



Town of Mount Holly Planning Commission

Town Office & Remote Electronic – Regular Meeting Minutes

Wednesday August 17, 2022

7:00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward (Vice Chair), Brigid Sullivan, Andrew Schulz

Commission Members Absent: Andrew Seward

Also Present: Renee Sarmento (Clerk), Stephen Michel

1. Chair called the meeting to order at 7:03 pm.
2. Changes to agenda: none
3. Approval of minutes
 - a. July 20th, 2022 special meeting minutes were approved as distributed.
 - b. August 3rd, 2022 regular meeting minutes were approved as amended (correction made under section 3a, 3g: Commissioner Seward corrected to Commissioner Schulz).
4. Reports & Announcements
 - a. Administrative Officer
 - i. AO reported they responded to a call from Stephen Johnson regarding information requested for a subdivision. AO provided Mr. Johnson with the link to the subdivision information on the unofficial Town website.
 - b. Chair
 - i. Chair reported he spoke with both the Shrewsbury zoning administrator and Planning Commission Chair. They kindly agreed to share information and documents with us related to flood hazard area regulations and permitting. One take away was they strongly reinforced that we need to have a permit placard / notice placed on the land for every future subdivision. Commissioner Sullivan asked who is responsible for the placard being placed. Chair stated that if no one else is specified in our ordinance it is the responsibility of the Administrative Officer.
 - ii. Chair reported follow-up on Facilities and Utilities Plan: Chair was told that the fire department does not intend to respond to the letter requesting information for the Town Plan sent by the Commission. However, independent of that the Chair received and distributed a copy of "Mount Holly Volunteer Fire Department Long Range Plan, February 16, 1989." The document still has useful information for the Town Plan.
 - iii. Chair reported on phone call from the Conservation Commission Chair asking again what things the Planning Commission would like them to help with. Chair reiterated what was previously agreed: scenic roads. Conservation Commission Chair mentioned they had started looking into compiling a recreation inventory. Chair said that this was good news and that at the last Planning Commission meeting something similar was discussed. There might be opportunity for collaboration on a recreation plan.
 - iv. Chair reported there was a question sent to the Select Board from a private landowner about any regulations or review related to selling their property on Gates Road to a cell tower company. Select Board forwarded the question to the Chair and Administrative Officer. Chair asked the Regional Planning Commission for guidance. Ed Bove responded that there is no local review but that the Town Plan is the town's statement and provides our standing in any review at the state level. Commissioner Jim Seward stated they would only need to complete a Building Construction Registration form. Chair will send email response from Mr. Bove to the Commissioners.

Town of Mount Holly Planning Commission

- v. Chair had spoken with the Act 250 coordinator and they were clear that the Planning Commission should not ask questions about Act 250 jurisdiction on forms.
- 5. Correspondence
 - a. Subdivision proposals: None
 - b. Building Construction Registrations
 - i. Commissioners reviewed BCR forms.
 - 1. Rasevych, 2071 Belmont Road, renovation house and property
 - 2. Metcalf, 77 Bussino Lane, small house on slab building
 - 3. Fredette, 13 Hortonville Road, 12x16 wood shed
 - c. Wastewater system and potable water supply permits: None.
 - d. Email / Other: Discussed in 4b Planning Commission Chair
- 6. Unfinished business
 - a. Application forms for FHA development
 - i. Additional review of our draft forms, since the last meeting, was completed by Kyle Medash and Barbara Noyes-Pulling. Kyle suggested adding assessed value of structure and cost of structure/improvements. That would be used to determine whether the development meets the definition of "substantial improvements". Commissioner Sullivan asked what the cut off is of is for substantial improvements. The Chair responded that it is 50% of the value of the structure. Chair read the definition of substantial improvements from the town ordinance. Commissioners discussed market value vs. appraised value. Commissioner Schulz noted that it says assessed value on the form which is different from appraised and market value. Chair said that Kyle instructed us to use "assessed value". The Rutland Town permit application form also states assessed value. Commissioner Sullivan stated she thought we should use the town assessed value. Chair stated would be a question for Kyle. The existing Town ordinance says market value of the structure and so does the new model ordinance. Discussion about difficulty with requiring a market value. The only way to determine true market value is to get an appraisal. Assessed value is only number consistently available. Commissioners agreed to put assessed value on the form.
 - ii. Commissioner Sullivan questioned if an entire page was needed for adjacent landowners. Chair pointed out some recent applications for subdivision have required that much space. It was agreed to keep page as is.
 - iii. Chair stated the form draft that was distributed by email incorporates suggestions from the last Commission meeting. (eg. yes/no boxes).
 - iv. Removed questions related to Act 250, as discussed.
 - v. Added link to state permit navigator (<https://dec.vermont.gov/permitnavigator>).
 - vi. Commissioner Sullivan made a motion to adopt the FHA permit application form as distributed and begin using it immediately. Seconded by Commissioner Schulz
 - vii. Commissioners discussed how the FHA application would be triggered. Chair stated the Administrative Officer will see the Building Construction Registration (BCR), identify if it is in flood hazard area (FHA), and then inform the landowner of the required FHA permit application. At last meeting there was discussion about asking if the property was in an FHA explicitly on the BCR. Commissioner Schulz suggested modifying the FHA form to say this form to be completed when any development is planned within a flood hazard area. Commissioners agreed to add line: "For any planned development in a Flood Hazard Area, please fill out this form completely."
 - viii. The motion was modified to include additional language. Commissioner Schulz re-seconded, The new FHA permit application forms were unanimously approved.

Town of Mount Holly Planning Commission

- b. Update Subdivision application form
 - i. Changes made: removed questions about Act 250, switched to yes/no questions, changed to say business address.
 - ii. Chair noted that section 6, "additional permit requirements" changed. Commissioner Schulz expressed concern that it is labeled additional permit requirements but only identifies two. Commissioners discussed what changes should be made. Change made to first sentence of application (copied from FHA application): Added – "fill out this form completely, attach required documents". Also added to introduction: "Applications that are incomplete or lack required documents will not be processed". Last line of section 6 moved up to the start of section 6 for more emphasis ("Attach copies of any prior permits or new permits that may be required.")
 - iii. Chair shared that he had attended a webinar from FEMA flood plain management. It mentioned you can get FIRMette (<https://msc.fema.gov/portal/search>). You can put in an address and it will pop out a little flood hazard map for your location.
 - iv. Commissioner J. Seward expressed concern that landowners will begin construction without looking into additional permits. Nothing clear on Building Construction Registration form stating that. Commission will discuss including a state permit standard disclaimer at the next meeting on the BCR. Commissioner Schulz wondered if this statement should also be on the subdivision application. Commissioners discussed the idea, and Commissioner Schulz withdrew his suggestion. Chair mentioned that the state requires we put a disclaimer in our subdivision decisions.
 - v. Commissioner Sullivan moved that the subdivision application form be approved as amended during the meeting. Commissioner Schulz seconded the motion. Unanimously approved.
 - vi. Chair will put BCR form modifications on agenda for next month
- c. Follow up on possible Tarbellville FHA structure (A. Seward)
 - i. Commissioner Andrew Seward was going to report, but is absent. He was going to give occupant a copy of the ordinance
 - ii. There was question on the location at the last meeting. Commissioner A. Seward wondered if it is on the Fortier or Yuster property. The Chair contacted Alex Yuster who stated it is not on their property. Commissioners looked at map on website to try to determine where it is located.
 - iii. Chair stated this is a job for the Administrative Officer to figure out if the Fortier property extends across the river (look at the deed). if it does extend across the river it is likely two parcels. Alex Yuster has stated it is okay to go down and look at it. Administrative Officer agreed to investigate and requested assistance from the Chair and Commissioners.
- 7. New business
 - a. Review updated DEC 2022 model Flood Hazard Area Regulations - not addressed due to time
- 8. Public comments: None
- 9. Upcoming meetings
 - a. Working meeting - September 7th, 6:00 pm (1st Wednesday)
 - i. Will look at Flood Hazard Model ordinance and moving forward with another section of the town plan (recreation).
 - ii. Commissioner Sullivan will be out of town, but may be able to Zoom.
 - b. Regular meeting – September 21st, 7:00 pm (3rd Wednesday)
- 10. Meeting adjourned at 8:34 pm

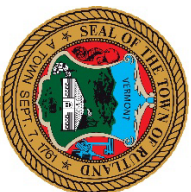
Town of Mount Holly Planning Commission

For the Commission,
Renee Sarmento, Planning Commission Clerk.

