CORINTH, VERMONT

FLOOD HAZARD AREA BYLAWS
FINAL DRAFT TO BE SUBMITTED TO THE SELECTBOARD
September 18, 2014

TABLE OF CONTENTS

Section I	**Statutory Authorization and Effect**
Section II	**Statement of Purpose**
Section III	**Other Provisions**
Section IV	**Lands to which these Regulations Apply**
Section V	**Summary Table: Development Review in Hazard Zones**
Section VI	**Development Review in Flood Hazard Areas**
Section VII	**Development Standards**
Section VIII	**Administration**
Section IX	**Certificate of Occupancy**
Section X	**Enforcement and Penalties**
Section XI	**Definitions**

I. Statutory Authorization and Effect

In accordance with Title 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 and §4414 of the Vermont Planning and Development Act, there is hereby established a bylaw for areas at risk of flood damage in the Town of Corinth, Vermont. Except as additionally described below, all administrative procedures follow 24 V.S.A. Chapter 117.

II. Statement of Purpose

It is the purpose of these bylaws to:

A. Implement the goals, policies, and recommendations in the current municipal plan;
B. Avoid and minimize 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;
C. Ensure that development is reasonably safe and accomplished in a manner that is consistent with public wellbeing and does not impair flood plain function or disrupt the stream corridor;
D. Manage the flood hazard area designated pursuant to Title 10 V.S.A. Chapter 32 § 753 and the municipal hazard mitigation plan, if any, thereby making the Town of Corinth, its citizens, and businesses eligible for such federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

III. Other Provisions

A. Precedence of Bylaw

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with other applicable local, state, or federal laws or regulations. Where these bylaws impose a greater restriction, the provisions of these bylaws shall take precedence.

B. Validity and Severability

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

C. Warning of Disclaimer of Liability

These bylaws do not imply that land outside of the areas covered by this bylaw will be free from flood damages. This regulation shall not create liability on the part of the Town of Corinth, or any municipal official or employee thereof, for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

IV. Lands to which these Bylaws Apply

A. Regulated Flood Hazard Areas

These bylaws shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called “Hazard Areas”) in the Town of Corinth, Vermont, as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

1. The River Corridors as published by the Vermont Agency of Natural Resources (ANR) pursuant to Title 10 V.S.A. §§ 1422 and 1427 including the Statewide River Corridors and refinements to that data based on field-based assessments which are hereby adopted by reference. Where River Corridors are not mapped, standards for such areas shall apply to the area measured horizontally as fifty (50) feet from the top of the stream bank or slope of all perennial streams; and

2. The Special Flood Hazard Area in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to ***Title*** 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

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

Where available, base flood elevations (BFEs) 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 bylaws in the SFHA. For an application in a 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 (the base flood elevation and floodway limits, if applicable). Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

C. Interpretation

The information presented on any maps, or contained in any studies, adopted by reference in these bylaws, is presumed accurate.

1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Administrative Officer (AO). If the applicant disagrees with the determination made by the AO that a property/structure is within the SFHA, a Letter of Map Amendment removing the property/structure from FEMA shall be the final authority.

2. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the AO. If the applicant disagrees with the determination made by the AO, a letter of determination from ANR shall be the final authority.

V. Summary Table: Development Review in Hazard Areas

The Hazard Areas are not appropriate sites for new structures nor for development that increases the elevation of the base flood.

#	Activity	Hazard Zone		
		Special Flood Hazard Area	Floodway	River Corridor
1	New Structures/accessory structures over 500 square feet	X	X	X
2	Storage	X	X	X
3	Improvements to Existing Structures, including storage tanks	P, C	C	C
4	Small Accessory Structures - 500 sq ft or less	P	X	C
5	At Grade Parking	P	C	C
6	Replacement water supply or septic systems	C	C	C
7	Fill as needed to elevate existing structures or as a safety measure	C	C	C
8	Fill other than under #7	X	X	X
9	Grading	C	C	C
10	Road Maintenance	E	E	E
11	Road Improvements	C	C	C
12	Bridges and Culverts	C	C	C
13	Channel Alterations	C	C	C
14	Recreational Vehicles	P	P	P
15	Open Space, recreation	E	E	E
16	Forestry	E	E	E
17	Agriculture	E	E	E

