.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fill: Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

Flood: (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of "flood").

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Historic Structure: Any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified

either: (i) by an approved state program as determined by the Secretary of the Interior or (ii) directly by the Secretary of the Interior in states without approved programs.

Interested Person: As set out in 24 VSA Chapter 117, § 4465:

(a) A person owning title to property, or a municipality or solid waste management district empowered to condemn it or an interest in it, affected by a bylaw, who alleges that the bylaw imposes on the property unreasonable or inappropriate restriction of present or potential use under the particular circumstances of the case.

(b) The municipality that has a plan or a bylaw at issue in an appeal under 24 VSA Chapter 117 or any municipality that adjoins that municipality.

(c) A person owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under 24 VSA Chapter 117, who can demonstrate a physical or environmental impact on his/her interest under the criteria reviewed, and who alleges that that the decision or act, if confirmed, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality.

(d) Any ten (10) persons who may be any combination of voters or real property owners within a municipality as set out in (b) above who, by signed petition to the appropriate municipal panel of a municipality, allege the plan or a bylaw of which is at issue in any appeal brought under title 24 VSA, if granted, will not be in accord with the policies, purposes, or terms of the plan or bylaw of that municipality. This petition to the appropriate municipal panel must designate one (1) person to serve as the representative of the petitioners regarding all matters related to the appeal.

(e) Any department and administrative subdivision of the state owning property or any interest in property within a municipality as set out in (b) above, and the agency of commerce and community development of this state of Vermont.

Junkyard: Any place of outdoor storage or deposit which is maintained for keeping; storing; processing; buying; selling; processing waste or scrap of any kind; or the storage of four (4) or more unregistered motor vehicles, large metal objects, garbage, or other refuse whether maintained as a business (formal or otherwise) or not.

This term does not include a licensed garbage dump or sanitary landfill which is in compliance with 24 VSA Chapter 61, § 2202a and the regulations of the Vermont Secretary of Human Services. It also does not include a garage where wrecked or disabled motor vehicles are stored for fewer than 90 calendar days for inspection or repairs.

Legislative Body: The select board in the case of a town, the trustees in the case of an incorporated village, and the mayor, alderpersons, and city council members in the case of a city, and the supervisor in the case of an unorganized town or gore.

Letter of Map Amendment (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information

provided by a certified engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; *Provided*, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction: For the purposes of regulation under this bylaw, structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Non-residential: Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Person: An individual, a corporation, a partnership, an association, or any other incorporated or unincorporated organization or group.

Recreational vehicle: A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Secretary of Board of Adjustments: The Williamstown Town Clerk.

Special Flood Hazard Area: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A

on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard". Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of Construction: For the purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The "start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether or not that alteration affects the external dimensions of the building.

Structure: For regulatory purposes under this bylaw, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure: For insurance purposes under this bylaw: (a) a building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; (b) a manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or (c) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances, laws or bylaws. For this purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, within any five year period, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.