In draft form until approved on September 21st, 2022

Town of Rutland, Vermont

Municipal Town Hall
181 Business Route 4
Center Rutland, VT 05736



V. (802) 773-2528
F. (802) 773-7295

www.RutlandTown.com

Water & Sewer

FLOOD HAZARD AREA DEVELOPMENT PERMIT

I have read and will comply with the Town of Rutland Flood Hazard Area Regulations - Y []

Date: _____

Applicant Name: _____ Owner Name, If different from applicant: _____

Address of Property: _____

Phone Number: _____ Email: _____ Parcel ID - _____

This application is for _____ Permitted Development _____ Conditional Use Approval

For Permitted Development choose the type of proposed development as defined in Section V Part B - 1 2 3 4

For Conditional Use Approval choose the type of proposed development as defined in Section V Part C - 1 2 3 4

Flood Map Number from the FEMA Flood Map Service Center at <https://msc.fema.gov/portal/home>

Map ID - _____ Effective Date ____ / ____ / ____ Flood Zone ID - ____ Base Flood Elevation - ____ ft

FLOOD HAZARD PERMIT APPLICATION FEES:

☐ \$40.00 All new construction ☐ \$40.00 Substantial improvements * ☐ \$20.00 Non-Substantial improvements

Assessed Value of the Structure: \$ _____ Year _____ Cost of Construction / Improvements Total \$ _____

** A substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% of the market value of the structure before the start of construction. This term includes structures which have incurred repetitive loss or substantial damage, regardless of actual work performed.*

FLOOD HAZARD PERMIT FEE TOTAL:

Subtotal application fee from above: \$ _____ + \$25 recording fee = \$ _____

Please make checks payable to the Town of Rutland.

The following activities are exempt from Flood Hazard Regulation:

- Normal maintenance and repair of an existing structure
- Minor internal improvements within an existing structure
- Demolition of structures; Farming; Forestry
- Power generation and transmission facilities that are regulated by the VT Public Service Board; and
- Hunting, fishing, and trapping on private lands. This does NOT include facilities supporting such activities such as firing ranges or rod and gun clubs.

Signature of Applicant _____ Date _____

THIS AREA FOR ADMINISTRATIVE USE ONLY

Application received: _____ Approval Type Needed: Administrative Officer / Selectboard

Permit Approved: Y / N Permit Number: _____

Permit Fee Paid Y / N Cash [] Check [] Check Number _____

Town of Mount Holly, Vermont

Flood Hazard Area Permit Application

For any planned development in a flood hazard area, please fill out this form completely, attach required documents, sign, and file two copies with the Administrative Officer. Applications that are incomplete or lack required documents will not be processed.

1. Applicant / Property Owner

Name:

Phone number:

Email address:

Permanent mailing address:

Town, State, Zip code:

2. Authorized Agent

A surveyor/engineer/lawyer/etc. will represent the owner in the proceedings. ☐ Yes ☐ No

Name:

Company:

Phone number:

Email address:

Business address:

Town, State, Zip code:

3. Property Description

Property ID #:

Physical location (911 address):

Previous owner (if known):

Lot size (acres):

Property deed (Book / page):

Recorded survey (Book / page):

Prior town permits (Book / page):

State wastewater permit ID:

Number of adjacent properties:

4. Adjacent Property Owners

Please consult the official Town of Mount Holly Tax Maps to determine this list.

Property ID #:	
Owner name(s):	
Owner address:	
Property ID #:	
Owner name(s):	
Owner address:	
Property ID #:	
Owner name(s):	
Owner address:	
Property ID #:	
Owner name(s):	
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Owner address:	
Property ID #:	
Owner name(s):	
Owner address:	

5. Detailed Development Description

Purpose and description of project:

Include dimensions of any new structures, additions to structures, or structures to be repaired or improved.
(Use additional sheets if needed)

Assessed value of the structure:

\$

Cost of construction/improvements:

\$

6. Attach Vermont Agency of Natural Resources Permit Navigator Results

Is Permit Navigator Results Summary from <https://dec.vermont.gov/permitnavigator> attached? ☐ Yes ☐ No

7. Attach a General Location Map and Plans or Drawings of Project

Attach a general location map and a plan or drawing of the lot showing the information required by Section VIII(B)(3)-(4) of the Town of Mount Holly Flood Hazard Area Regulations, including but not limited to all existing and proposed structures, all bodies of water, roads, driveways, parking areas, wells, septic systems, bridges, and culverts within that lot. Include lowest floor elevation and/or base flood elevation, if applicable. Identify shortest distance to centerline of stream and top of bank, any proposed fill and change in grade.

Are plans attached?

☐ Yes ☐ No

8. Authorization and Consent

The undersigned, as owner of the property referenced in Section 3 on this application form, hereby certifies that the information provided in this application and supporting documentation is true and accurate, consents to its submission, and understands that if the application is approved, that the permit and any attached conditions will be binding on the property. Further, the undersigned authorizes the Administrative Officer, or any delegates, to access the above referenced property, at reasonable times, both before and after a decision has been made.

Signature of Owner

Date: _____

Town of Mount Holly, Vermont

Town of Mount Holly Municipal Use Only

☐ Application received by Town Clerk:

Date: _____

☐ Fee amount received:

Date: _____

☐ Received by Administrative Officer:

Date: _____

☐ Assigned application number:

Date: _____

☐ Application deemed complete:

Date: _____

Determine one of the following:

☐ No Permit Required

Date: _____

- ☐ Structure is outside of mapped flood hazard areas
- ☐ Road maintenance with no increase in grade
- ☐ Open space, forestry, or agricultural use
- ☐ Other:

☐ Administrative Permit Required

Date: _____

☐ Complete application sent to Vermont NFIP Coordinator

Date: _____

- ☐ Non-substantial structural improvement
- ☐ Small accessory structure
- ☐ Building utilities
- ☐ At grade parking for existing buildings
- ☐ Qualifying recreational vehicle
- ☐ Other:

☐ Conditional Use Permit Required

Date: _____

☐ Complete application sent to Vermont NFIP Coordinator

Date: _____

☐ Board of Adjustment Hearing

Date: _____

☐ Board of Adjustment Decision

Date: _____

Administrative Officer Signature

Date: _____

Town of Mount Holly, Vermont

Subdivision Application

Please fill out this form completely, attach required documents, sign, and file two copies with the Administrative Officer. Applications that are incomplete or lack required documents will not be processed.

1. Applicant / Property Owner

Name:

Phone number:

Email address:

Permanent mailing address:

Town, State, Zip code:

2. Authorized Agent

A surveyor/engineer/lawyer/etc. will represent the owner in the proceedings. ☐ Yes ☐ No

Name:

Company:

Phone number:

Email address:

Business address:

Town, State, Zip code:

3. Property Description

Property ID #:

Physical location (911 address):

Description of property use:

Lot size (acres):

Property deed (Book / page):

Recorded survey (Book / page):

Prior Subdivision (Book / page):

Prior wastewater permit ID:

Prior Act 250 permits:

4. Adjacent Property Owners

Please consult the official Town of Mount Holly Tax Maps to determine this list.

Property ID #:	
Owner name(s):	
Owner address:	
Property ID #:	
Owner name(s):	
Owner address:	
Property ID #:	
Owner name(s):	
Owner address:	
Property ID #:	
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Property ID #:	
Owner name(s):	
Owner address:	
Property ID #:	
Owner name(s):	
Owner address:	

Town of Mount Holly, Vermont

5. Subdivision Description

Total number of lots to be created:

Total acreage to be subdivided:

Purpose of subdivision:

Future use of proposed lots:

Vermont DEC permit (Book/page):

Highway access (state/local) permit:

6. Additional Permit Requirements

Attach copies of any prior permits or new permits that may be required.

Is any portion of the property is located within a flood hazard area or jurisdictional wetlands (<https://dec.vermont.gov/watershed/wetlands/maps>)? ☐ Yes ☐ No

☐ Include Permit Navigator Results Summary from <https://dec.vermont.gov/permitnavigator>

7. Impacts to Adjoining Municipalities

Is any part of the property located within 500 feet of an adjoining municipality? ☐ Yes ☐ No

8. Authorization and Consent

The undersigned, as owner of the property referenced in Section 3 on this application form, hereby consents to necessary and proper inspection of the above referenced property by members and agents of the Town of Mount Holly Planning Commission, at reasonable times, both before and after a final decision has been issued by the Commission. The undersigned hereby certifies that the information provided in this application and supporting documentation is true and is aware of the penalties for knowingly providing false or misleading information.