C – Conditional Use Approval by the BOA prior to permit by the AO
E – Exempt by law from local review or not require under the NFIP, but state permit may be needed
X – Prohibited
P – Permitted by the AO

VI. Development Review in Flood Hazard Areas

A. Permit

A permit is required from the Administrative Officer (AO) for all development in all areas defined in Section IV. A**.** Development that requires conditional use approval, or a variance from the Board of Adjustment (BOA) under these flood hazard bylaws, must have such approvals prior to the issuance of a permit by the AO. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section VI and VII. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Development

For the purposes of review under these regulations, the following development activities in the Special Flood Hazard Area outside of the Floodway, outside of the River Corridor, and meeting the Development Standards in Section VII, require only an administrative permit from the AO:

1. Non-substantial improvements to an existing principal structure
2. Accessory structures;
3. Development related to on-site septic or water supply systems;
4. Building utilities;
5. At-grade parking for existing buildings; and
6. Recreational vehicles that are licensed and ready for use.

C. Prohibited Development

1. New residential or non-residential principal structures (including the placement of manufactured homes and critical facilities) in the Hazard Areas;
2. Exterior storage or junk yards in the Hazard Areas;
3. New fill, except as necessary to elevate existing structures above the base flood elevation or as part of permitted public safety measures to stabilize sites, utilities or transportation activities, in the Hazard Areas;
4. Accessory structures in the floodway;
5. Critical facilities are prohibited in all Hazard Areas; and
6. All development not exempted, permitted, or conditionally permitted.

D. Conditional Use Review

Conditional use review and approval by the BOA is required prior to the issuance of a permit by the AO for proposed development of any of the following:

1. Substantial improvement, elevation, relocation, or flood proofing of existing structures;
2. New or replacement storage tanks for existing structures;
3. Improvements to existing structures in the floodway;
4. Grading, excavation; or the creation of a pond;
5. Improvements to existing roads;
6. Bridges, culverts, channel management activities, or public projects which are functionally dependent on stream access or stream crossing;
7. Public utilities;
8. Improvements to existing primary structures in the River Corridor that do not expand the footprint of the existing structure more than 500 square feet;
9. Accessory structures in the River Corridor, of 500 square feet or less;
10. Building Utilities in the River Corridor;
11. At-grade parking for existing buildings in the River Corridor.

E. Exempted Activities

The following are exempt from regulation under this bylaw:

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;
3. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests, Parks, and Recreation's Acceptable Management Practices; and
4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm

structures the farmer must notify the AO in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

F. Variances

Variances may be granted in writing by the BOA only in accordance with all the criteria in Title 24 V.S.A. § 4469, § 4424 (E), and 44 CFR Section 60.6, after a public hearing noticed as described in Section VIII.

1. A variance for development within the River Corridor may be allowed if, based on a review by ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
2. 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 a community official 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 $100 of coverage. Such notification shall be maintained with a record of all variance actions."

G. Nonconforming Structures and Uses

The Zoning Board of Adjustment may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a Hazard Area provided that:

1. The proposed development is in compliance with all the development standards in Section VII of this bylaw;
2. A nonconforming structure that is substantially damaged or destroyed may be reconstructed only through the variance process where the structure cannot be relocated to a less hazardous location on the parcel. For structures within the SFHA, the lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program, as stated in this bylaw;
3. Nonconforming structures or uses shall be considered abandoned where use of such structures is discontinued for more than 24 months**;** and
4. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

VII. Development Standards

The criteria below are the minimum standards for development in the Hazard Areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence.