Signature of Owner

Date: _____

Town of Mount Holly Municipal Use Only

- ☐ Application received by Town Clerk: _____ Date: _____
- ☐ Fee amount received: _____ Date: _____
- ☐ Received by Administrative Officer: _____ Date: _____
- ☐ Assigned application number: _____ Date: _____
- ☐ Application deemed complete: _____ Date: _____
- ☐ Received by Planning Commission: _____ Date: _____
- ☐ Sketch Plan classified: _____ Minor / Major _____ Date: _____
- ☐ Checklist reviewed _____ Date: _____
- ☐ Final Plat submitted _____ Date: _____
- ☐ Mylar Map received _____ Date: _____
- ☐ Public Hearing held _____ Date: _____
- ☐ Decision: _____ Approved / Denied _____ Date: _____
- ☐ Decision signed by applicant _____ Date: _____

Administrative Officer Signature

Date: _____

TOWN OF HANCOCK, VERMONT

FLOOD HAZARD AREA PERMIT APPLICATION

Parcel ID# _____

Permit No. _____

Applicant: _____ Phone Number: _____

Property Address: _____

Property Owner (if not same as applicant): _____

Owner's Address: _____

1. DESCRIBE WHAT YOU ARE APPLYING FOR. Include dimensions of any new structures, additions to structures, or structures to be repaired or improved. Use a separate sheet if needed.

2. PROVIDE A SKETCH OF WHAT YOU ARE APPLYING FOR ON A SEPARATE SHEET. Draw a lot outline and show all existing and proposed structures, roads, driveways, parking areas, wells, septic systems, bridges, and culverts within that lot.

PROPERTY OWNER: The undersigned property owner hereby certifies that all information submitted on or with this application is true and accurate, consents to its submission, and understands that if the application is approved, the permit and any attached conditions will be binding on the property. Further, the undersigned authorizes the Administrative Officer access, at reasonable times, to the property covered by the permit issued under this application, for the purposes of ascertaining compliance with the permit.

Property Owner's signature

Date

APPLICANT (if not the property owner): The undersigned applicant hereby certifies that all the information submitted on or with this application is true and accurate.

Applicant's signature

Date

For Completion by Administrative Officer

Date application received: ____ / ____ / ____

Date application deemed complete: ____ / ____ / ____

☐ NO PERMIT REQUIRED (no permit fee)

- ☐ Structure is outside of mapped flood hazard areas
- ☐ Road maintenance with no increase in grade
- ☐ Open space, forestry or agricultural use
- ☐ Other _____

Comments: _____

☐ ADMINISTRATIVE PERMIT (permit application fee received: \$_____))

- ☐ Non-substantial structural improvement
- ☐ Small accessory structure
- ☐ Building utilities
- ☐ At grade parking for existing buildings
- ☐ Recreational vehicle
- ☐ Other _____

Comments: _____

☐ CONDITIONAL USE PERMIT (application fee \$____ plus hearing fee \$_____ received)

Date complete application sent to Vermont NFIP Coordinator for review ____ / ____ / ____

Board of Adjustment Hearing Date ____ / ____ / ____

Board of Adjustment Decision Date ____ / ____ / ____

☐ Permit Denied for following reasons: _____

☐ Permit Granted with following conditions: _____

Administrative Officer signature

Date



MT. HOLLY VOLUNTEER FIRE DEPARTMENT
MT. HOLLY, VERMONT 05758

RON BLODGETT-FIRE CHIEF

BUS. 259-2920

MOUNT HOLLY VOLUNTEER FIRE DEPARTMENT

LONG RANGE PLAN

FEBRUARY 16, 1989

MISSION STATEMENT

OUR PURPOSE AS VOLUNTEERS IS TO PROTECT LIVES AND PROPERTY IN A PROFESSIONAL MANNER WITH THE UTMOST REGARD FOR THE SAFETY OF BOTH THE FIREFIGHTERS AND THE CITIZENS INVOLVED.

WHAT NEEDS DO THE MOUNT HOLLY VOLUNTEER FIRE DEPARTMENT MEET?

TO FIGHT ALL TYPES OF FIRES:

- Structure fires
- Brush fires
- Forest fires
- Electrical fires
- Automobile fires

TO ASSIST THE RESCUE SQUAD:

- At all automobile accidents
- As back up for driving the ambulance

TO ASSIST IN MUTUAL AID CALLS:

- To help fight fires in neighboring communities

TO ASSIST IN SEARCH AND RESCUE FOR MISSING PERSONS

TO ASSIST IN TIMES OF NATURAL EMERGENCIES:

- Flooding
- Power failures

TO PERFORM RELATED CIVIC SERVICES:

- Fire prevention advice to civic organizations
such as the school, scouts, grange, etc.

WHO SERVES AS VOLUNTEERS OF THE MOUNT HOLLY VOLUNTEER FIRE
DEPARTMENT?

A group of dedicated organized men and women who live in the Town of Mount Holly. We all have jobs and we lend our areas of expertise freely. We all have families that make sacrifices to enable us to serve our community.

As members of the Mount Holly Volunteer Fire Department we derive a great deal of satisfaction and pride from being able to serve our community. We also gain a great deal of knowledge and enjoy the social aspects of participation.

WHAT INTERNAL AND EXTERNAL FACTORS AFFECT OUR ABILITY TO SERVE?

INTERNAL FACTORS:

- Need for increased manpower
- Need for quality equipment and vehicles
- Need for quality facility
- Need for quality radio communication network
- Need to eliminate internal conflicts

EXTERNAL FACTORS:

- Need for community awareness
- Need for continued financial support
- Need for improved town organization such as accurate maps, street signs and addresses
- Need to respond to the growing population
- Need to respond to the growing number of structures
- Need to respond to the growing demands on our time, especially new state and federal regulations regarding training
- Need to respond to the greater risks facing us such as highly toxic smoke associated with fires, threat of Aids when assisting in auto accidents, etc.
- Need to meet the increasing costs of equipment

GOALS OF THE MOUNT HOLLY VOLUNTEER FIRE DEPARTMENT

ADMINISTRATIVE

TO ESTABLISH AND MAINTAIN A WORKING SET OF BY-LAWS THAT ARE EFFECTIVE AND MEET THE NEEDS OF THE DEPARTMENT. (IMMEDIATE)

TO ESTABLISH A LONG RANGE PLAN: (IMMEDIATE)

This five year plan is to be specific for the first three years and general for the next two years. Goals not identified in the 5 year plan will be added as an addendum to the plan.

This plan is to serve as a guideline for the Department and is to be updated annually.

TO ESTABLISH CLEAR LINES OF AUTHORITY AND RESPONSIBILITIES: (IMMEDIATE)

TO ESTABLISH A SET OF QUALIFICATIONS/REQUIREMENTS FOR ALL LINE OFFICERS, TRUSTEES AND MEMBERS (YEAR #1)

TO ESTABLISH A SET OF OPERATING PROCEDURES FOR THE GOVERNANCE OF THE DEPARTMENT (YEAR #1)

TO MAINTAIN ACTIVE PARTICIPATION OF ALL MEMBERS (YEAR #1 AND ONGOING)

TO ESTABLISH A WORKING PROCEDURE FOR THE CREATION OF AN ANNUAL OPERATING BUDGET AND TO HAVE THE MEMBERSHIP FULLY UNDERSTAND IT (YEAR #1)

TO ESTABLISH A CAPITAL FUND FOR THE REPLACEMENT OF VEHICLES (YEAR # 1)

TO ESTABLISH AND MAINTAIN AN ANNUAL FUNDRAISING PLAN (YEAR # 1)

TO ESTABLISH AND MAINTAIN AN EFFECTIVE RECRUITING PROGRAM (YEAR #2)

TO ESTABLISH AN EFFECTIVE TRAINING PROGRAM (YEAR # 1)

TO REDUCE THE I.S.O (Insurance Services Office) STANDING OF THE COMMUNITY TO CAUSE A REDUCTION IN THE FIRE INSURANCE PREMIUMS PAID BY PEOPLE LIVING IN OUR COMMUNITY (YEAR #2)

STRATEGIES TO MEET GOALS

ADMINISTRATIVE

ESTABLISHMENT OF EFFECTIVE BY-LAWS:

To establish a By-Laws committee to review the By-Laws, clarify and change where necessary. To recommend these changes to the membership.

To have all members receive a copy of the By-Laws and be made familiar with its contents.

ESTABLISHMENT OF LONG RANGE PLAN:

To have all members of the Department meet and establish the plan.

To review the plan annually, and make modifications where necessary.

To inform the membership of the goals met, not met and new ideas for the future.

ESTABLISHMENT OF AUTHORITY/RESPONSIBILITY:

To have the By-Laws clearly stipulate the order of authority and responsibility within the Department

ESTABLISHMENT QUALIFICATIONS/REQUIREMENTS:

To have the Board of Trustees change the existing job descriptions if necessary and add job descriptions and eligibility requirements where needed. All administrative personnel, trustees and line officers must have job descriptions.

ESTABLISHMENT OF OPERATING PROCEDURES:

To have the Board of Trustees review the By-Laws and propose changes where necessary for the establishment of procedures.

To have the Chief and Line Officers review the S.O.P. Booklet annually, make revisions if necessary and present them to the membership.

ACTIVE PARTICIPATION:

To review the participation requirements.

To have the participation requirements enforced on a quarterly basis by the Board of Trustees. If a member is not in compliance the Chief will call him, if still not in compliance a letter will be sent to the individual and if still no response the person will be asked to resign from the Department.

To establish a committee to create a point system based on encouraging and rewarding active participation.

To have more social functions.

OPERATING BUDGET:

To have the Board of Trustees create the annual budget and have it presented for review and approval of the membership in September of each year. Prior to establishing the budget, the Board of Trustees must review and update the plan and incorporate the goals of the plan in the budget.

To have an ongoing "Needs List" which permits members to identify needs not previously discussed. This "Needs List" is to be incorporated into the plan annually.

FUNDRAISING PLAN:

To have the Activities Committee establish a fundraising plan annually and present this plan to the Board of Trustees as part of the budget process.

To have the fundraising activities utilize the least amount of the members time while at the same time generating the greatest amount of contributions. To become more professional and sophisticated in our fundraising activities.

To distinguish between fundraising and activities that may generate funds for the Department. These activities are social in their primary purpose and should be regarded under Public Relations.

CAPITAL FUND:

To present to the voters of Mount Holly a request for \$30,000.00 annually to be set in reserve as a capital fund for vehicle replacement.

RECRUITING PROGRAM:

To establish a committee to create a recruiting program for the Fire Department. This program should target the specific needs of the Department such as daytime manpower, a greater geographical representation and should tie into the general Public Relations program of the Department.

TRAINING PROGRAM:

To incorporate in the regular Thursday night drills programs for training in: radio communication, vehicle operation, mutual aid response, etc.

To establish a training program for all of the officers of the Department.

To establish an orientation program for all new members.

To have a critique session of every call the Department goes on. This session should take place at the first drill or meeting following the incident.

I.S.O. (Insurance Services Office) STANDARDS:

To have all members become familiar with the requirements to reduce the standards.

To drill all areas of performance until requirements are met by the Department.

To have the Selectmen invite the I.S.O. to Mount Holly to test the Fire Department.

GOALS OF THE MOUNT HOLLY VOLUNTEER FIRE DEPARTMENT

PUBLIC RELATIONS

TO MAKE THE COMMUNITY MORE AWARE OF THE NEEDS, ABILITIES
GOALS AND ACCOMPLISHMENTS OF THE MOUNT HOLLY FIRE DEPARTMENT
(YEAR # 1)

TO MAKE THE MEMBERS OF THE DEPARTMENT MORE AWARE OF ALL ASPECTS
OF THE DEPARTMENT (YEAR # 1)

STRATEGIES TO MEET GOALS

PUBLIC RELATIONS

COMMUNITY AWARENESS:

To form a public relations committee to create a means to inform the general community of our goals (newsletter, flyer, etc.)

To distribute this information to all members of the community.

To have a series of activities that bring the Department and community together.

To have as a by-product of the Public Relations effort more people volunteering for the Department.

DEPARTMENT AWARENESS:

To have the public relations committee establish a means to keep the membership informed of all of the activities, regulations, procedures, etc of the Department.

To distribute this to the members and to keep it current.

TOWN AWARENESS:

To have the public relations committee establish a means to keep all Town Officials informed of all of the activities of the Department.

GOALS OF THE MOUNT HOLLY VOLUNTEER FIRE DEPARTMENT
EQUIPMENT

TO ESTABLISH THE BEST POSSIBLE MEANS OF RADIO COMMUNICATION (YEAR #2)

TO INSURE THAT ALL MEMBERS HAVE MODERN AND COMPLETE TURN OUT GEAR (ONGOING)

TO INSURE THAT THERE ARE ENOUGH SCOT PACKS TO PROVIDE EFFECTIVE FIREFIGHTING (YEAR # 1)

TO HAVE THE JAWS OF LIFE (AFTER YEAR 5)

TO HAVE 4 INCH HOSE (YEAR # 5)

TO HAVE A MAINTENANCE PROGRAM FOR ALL OF THE EQUIPMENT (YEAR #1)

TO HAVE TOOLS FOR THE PROPER MAINTENANCE OF THE EQUIPMENT (YEARS #1 THROUGH #3)

STRATEGIES TO MEET GOALS

EQUIPMENT

RADIO COMMUNICATION:

To purchase 2 additional portable high band radios

To continue to upgrade all of the Departments radios

To locate a dispatch center, either Ludlow or Rutland to provide 24 hour dispatch service

TURN OUT GEAR:

To continue to include in the budget the money needed to upgrade and purchase new turn out gear.

SCOT PACKS:

To purchase one additional Scot Pack to provide the Department with 4 teams of 2 men fully equipped to fight fires.

To include in the budget, money to maintain the Scot Packs.

JAWS OF LIFE:

To develop a plan in conjunction with the Rescue Squad for the purchase of a Jaws of Life.

4 INCH HOSE:

When purchasing new fire fighting vehicles, include adequate 4 inch hose.

MAINTENANCE PROGRAM:

To create and maintain an accurate maintenance schedule for all equipment.

To utilize the Thursday work nights for maintenance on equipment.

MAINTENANCE TOOLS:

To determine the needs for tools for the Department. It is understood that the Department will not take on major repairs but concern itself with day to day maintenance.

To establish a budget to purchase these tools.

GOALS OF THE MOUNT HOLLY VOLUNTEER FIRE DEPARTMENT

VEHICLES

TO ESTABLISH A TRUCK ROTATION PROGRAM TO INSURE THAT THE
DEPARTMENT HAS: (YEARS #1 THROUGH #17)

TWO TANKER PUMPERS
TWO FIRE ENGINES
ONE BRUSH RIG
ONE RESCUE SUPPORT RIG
ONE LIGHTING TRUCK

TO ESTABLISH A MAINTENANCE PROGRAM FOR ALL VEHICLES
(YEAR # 1)

STRATEGIES TO MEET GOALS

VEHICLES

To have the Town of Mount Holly approve an annual allocation of \$30,000.00 for vehicle replacement. With this fund the department will purchase the following vehicles in the following order:

- One Tanker Pumper
- One Fire Engine
- One Tanker Pumper
- One Fire Engine

To continue the Department's fundraising efforts to purchase for the community a Rescue Support Rig.

To determine the best way to purchase a Brush Rig and Lighting Rig.

MAINTENANCE:

To follow the procedures outlined for Equipment Maintenance.

GOALS OF THE MOUNT HOLLY VOLUNTEER FIRE DEPARTMENT
FACILITY

TO HAVE A FUNCTIONAL FIRE STATION (AFTER YEAR #5)

TO HAVE A FIRE STATION INCORPORATED WITH PLANNING OF OTHER TOWN
BUILDINGS (YEAR 1 AND ONGOING)

TO HAVE SUB STATIONS (AFTER YEAR #5)

TO HAVE A WATER SOURCE TO REFILL TRUCKS IN THE STATION (AFTER
YEAR # 5)

TO HAVE A BATHROOM (YEAR # 3)

TO HAVE A KITCHEN (AFTER YEAR # 5)

TO HAVE A REC ROOM (AFTER YEAR # 5)

TO HAVE A MEETING/CLASSROOM (AFTER YEAR # 5)

TO HAVE A HOSE TOWER (AFTER YEAR #5)

TO HAVE A DISPATCH ROOM (YEAR # 1)

TO HAVE A MAINTENANCE PROGRAM FOR THE FACILITY (YEAR # 1)

STRATEGIES TO MEET GOALS

FACILITY

FUNCTIONAL FIRE STATION:

To set as a priority, working with the Town to insure that our needs are included in the needs of the entire community.

FIRE STATION INCORPORATED WITH THE TOWN PLAN FOR OTHER BUILDINGS:

To request that the Town establish a committee with representatives from all Town Departments and Organizations to study the facility needs of the entire community. To have representation from the Fire Department on this committee.

SUB STATIONS:

To study the feasibility of this concept.