A. Special Flood Hazard Areas

1. All development shall be:
   a. Reasonably safe from flooding;
   b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
   c. Constructed with materials resistant to flood damage;

d. Constructed by methods and practices that minimize flood damage;
e. 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;
f. Adequately drained to reduce exposure to flood hazards;
g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

3. Principal structures to be substantially improved within the SFHA shall be located such that the lowest floor, including basement, is at least one (1.0) foot above base flood elevation. This must be documented, in as-built condition, with a FEMA Elevation Certificate;

4. Non-residential principal structures to be substantially improved within the SHFA shall:

   a. Meet the standards in Section VII A.3; or,
   b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above BFE the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for flood proofing 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.

5. Fully enclosed areas within the SFHA below grade on all sides (including below-grade crawlspaces and basements) are prohibited.

6. Fully enclosed areas within the SFHA above grade and below the lowest floor, that are below BFE, and subject to flooding, shall:

   a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
   b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

7. *Recreational vehicles* shall be fully licensed and ready for highway use.

8. An *accessory structure* (500 square feet or less) need not be elevated to the base flood elevation, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section VII A.6.a.

9. *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.

10. *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.

11. *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.

12. *The flood carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;

13. *Bridges and culverts*, which by their nature must be placed over or in the stream, must have a stream alteration permit from ANR where applicable.

14. *Subdivisions and Planned Unit Developments* must be accessible by dry land access outside the Special Flood Hazard Area.

B. Floodway Areas

In addition to the standards in Section VII A, the following apply:

1. Encroachments or development above grade and less than one foot above the base flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a registered professional engineer, certifying that the proposed development will:

    a. Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
    b. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

2. 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.

C. River Corridors

1. Improvements to existing structures, and any associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area**,** shall not decrease the distance between the existing primary building and the top of bank;

2. New accessory structures may not be located closer to the "top" edge of the bank than the existing primary building or more than 50 feet from the existing primary building;
3. Development shall not increase the susceptibility of the subject property or other properties to fluvial erosion damage as analyzed by the Vermont Agency of Natural Resources under 24 VSA§ 4424 unless such analysis is rebutted by testimony of a qualified expert provided by the applicant;
4. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion;
5. Development shall not cause an undue burden on public facilities and services including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events;
6. Bridge and culvert projects must have a Stream Alteration Permit; and
7. Channel management activities must be authorized by the Agency of Natural Resources (ANR).

VIII. Administration

A. Administrative Officer and Board of Adjustment

There is hereby established an Administrative Officer (AO) and a Board of Adjustment (BOA) to be appointed by the Selectboard as specified under Title 24 V.S.A. Chapter 117 §4448 and §4460.

B. Application Submission Requirements

1. Applications for development shall include:

    a. The name and contact information for the owner of the property, including any agents authorized to act on their behalf;
    b. A thorough description of the proposed development, including an estimated contractor's cost of the project if located within the SFHA;
    c. General location map including the address of the property, tax parcel ID, relative locations of the existing development and the nearest public road;
    d. A site plan that depicts the proposed development, all water bodies, Special Flood Hazard Areas, floodways, any existing and proposed drainage, any proposed fill, and 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;
    e. A Vermont ANR 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 municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the AO and attached to the permit before work can begin;
    f. If the application is for a variance, the application must include responses to the criteria set forth in Title 24 V.S.A. Chapter 117 §§4469 and 4424.
    g. Three 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,

h. The appropriate fee as currently determined by the Selectboard.

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

   a. A list of abutters' names and mailing addresses;
   b. A statement of purpose and need for the proposed development;
   c. A description of the alternatives considered to the proposed development, including alternate locations on site, especially outside of the hazard area;
   d. Such pertinent information as identified in the regulations or deemed necessary by the BOA or to meet the requirements of the ANR Project Review Sheet for determining the suitability of the proposed development for the site;
   e. Copies of the application sufficient for the file, the Board members, the State National Flood Insurance Program Coordinator, and additional parties such as the VT DEC Stream Alteration Engineer and adjacent communities if affected under Section VIII C2; and,
   f. Any additional fees as determined at the time by the Selectboard.