WATER SOURCE:

To incorporate this as one of our major needs when planning a new facility.

BATHROOM:

To install a bathroom in the existing main fire station

KITCHEN, REC ROOM, MEETING/CLASSROOM, HOSE TOWER:

To incorporate these as a needs when planning a new facility

DISPATCH ROOM:

To enclose an area for dispatch in the existing main fire station

MAINTENANCE PROGRAM:

To incorporate same procedures as for Equipment and Vehicles

Town of Mount Holly
Flood Hazard and River Corridor Bylaw

I. Statutory Authorization and Effect

In accordance with 24 V.S.A. Chapter 117, §§ 4424 and 4414, this is a bylaw for areas at high risk of flood damage in the Town of Mount Holly, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 V.S.A. Chapter 117 and 44 CFR § 60.3(d).

II. Purpose

- A.** To implement the goals, policies, and recommendations in the municipal plan;
- B.** To protect health, safety and welfare of the public, 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-related inundation and erosion hazards;
- C.** Support equitable wellbeing for the entire community;
- D.** Ensure that development in our community protects floodplain and river corridor functions, and avoids and reduces damage from flooding and erosion;
- E.** Manage all flood hazard areas pursuant to 24 VSA §4382 and 10 VSA §§751, 753; and
- F.** Make the Town of Mount Holly, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

III. Summary Table: Development Review in Hazard Areas

- P** – Permitted (Administrative Permit)
C – Conditional Use Review and Permit
X – Prohibited
A – Exempted
S – State Permit Required

#	Activity	River Corridor	Flood Hazard Areas	Floodway
1	New Structures	C	C	X
2	Storage	C	C	X
3	Improvements to Existing Structures	P, C	P, C	C

		River Corridor	Flood Hazard Areas	Floodway
4	Small Accessory Structures	P, C	P	X
5	At Grade Parking	P	P	C
6	Replacement water supply or septic systems	P, C	P	P, C
7	Fill or grading resulting in no net loss of flood storage		C	
8	Fill or grading resulting in a loss of flood storage		X	X
9	Road maintenance	A	A	A
10	Road improvements	C	C	C
11	Bridges and culverts	S, A	S, A	S, C
12	Channel management	S, A	S, A	S, C
13	Recreational vehicles	P	P	P
14	Open space, recreation	A	A	A
15	Forestry and Agriculture	S, A	S, A	S, A

IV. River Corridor Protection

A. Purpose

River corridors provide rivers and stream channels with the space necessary to maintain or reestablish floodplain access and to reduce erosion hazards through natural physical processes. It is the intent of this bylaw to protect public health and safety by avoiding new encroachments into river corridors and minimizing erosion-related damage to existing structures.

A permit is required from the AO for all development that is located within the River Corridor except as provided in Section IV C.1. Where River Corridors and Flood Hazard Areas overlap, the Flood Hazard Area provisions shall also apply.

B. River Corridor Boundaries

1. This article applies to the River Corridors in the Town of Mount Holly, _____ Vermont, as published by the Agency of Natural Resources (ANR) including refinements to that data which are hereby adopted by reference.

2. On streams with a watershed size greater than half a square mile for which River Corridors are not mapped, the standards shall apply to the area measured as 50 feet from the top of the stream bank or slope.

3. The information presented on any maps, or contained in any studies adopted by reference, is presumed accurate. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary on the property shall be determined by the Administrative Officer (AO).

4. If the applicant disagrees with the determination made by the AO or with the river corridor as mapped, the applicant has the option to either:

- a. Hire a licensed land surveyor or registered professional engineer to stake out the River Corridor boundary as mapped on the property; or,
- b. Provide data as needed for ANR to update the river corridor map following the Flood Hazard Area and River Corridor Protection Procedure ("Procedure"); or
- c. Request a letter of determination from ANR that the proposed development meets the Performance standard in the Procedure.

C. Development Review in River Corridors

1. Exempted Activities

The following activities do not require a permit under this section of the bylaw:

- a. The removal of a building or other improvement in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
- b. Any changes to a structure that will not change the footprint of the structure;
- c. Maintenance of existing sidewalks, roads, parking areas, stormwater drainage, bridges, culverts, and channel stabilization;
- d. Functionally dependent uses that must be placed in or cross over rivers and streams, that are not located in a flood hazard area, and that have coverage under a Stream Alteration Permit, if required, under 10 V.S.A. Chapter 41 and the rules adopted thereunder including the construction, removal, or repair of bridges and culverts, associated transportation and utility networks, dams, and dry hydrants;
- e. Planting projects which do not include any construction or grading;
- f. Subdivision of land that does not involve or authorize development;
- g. Activities exempt from municipal regulation and requiring a permit from ANR under the Vermont Flood Hazard Area and River Corridor Rule (CVR 12-030-024) including:
 - i. State-owned and operated institutions and facilities;
 - ii. Forestry operations or silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;
 - iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture, Food and Market's Required Agricultural Practices (RAPs). Prior to the

construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks;

iv. Public utilities regulated under 30 V.S.A. § 248;

v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

2. Prohibited Development in the River Corridor

a. New structures, fill, and development that do not meet the standards in Section IV.D Development Standards;

b. Any other development that is not exempt, permitted, or listed as a conditional use which would cause or contribute to fluvial erosion hazards.

3. Permitted by Administrative Review

The following development activities meeting the Development Standards in the River Corridor in Section IV. D1 or 2, may be permitted directly by the AO:

a. Small accessory structures not larger than 500 square feet;

b. Improvements to utilities along an existing right of way and serving a building;

c. Replacement on-site septic systems;

d. Access and parking;

e. An attached deck or patio to an existing structure that is 200 square feet or less and is located no less than 100 feet from the top of bank;

f. Unimproved trails on native grades and soils that will be relocated as needed to accommodate channel adjustments and avoid degradation to bank stability and riparian habitat;

g. River or floodplain restoration projects that do not involve fill, structures, utilities, or other improvements, and which have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

4. Conditional Use Review

Conditional use review and approval by the DRB in accordance with 24 V.S.A. § 4461 is required prior to the issuance of a permit by the AO for any activity in the River Corridor that is not exempt, prohibited, or eligible for administrative review.

D. Development Standards within the River Corridor

These are the minimum standards for development in the River Corridor. Where more than one district is involved, the most restrictive standard shall take precedence.

1. In-Fill: Development must be located no closer to the top of bank than the existing primary structures, within a gap that is no more than 300 feet (see Figure 1), or

2. Down River Shadow: An addition to an existing habitable structure, or an accessory structure that is adjacent to an existing structure, shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank. Below-ground utilities may also be placed within the same shadow dimensions of an existing below-ground system (see Figure 2). Only primary structures existing before this bylaw may be considered for shadowing other development.

3. River Corridor Performance Standard

Proposals that do not meet the infill or shadowing criteria in section D. 1 or 2 must demonstrate, and the DRB must find, that the proposed development will:

- not be placed on land with a history of fluvial erosion damage or threatened by fluvial erosion; and,
- not cause the river reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions; and,
- not result in a need for bank armoring or stream channelization as a result of the proposed development, that would increase flood elevations and velocities, or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations.

4. The DRB may request or consider additional information to determine if the proposal meets the River Corridor Performance Standard, including data and analysis from a consultant qualified in the evaluation of river dynamics and erosion hazards; and comments provided by the DEC Regional Floodplain Manager on whether the proposal meets the River Corridor Performance Standard.

5. New paths or alterations to paths that provide access to the water for the public, and promote the public trust uses of the water, shall not necessitate bank armoring, and must be relocated when the

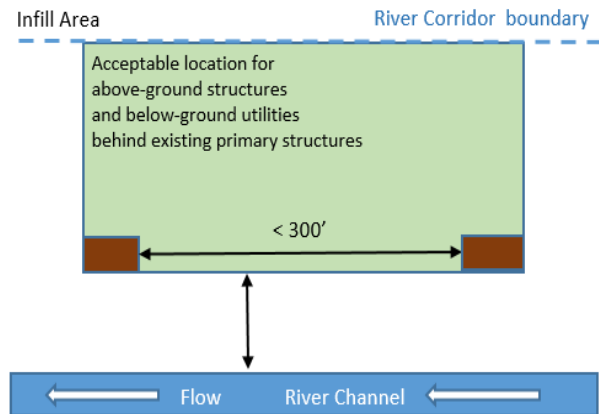


Figure 1: In-fill Development Standard

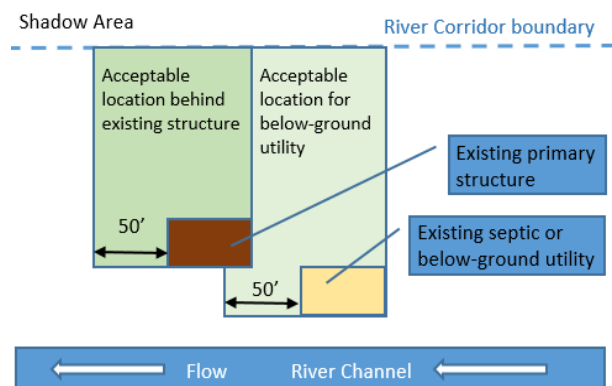


Figure 2: Shadow Area Development Standard

channel adjusts toward the path.

V. Flood Hazard Area Protection

A. Purpose - To protect public health and safety by avoiding cumulative increases in flood elevations, velocities, and river instability; the cumulative loss of beneficial floodplain functions; and to minimize flood damage to development and services already located within this hazard zone.

B. Lands to Which this Bylaw Applies

1. Flood Hazard Areas

This bylaw shall apply to the Special Flood Hazard Areas (SFHA) as mapped in the Town of Mount Holly, Vermont identified in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources (ANR) pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of this bylaw.

2. Base Flood Elevations and Floodway Limits

a. Where available, base flood elevations (BFE) and floodway limits provided by the NFIP and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce this bylaw.

b. The floodway, as adopted by this community, shall consist of the channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

c. In the SFHA where base flood elevations and/or floodway limits have not been provided by the NFIP 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 to administer this bylaw.

d. If the Town acquires data that indicates a change in published base flood elevations, the Town will, within 6 months, submit the technical or scientific data to Vermont ANR and the NFIP Map Specialist.

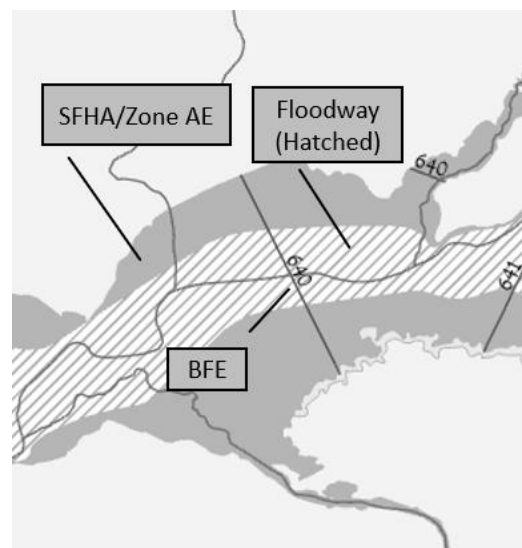


Figure 3 Diagram of Special Flood Hazard Area (SFHA) containing the Floodway (shown in hatched pattern). Also, cross-sections marked with the Base Flood Elevation (BFE) at that location.

C. Jurisdictional Determination

1. The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.
2. If uncertainty exists with respect to the boundaries of the Flood Hazard Area, the location of the boundary shall be determined by the Administrative Officer (AO).

D. Development Requirements in the Flood Hazard Areas

1. Permits

Except as provided in Section V D.2 Exempted Activities, a permit is required from the AO for all development that is located within the Special Flood Hazard Area. Development that requires conditional use approval or a variance from the Development Review Board (DRB) under this bylaw must have such approvals prior to the issuance of a permit by the AO. All permits shall require that a permittee have all other necessary permits from state and federal agencies before work may begin.

2. Exempted Activities

The following activities do not require a permit under this section of this bylaw:

- a. The removal of a building in whole or in part, so long as the ground elevations under and adjacent to the removed structure remain unchanged;
- b. Routine maintenance of existing buildings;
- c. Interior improvements or repairs to existing buildings that cost less than 500 dollars;
- d. Maintenance of roads, bridges, or stormwater drainage;
- e. Streambank stabilization, and abutment work that do not reduce the cross-sectional flow area of the river or stream channel and have coverage under a Stream Alteration Permit, if required;
- f. Planting projects which do not include any construction or grading activities in accordance with 24 V.S.A. § 4424(c);
- g. Subdivision of land that does not involve or authorize development;
- h. The following activities are exempt from municipal regulation, but may require a permit under the State's "Vermont Flood Hazard Area and River Corridor Rule" (Environmental Protection Rule, Chapter 29):
 - i. State-owned and operated institutions and facilities;
 - ii. Forestry operations and silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont or other accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation;
 - iii. Agricultural activities conducted in accordance with the Vermont Agency of Agriculture Food and Market's Required Agricultural Practices (RAPs). Prior to the

construction of farm structures, the farmer shall notify the AO in writing of the proposed activity. The notice shall contain a sketch of the proposed structure including setbacks meeting community requirements;

iv. Public utilities regulated under 30 V.S.A. § 248;

v. Telecommunications facilities regulated under 30 V.S.A. § 248a;

3. Administrative Review; Permitted Development

The following development activities in the Special Flood Hazard Area and meeting the Development Standards in Section V E, may receive a permit from the AO without review by the DRB:

a. Outside of the Floodway:

i. Accessory structures not greater than 500 square feet;

ii. New fill for existing associated transportation and utility networks or to accommodate a replacement on-site septic system, if it can be demonstrated that no other practicable alternative is available;

iii. Recreational vehicles or travel trailers;

iv. River and floodplain restoration projects, including dam removal, that restore natural and beneficial floodplain functions and include written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

b. Within the entire Special Flood Hazard Area:

i. Improvements or repairs from damage to structures that do not expand the existing footprint and do not meet the definition of “substantial improvement” or “substantial damage”;

ii. Building utilities;

iii. At or below grade development (e.g. parking areas);

iv. Open fencing or posts;

v. Municipal transportation infrastructure improvements designed by the Vermont Agency of Transportation that have written confirmation from the ANR Regional Floodplain Manager that the project is designed to meet or exceed the applicable standards in this bylaw;

4. Prohibited Development:

a. New critical facilities;

b. New residential or non-residential structures in the Floodway;

c. Storage of materials or junk yards;

5. Conditional Use Review

In accordance with 24 V.S.A. § 4414, conditional use review and approval by the DRB is required prior to the issuance of a permit by the AO for any activity in the Special Flood Hazard Area that is not exempt, prohibited, or eligible for administrative review.

E. Development Standards within the Flood Hazard Area

1. No net loss of flood storage capacity,

- a. Except as needed to fill an existing basement or mitigate an existing structure;

2. All development below the DFE, except development that is exempt under Section V D2, shall be:

- a. Reasonably safe from flooding;
- b. Designed (or 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;

3. Fuel storage tanks and vents must be elevated above the DFE and securely anchored;

Storage tanks may be placed underground if a qualified professional certifies the installation will be anchored and protected from flood forces.

4. In Zones AE and A1 – A30 where 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 encroachment, will not increase the base flood elevation more than one foot at any point within the community. The demonstration shall be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer;

5. Recreational vehicles, equipment, boat trailers, portable toilets, construction trailers, and other travel trailers shall:

- a. Be currently registered, licensed, and ready for highway use; or
- b. Be on site for fewer than 180 consecutive days; or
- c. Meet the requirements for structures in Section V E 11;

5. Water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. 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;
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
8. The flood carrying capacity within any altered or relocated portion of any watercourse shall be maintained, any alteration or relocation shall not result in any decrease of stream equilibrium;
9. Bridges, culverts, and channel management activities, which by their nature shall be placed in or over the watercourse, shall have a Stream Alteration permit from the Agency of Natural Resources, if required;
10. Subdivisions and Planned Unit Developments shall be accessible by dry land access;

11. Structural Standards

- a. New or Substantially Improved structures shall have the lowest floor, including basement, elevated to or above the Design Flood Elevation (two feet above base flood elevation). This shall be documented in the proposed and as-built condition with a FEMA Elevation Certificate;
- b. New non-residential structures, and non-residential structures to be substantially improved, replaced, or that have incurred substantial damage shall:
 - i. Meet the standards of Section V E 11a, above; or,
 - ii. Have the lowest floor, including basement, together with attendant utility and sanitary facilities, designed so that to at least two feet above the base flood elevation the structure is dry floodproofed, meaning 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 dry floodproofing 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;
- c. New or Substantially Improved structures in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least two feet above the depth number specified on the community's FIRM, or at least three feet if no depth number is specified;
- d. Critical facilities to be substantially improved shall have the lowest floor, including basement, elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher;
- e. Historic structures being substantially improved shall meet the requirements in this bylaw other than the Lowest Floor Elevation (Section V E.11);

- f. Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited;
- g. Fully enclosed areas below the lowest floor, that are above grade, below the DFE, and subject to flooding, shall:
 - i. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs shall be certified by a registered professional engineer or architect; or,
 - ii. 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 adjacent 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; and
 - iii. A small accessory structure of 500 square feet or less need not be elevated to the base flood elevation if adequate flood openings are provided, the structure is placed on the site so as to offer the minimum resistance to the flow of floodwaters, and the construction meets the criteria in Section V E2 above.