C. 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 Title 24 V.S.A. Chapter 117 § 4424[7]. 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.

2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at ANR, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at ANR's Department of Environmental Conservation. A permit may be issued only following receipt of comments from ANR, or the expiration of 30 days from the date the application was mailed to ANR, whichever is sooner. The BOA shall consider comments from the NFIP Coordinator at ANR received within the 30 day period.

D. Public Notice

1. Prior to the issuance of a permit, proposals needing conditional use review, nonconforming structures and uses review, or approval for a variance, must have a warned public hearing. A copy of the application shall be submitted to ANR at least 30 days prior to the date of the public hearing. Public notice of the hearing shall follow the Public Meeting requirements of Title 1and the Public Hearing requirements of Title 24 Chapter 117, including, as applicable, at least 15 days' notice before the date of the hearing by all the following means, paid for by the applicant and arranged by the AO:

a. Publication of the date, place, and purpose of the hearing in the local newspaper.
b. Posting of the same information in three or more public places within the municipality including posting within view from the public right-of-way nearest to the property for which an application is made; and,
c. Written notification to the applicant and to owners of all properties adjoining the property subject to the application without regard to any public right-of-way. 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 take any subsequent appeal.
d. For hearings on subdivision plats located within 500 feet of a municipal boundary, written notification to the clerk of the adjoining municipality.
e. In continued hearings or appeals, all "interested persons" as used in 24 VSA 4465(b) and so recognized by the BOA shall receive notice.

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

3. No defect in the form or substance of any required public notice under this section shall invalidate the action of the Board 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, hold a new hearing, and take a new action.

E. Decisions

1. The Administrative Officer shall act within 30 days of a complete application to approve or deny the application. Applications that require BOA approval shall not be considered complete until such approval is granted. Applications that cannot be approved in compliance with this bylaw shall be denied. The decision shall be issued in writing and include a statement of the factual bases on which the conclusions were made. Decisions of the administrative officer can be appealed as below. If the AO fails to act within the 30-day period, a permit shall be deemed issued on the 31st day.
2. The Board shall consider comments from the NFIP Coordinator at ANR. The Board may recess the proceedings on any application pending submission of additional information. The Board should close the hearing promptly after all parties have submitted the requested information, adjourn the hearing, and may deliberate prior to issuing its decision.
3. Decisions by the Board shall include a statement of the factual basis on which the Board has made its conclusions regarding how the proposed development will meet the development standards, and a statement of the conclusions. In rendering a decision in favor of the applicant, the Board 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. Board decisions shall be conditioned to assure that all necessary permits must be also received from those government agencies from which approval is required by Federal, State or Municipal law for the approval to be valid. The Board 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: the completion of the project,

adequate stabilization, or protection of public facilities that may be affected by a project.

4. Decisions of the Board shall be issued in writing within 45 days after the adjournment of the final hearing. All decisions shall be sent by certified mail to the applicant, and the appellant in matters on 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 15 days.

F. Records

1. Within three days following the issuance of a permit, the Administrative Officer shall:

   a. Post a copy of the permit in at least one public place in the municipality until the expiration of 15 days from the date of issuance of the permit.

2. Within 30 days after a municipal land use permit has been issued or within 30 days of the issuance of any notice of violation, the Administrative Officer shall:

   a. Deliver the original or a legible copy of the permit, or notice of permit, and any approvals to the municipal clerk for recording in the land records as provided in Title 24 V.S.A. Chapter 117 § 1154(a), and § 4449;
   b. File a copy of the permit and any approvals in the municipal office in a location where all municipal land use permits shall be kept; and,
   c. Deliver a copy of the permit to the Listers of the municipality; and
   d. The Administrative Officer may charge the applicant for the cost of the recording fees as required by law.

3. In addition to the above, the Administrative Officer shall properly file and maintain a record of:

   a. All permits issued in areas covered by these bylaws;
   b. 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 basement, of all new or substantially improved buildings (not including accessory buildings) in the Special Flood Hazard Area
   c. All flood proofing and other certifications required under this regulation; and
   d. All decisions of the Board (including variances and violations) and all supporting findings of fact, conclusions and conditions.