F. Development Standards within the Floodway

1. Within the Floodway new encroachments are prohibited except for the following, which also shall comply with Section V F.2, below:
 - a. changes to existing structures where the footprint is proposed to expand horizontally into the floodway less than 500 square feet;
 - b. new encroachments relating to bridges, culverts, roads, stabilization projects, public utilities, functionally dependent uses, and river or floodplain restoration projects;
 - c. new encroachments relating to health and safety measures, such as replacement of pre-existing on-site septic and water supply systems, if no other practicable alternative is available.
2. Within the Floodway all proposed new encroachments are required to provide a hydraulic analysis, performed by a registered professional engineer, in accordance with standard engineering practice, certifying that the proposed development will:
 - a. Not result in any increase in flood levels during the occurrence of the base flood;
 - b. Not increase base flood velocities; and,
 - c. Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

3. For development that will not result in any change in grade, the hydrologic & hydraulic analyses may be waived, where the applicant will provide pre- and post-development elevations demonstrating that there will be no change in grade, and that the development will be adequately protected from scour.

VI. Other Provisions

A. Precedence of Bylaw

The provisions of this bylaw shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this bylaw imposes a greater restriction the provisions here shall take precedence.

B. 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.

C. Warning of Disclaimer of Liability

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

VII. Administration

A. Administrative Officer (AO)

An Administrative Officer (AO) shall be appointed to administer this bylaw pursuant to 24 V.S.A. § 4448. The AO shall administer this bylaw literally and in doing so shall inspect development, maintain records, enforce this bylaw, and perform all other necessary tasks to carry out the provisions of this bylaw and the statutory requirements of 24 V.S.A. Chapter 117. The AO shall not have the power to permit any land development that is not in conformance with this bylaw.

B. Development Review Board (DRB)

A Development Review Board (DRB) shall be appointed by the Selectboard in accordance with 24 V.S.A. § 4460. The DRB shall have the duties and responsibilities as described in 24 V.S.A. Chapter 117 and as otherwise required by the municipal bylaws.

C. Applications All applications for development shall include:

1. A site plan that depicts the proposed development including water, Flood Hazard Areas, and River Corridor boundaries; the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, 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.
2. A copy of the ANR Permit Navigator Results Summary.

D. Action and Referrals

1. Within 30 days of receipt of a complete application the AO shall issue or deny a permit in writing or refer it to the DRB.
2. Any application for a proposed conditional use, variance, or appeal shall be referred by the AO to the DRB in accordance with 24 V.S.A. §§ 4448 and 4469.
3. Any application regarding New Construction, Substantial Improvement, development in a Floodway, development in a River Corridor, or a Variance shall be submitted by the AO to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources in accordance with 24 V.S.A. § 4424. A permit may be issued 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.
4. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall be submitted by the AO to the adjacent communities, the River Management Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers.

E. Public Notice

Prior to the issuance of a permit, proposals needing conditional use review, or consideration for a variance or appeal, must have a warned public hearing. Public notice of the hearing shall be provided by the AO at least 15 days before the date of the hearing by all the following:

1. Publication of the date, place, and purpose of the hearing in the newspaper of general circulation;
2. Posting of the same information in three or more public places within the municipality, including posting of notice by the applicant within view from the public right of way nearest to the property for which an application is made; and,
3. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way. In any situation in which a variance is sought regarding setbacks from a state highway, written notification shall be sent to the Secretary of Transportation. 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.
4. The applicant shall bear the cost of the public warning and notification of adjoining landowners.

F. Decisions

1. Decisions on applications that go to the DRB for review shall be made in accordance with 24 V.S.A. § 4464 including all findings of fact, conclusions, and conditions.
2. The DRB shall consider comments from the ANR.
3. No permit shall be issued by the AO for any use or structure which requires the approval of the DRB until such approval has been obtained.

G. Permits

1. Where eligible, a permit shall be issued by the AO only in accordance with 24 V.S.A. Chapter 117;
2. Permits must state that all other necessary permits from state and federal agencies must be obtained before work may begin. 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 must be posted until the appeals period has passed. Any Appeals shall be made within 15 days of permit issuance.
3. The AO, within three days of the date of issuance of a permit, shall deliver a copy of the permit to the listers of the municipality, and shall post a copy of the permit in the Town Offices for a period of 15 days from the date of issuance.
4. No permit shall take effect until the time for appeal (15 days) has passed, or in the event that a notice appeal is properly filed, no such permit shall take effect until adjudication of that appeal by the DRB is complete and the time for taking an appeal to the Environmental Division of the Superior Court has passed without an appeal being taken. If an appeal is taken to the Environmental Division, the permit shall not take effect until the Environmental Division rules in accordance with 10 V.S.A. § 8504.
5. Within 30 days after a permit has been issued, or within 30 days of the issuance of any notice of violation, the appropriate municipal official shall:
 - a. deliver the original or a legible copy of the permit or notice of violation or a notice of permit generally in the form set forth in 24 V.S.A. § 1154(c) to the town clerk for recording as provided in 24 V.S.A. § 1154(a); and,
 - b. file a copy of that permit in the offices of the municipality in a location where all municipal land use permits shall be kept.

6. Expiration

- a. A permit shall remain valid for two (2) years from the date it is issued as long as substantial land development has been made;
- b. Permits shall run with the land regardless of owner;
- c. Structures shall be considered abandoned where the structures are no longer being maintained as a habitable structure for a period of at least five years, regardless of evidence of intent to re-establish such use. A habitable structure is structurally sound, weathertight, with functional drinking water, wastewater, and heating systems.

H. Variances

Variances may be granted in writing by the DRB only in accordance with all the criteria in 24 V.S.A. § 4469 after a public hearing noticed in accordance with 24 V.S.A. § 4464. If the proposed development is located within any Flood Hazard Area, the proposal shall comply with 44 C.F.R. § 60.6. Any variance issued in the Flood Hazard Area shall not increase flood heights and shall inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the BFE 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.

I. Appeals of a Permit Decision

Appeals from any decision or act of the AO in connection with this bylaw, shall be made to the DRB as provided for in 24 V.S.A. § 4465. Appeals from any decision of the DRB in connection shall be made to the Vermont Superior Court, as provided for in 24 V.S.A. § 4471.

J. Administrative Responsibilities

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

- a. All permits and supporting documents;
- b. A FEMA Elevation Certificate for any new, replacement or substantially improved buildings (not including accessory buildings) in the Flood Hazard Area;
- c. All floodproofing and other certifications required under this regulation; and,
- d. All decisions of the AO and DRB (including those for Substantial Improvement, Substantial Damage, appeals, variances, and violations) and all supporting findings of fact, conclusions, and conditions.
- e. All Certificates of Occupancy, and receipts as required for the determination of Substantial Improvement.

2. Substantial Improvement and Substantial Damage Determinations

- a. In the event of damage of any kind to a structure located within any Flood Hazard Area, the AO shall determine if Substantial Damage occurred regardless of any intended repair at that time.
- b. In the review of any proposal for the repair or improvement of a structure located within any Flood Hazard Area District, the AO shall determine if the proposal indicates Substantial Improvement.
- c. Substantial Improvement or Substantial Damage determinations shall be made in accordance with current FEMA and ANR guidance, or by a procedure meeting FEMA standards and established by the Town in accordance with 24 V.S.A. § 1972.

3. Certificate of Occupancy

- a. A Certificate of Occupancy (CO) is required for any new or Substantially Improved primary structure permitted under this bylaw. It shall be unlawful to use or occupy any structure within the areas affected by this bylaw, until a CO is issued by the AO in accordance with 24 V.S.A. § 4449 stating that the structure conforms to the requirements of this bylaw.
- b. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw.

c. Upon receipt of the application for a certificate of occupancy, the AO shall review the permit conditions and inspect the premises to ensure that:

- i. any required state and federal permits have been received,
- ii. all work has been completed in conformance with the zoning permit and associated approvals, and
- iii. all required as-built documentation has been submitted to the AO (e.g. updated FEMA Elevation Certificate, dry floodproofing certificate, as-built volumetric analysis, or as-built floodway encroachment analysis).

d. If a certificate of occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

4. Enforcement

a. This bylaw shall be enforced in accordance with 24 V.S.A. §§ 1974a, 4451, and 4452. All notices of violation shall be provided to the State NFIP Coordinator.

b. No new flood insurance shall be provided for any property which the Federal Insurance Administrator finds has been declared to be in violation of local flood hazard area regulations. If any appeals have been resolved, but the violation remains, the AO shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended. New and renewal flood insurance shall be denied to a structure upon a finding by the Federal Insurance Administrator of a valid declaration of a violation.

VIII. Definitions

“Accessory dwelling” means an efficiency or one-bedroom apartment that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Accessory dwellings are residential structures.

“Accessory structure” means a structure which is: 1) detached from and clearly incidental and subordinate to the principal use or structure on a lot, 2) located on the same lot as the principal structure or use, 3) clearly and customarily related to the principal structure or use, and 4) only used for vehicle parking, storage, or primarily building access. Examples include, garages, garden and tool sheds, and playhouses, but do not include “accessory dwellings.”

“Area of special flood hazard” is synonymous in meaning with the term “special flood hazard area” for the purposes of this bylaw.

“Associated transportation and utility networks” means those transportation and utility networks connected to a bridge, culvert, or utility for the purpose of crossing a river or stream and do not include transportation or utility networks within the river corridor that merely run parallel to a river or stream .

“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 elevation resulting from a flood that has a one 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.

“Basement” means any area of a building having its floor elevation below ground level on all sides, including crawlspaces.

“Channel” means an area that contains continuously or periodic flowing water that is confined by banks and a streambed.

“Compensatory storage” means a volume not previously used for flood storage and which shall be incrementally equal to or exceed the theoretical volume of flood water at each elevation, up to and including the base flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream, or creek.

“Common plan of development” means where a structure will be refurbished or constructed under one approved plan or permit, but in separate stages, phases, or in combination with other construction activities. Such work may be planned unit by unit and may take place at different times, on different schedules.

“Construction trailer” means a vehicle which is: (1) built on a single chassis; (2) 500 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable; and (4) designed for use as a temporary office facility used to support management of a construction project, and not as a permanent structure.

“Critical facilities” means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities.

“Design Flood Elevation” (DFE) in the Town of Mount Holly means the Base Flood Elevation plus two feet.

“Designated center” means a downtown, village center, new town center, growth center, or neighborhood development area designated pursuant to 24 V.S.A. chapter 76A.

“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.

“Encroachment” means fill or development that reduces the functional river corridor (impairs the equilibrium condition) or increases flood levels.

“Equilibrium condition” means the width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in

such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading the channel bed elevation.

“Fill” means any placed material that changes the natural grade, increases the elevation, redirects the movement of flood water, or diminishes the flood storage capacity at the site. Temporary storage of material for less than 180 days is not considered fill.

“Flood hazard” means those hazards related to damage from flood-related inundation or erosion.

“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.

“Flood Insurance Study” (FIS) 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.

“Floodproofing” 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 flood hazard areas and floodways may be shown on a separate map panels.

“Fluvial erosion” means the erosion or scouring of riverbeds and banks during high flow conditions of a river. Fluvial erosion is most likely to occur within the river corridor.

“Grading” means the movement or replacement of topsoil or other material originating on the site and within the hazard area. Grading results in minor or no changes in topographic elevations. If new material is brought from outside the hazard area and such new material is not offset with an equal or greater removal of material from the portion of the site within the hazard area, the new material shall be considered “fill” and shall not be considered grading.

“Historic structure” means 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.

“Lowest floor” means 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 C.F.R. § 60.3.

"Maintenance" means periodic actions required to keep up a condition and that do not significantly change the materials or extent of an existing condition in the hazard area.

"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".

"New construction" means structures for which the start of construction commenced on or after the effective date of 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 regulations in effect 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 did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer.

"Non-residential" includes: businesses, churches, schools, nursing homes, pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, industrial structures, and warehouses.

"Recreational vehicle" means 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.

"Replacement structure" means a new building placed in the same footprint as the pre-existing building and does not include a change in use.

"River" means the full length and width, including the bed and banks, of any watercourse, including rivers, streams, creeks, brooks, and branches which experience perennial flow. "River" does not mean constructed drainageways, including water bars, swales, and roadside ditches.

"River corridor" means the land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition and for minimization of fluvial erosion hazards, as delineated by the Vermont Agency of Natural Resources in accordance with river corridor protection procedures. (10 V.S.A. § 1422).

“Special flood hazard area” (SFHA) is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of this bylaw, 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, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by FEMA. 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.

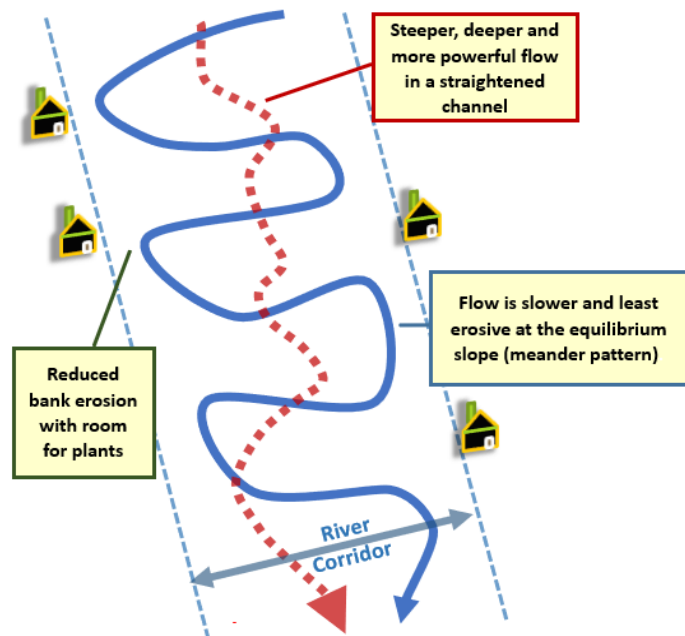


Figure 4 River Corridor Diagram showing room for river channel adjustments to minimize slope and erosive power.

“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, whether or not that alteration affects the external dimensions of the building.

“Storage” means the aggregation of materials, items, or objects whether natural or human-made; that is kept as a stockpile, collection, or inventory; where individual materials from the stockpile, collection or inventory may change, but where the general footprint of the stored materials continues to be used for the same purpose; whether set upon the land or within a container, structure, or facility; and that would not otherwise be in compliance with these development standards.

“Structure” means a walled and roofed building, as well as a manufactured home, 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 repair, 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 the period of a common plan of development, 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: (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 previously 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.”

“Top of bank” means the point along a streambank where an abrupt change in slope is evident, and where the stream is generally able to overflow the banks and enter the adjacent floodplain during flows at or exceeding the average annual high water stage.

“Top of slope” means a break in slopes adjacent to steep-banked streams that have little or no floodplain; or a break in slope where the side slopes adjacent to an incised, or deeply cut, channel meet floodplains that have been abandoned or are undergoing abandonment.

“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 C.F.R. § 60.3 is presumed to be in violation until such time as that documentation is provided.

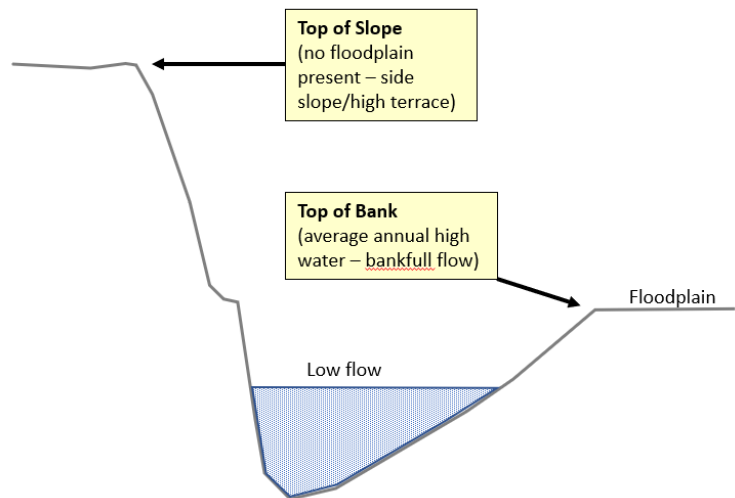


Figure 5 Diagram showing the Top of Bank where stream flows onto a floodplain and Top of Slope where floodplain access is not present.