G. Permit Validity

Each permit issued shall:

1. Contain a statement of the period of time within which an appeal may be taken
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 in has passed.
3. Take effect 15 days after issuance, or in the event that a notice to appeal a decision by the Administrative Officer is properly filed, no such permit shall take effect until adjudication of that appeal by the Board is complete and the time for taking an appeal

to the environmental court has passed without an appeal being taken. If an appeal is taken to the environmental court, the permit shall not take effect until adjudication by the environmental court; and,

4. Expire two years from the date of issuance or final adjudication, whichever is later, unless all authorized actions have been performed, in which case it will remain valid regardless of owner.

H. Appeals

An interested person as defined in 24 VSA §4464 may appeal any decision or act taken by the Administrative Officer by filing a notice of appeal with the secretary of the Board, or with the municipal clerk if no such secretary has been elected. This notice of appeal must be filed within 15 days of the date of that decision or act, and a copy of the notice of appeal shall also be filed with the Administrative Officer.

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 taken, a reference to the regulatory provisions applicable to that appeal, the relief requested by the appellant, and the alleged grounds why the requested relief is believed proper under the circumstances.

The Board shall set a date and place for a public hearing of an appeal under this chapter that shall be within 60 days of the filing of the notice of appeal. The Board shall give public notice of the hearing as specified for conditional approval. Any person or body empowered to take 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 Board from time to time; provided, however, that the date and place of the adjourned hearing shall be announced at the hearing. All hearings under this section shall be open to the evidence applicable in contested cases in hearings before administrative agencies as set forth in Title 3 V.S.A. Chapter 25 § 810.

Decisions of the Board may be appealed under Title 24 V.S.A. Chapter 117, §4469 in request for a Variance. Within 30 days of a decision by the Board, under 24 V.S.A. §4471 an Interested Person who has participated in the municipal regulatory proceeding may appeal to the Vermont Environmental Court.

IX. Certificate of Occupancy

In accordance with Title 24 V.S.A. 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 partly altered or enlarged in its use or structure within the Hazard Areas until a permit under Section VIII. E is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws.

X. Enforcement and Penalties

It shall be the duty of the Administrative Officer to enforce the provisions of this bylaw. Upon determination that a violation exists, the Administrative Officer 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 days of receipt;
3. That failure to cure the violation may result in fines and/or loss of flood insurance (for properties within the SFHA);
4. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days within the next succeeding 12 months; and,
5. That the notice of violation may be appealed as specified under VI.H;

B. Copies of the notice of violation will be:

1. Mailed to the Vermont NFIP Coordinator and, within 30 days be
2. Filed in the land use permit files; and,
3. Delivered to the municipal clerk for recording in the land records.

C. After 15 days, if the violation has not been remedied, in accordance with Title 24 V.S.A. § 4451, and § 4452, any person who is found to have violated this bylaw shall be fined by the court not more than $200.00 for each offense. No action may be brought under this section unless such notice as required has been given as described above in this part. 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 and is within the SFHA, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program 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, or ordinance, (c) a clear statement that the Administrative Officer 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 Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under Title 6 V.S.A. Chapter 215, § 4812.

XI. Definitions

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases used herein shall have the meanings indicated below when used in these bylaws: Words, phrases, and terms neither defined herein nor elsewhere in these bylaws shall have their usual and customary meanings except where the context clearly indicates a different meaning. For the purpose of clarity, “customary meaning” in this context shall include the definition or meaning of such terms as used in the context of Title 24, Chapter 117 unless otherwise specified here.

The words and terms used, defined, interpreted or further described in this Section shall be construed as follows:

1. The particular controls the general;
2. The present tense includes the future tense;
3. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary;
4. The words "shall," "must" and "will" are mandatory; the word "may" is permissive.
5. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
6. The word "structure" includes "building."
7. The word "lot" includes "parcel."

For the purposes of these bylaws, the meanings of words, terms, and phrases shall be interpreted as defined.

"Abandoned" A residential building is defined as abandoned if it is uninhabitable for more than 24 months, unless there were legal or other circumstances that prevented it from being renovated as determined by the Board of Adjustment. Other buildings meant for use will be deemed abandoned if lacking any major structural element customary to that building type, such as a roof, windows, water supply, etc. for more than 24 months, unless there were legal or other circumstances that prevented it from being renovated as determined by the Board of Adjustment.

"Abutter" A Landowner who shares a common boundary with any portion of the subject property. For the purpose of application and notification of hearings, abutters include landowners whose property is separated by a state or town highway or by surface water.

"Accessory Structure" means a structure which is:

1. Detached from and clearly incidental and subordinate to the principal use of or structure on a lot;
2. Located on the same lot as the principal structure or use; and
3. Clearly and customarily related to the principal structure or use. For residential uses, these include, but may not be limited to garages, garden and tool sheds, and playhouses.
4. Less than 500 square feet in footprint

Structures other than as defined above shall be treated as principal structures. A parcel may contain more than once principal structure.

"Accessory Use" A use customarily incidental and subordinate to the principal use.

"***ANR***" The Agency of Natural Resources, an agency of the State of Vermont, or its successor serving the purposes set forth herein.

"Applicant" The owner of land or the designated agent or representative of the owner.

"Area of Special Flood Hazard" is synonymous in meaning with the phrase "special flood hazard area" for the purposes of these regulations. See *"Special Flood Hazard Area"*.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

"Base Flood Elevation" (BFE) is the elevation of the water surface resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map, the elevation is 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 the average depth of the base flood, usually in feet, above the ground surface.

"BFE" see Base Flood Elevation.

"Board of Adjustment (BOA)" A panel of not less than three members established as a Board of Adjustment by act of the legislative body (Selectboard), in accordance with 24 VSA §4460. In the event that no panel is appointed, the Planning Commission shall fulfill the role of the BOA until such panel can be established as determined by the Selectboard.

"Buffer" means an undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

"Building footprint" is the area within the perimeter of a building measured at the foundation. It shall include roofed areas and any cantilevered portions of the building.

"Building utilities" includes electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities and systems associated with a structure. These systems may be located both within and outside of the structure.

"Channel" means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.
"Channel Width" (or bankfull width) is the width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

"Common plan of development" is where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

"Community" is the town of Corinth.

"Critical facilities" include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station that survive a flood and now are the only sources for food and gas.

"Development" means any human-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.

"Fill" means any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

"FIRM" see "Flood Insurance Rate Map".

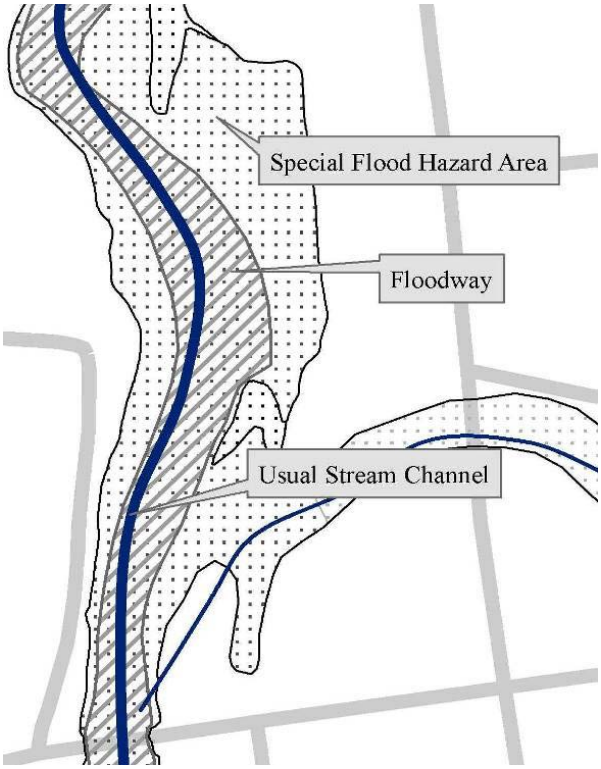
"Flood" means:

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) means an official map of a community, on which the Federal Insurance Administrator has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

"Flood Insurance Study" means an examination, evaluation and determination of flood hazards and, if appropriate, the 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" means any land area susceptible to being inundated by water from any source (see definition of "flood").



"Flood proofing" means 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" means 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. Please note that Special Flood Hazard Areas and Floodways may be shown on separate map panels of the applicable FIRM maps.

"Fluvial Erosion" Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

"Historic structure" means any structure that is:

1. 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;
2. 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;
3. 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
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a) By an approved state program as determined by the Secretary of the Interior or
b) Directly by the Secretary of the Interior in states without approved programs.

"*Letter of Map Amendment (LOMA)*" is 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" means the lowest floor of the lowest enclosed area, including basement, except 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 (or Mobile home)" means 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".

"National Flood Insurance Program (NFIP)" The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.

"New construction" for regulation under these bylaws, means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

"Nonconforming structure" means a structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

"Nonconforming use" means use of land that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer.

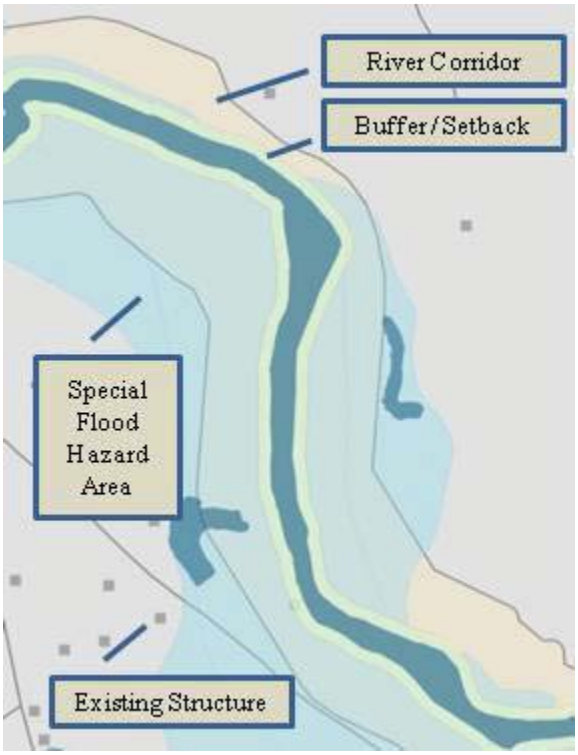
"Nonconformity" means a nonconforming use, structure, lot or parcel.

"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, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

"River Corridor" means the land area adjacent to a river that is required to accommodate the dimensions, slope, plan form, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by ANR in accordance with the ANR River Corridor Protection Guide.



"Special Flood Hazard Area" is the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". This area is usually labeled ***Zone A, AO, AH, AE, or A1-30*** in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. 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 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 whether that alteration affects the external dimensions of the building.

"*Storage*" means for purposes of this bylaw an aggregation of materials, items, or objects, whether natural or manmade, that is kept as a stockpile, collection, or inventory, whether set upon the land, or within a container, structure or facility that would not otherwise be in compliance with the development standards.

"Structure" means, for regulatory purposes under this bylaw, a walled and roofed building, as well as a manufactured home, and any related built systems, including gas or liquid storage tanks.

"Substantial damage" means 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" means any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over a the period of a common plan of development, [13] cumulatively 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:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Top of Bank" That vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope.

"Violation" means the failure of a structure or other development to be fully compliant with this bylaw. 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.

"Zone A," FEMA designation for Special Flood Hazard Areas but where no detailed base flood elevations have been determined.

"Zone AE" FEMA designation for Special Flood Hazard Areas where base flood elevations have been determined by detailed analysis.