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## TOWN OF GROTON

### FLOOD HAZARD AREA REGULATIONS

#### SECTION 01: INTENT AND APPLICATION OF REGULATIONS

01-1) **Authorization:** To effect the purpose of 10 VSA Chapter 32, and in accordance with sections 4401 and 4412 of the Act, there are hereby established Flood Hazard Area Regulations for those areas subject to flooding in the Town of Groton.

01-2) **Purpose:** It is the purpose of these Regulations to: promote the public health, safety and general welfare; prevent increases in flooding caused by the uncontrolled development of lands in flood hazard areas; minimize losses due to flooding and to maintain eligibility of citizen participation in the National Flood Insurance Program. *(Special Note: Development in Flood Hazard Areas may impact the property owner's flood insurance policy. It is the responsibility of the applicant and/or property owner to ascertain what, if any, insurance ramifications are entailed.)*

01-3) **Application of Regulations:** Any proposed use or structure in the Flood Hazard Area must meet all the standards and criteria for development in the zoning district in which it is located, after which it must meet the requirements of these Flood Hazard Area Regulations. The requirements of the Flood Hazard Area Regulations supercede those of the zoning district and may render otherwise permitted uses conditional or not permitted.

01-4) **Precedence of Regulations:** The provisions of these Regulations shall take precedence over any conflicting and less restrictive local laws.

01-5) **Warning of Disclaimer of Liability:** These Regulations do not imply that areas outside the Flood Hazard Area or land uses permitted within such areas will be free from flooding or flood damage. These Regulations shall not create liability on the part of the Town of Groton, town officials, or employees thereof for any flood damages that may result from reliance on these Regulations or any administrative decision made there under.

#### SECTION 02: DEFINITION OF TERMS IN FLOOD HAZARD AREA

The definitions listed below are applicable to the Flood Hazard Area regulations in this regulation. Additional definitions are included in this regulation and shall apply. Additional clarification and definition of terms are also contained in 44 CFR Section 59.1 of the National Flood Insurance Program.

**BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in

any given year.

**BASEMENT:** Any area of the building having its floor sub-grade, below ground level on all sides.

**BUILDING:** A walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

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

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium applicable to the community.

**FLOOD HAZARD AREA OR AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a one percent or greater chance of flooding in a given year.

**FLOOD PROOFING:** Any combination of structural and nonstructural 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 contents.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

**MANUFACTURED HOME OR MOBILE HOME:** A structure, transportable in one or more sections, which is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

**MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood

elevations shown on a community's Flood Insurance Rate Map are referenced.

**MINOR RESIDENTIAL BUILDING IMPROVEMENTS:** Any repairs, reconstruction, or improvement of a structure, the cost of which is less than (50) fifty percent of the market value of the structure.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after March 2, 1976 and includes any subsequent improvements to such structures.

**STRUCTURE:** Anything constructed or erected for occupancy or use, including but not limited to a building, manufactured home, gas or liquid storage tank that is principally above-ground.

**SUBSTANTIAL DAMAGE:** Means any damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed (50) fifty percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT:** Means any improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure determined at the time of the first improvement. This term also includes repair or restoration of structures that have incurred substantial damage, regardless of the actual repair work performed. The cost of improvement, repair or restoration shall be based on all improvements commencing on and subsequent to the first improvement. 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 specifications which have been identified by the local enforcement official and which are the minimum necessary to ensure safe living conditions: or

(2) Any alteration of a structure listed on the National or State Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as an historic structure.

### SECTION 3: PERMITS

**03-1) PERMITS REQUIRED:** Unless provided for otherwise, a Zoning Permit or Conditional Use Approval is required in Areas of Special Flood Hazard or the Floodway for all development.

**03-2) PERMITTED USE:** A Zoning Permit may be issued by the Zoning Administrator for residential accessory structures and minor residential building improvements and other uses listed in and meeting the provisions for permitted uses and procedures.

03-3) **CONDITIONAL USE APPROVAL:** Conditional Use Approval by the Board of Adjustment is required for new construction, the substantial improvement of existing buildings or any other development within the Floodway.

#### **SECTION 4: FLOOD HAZARD AREA MAP AND INTERPRETATION**

04-1) **Flood Hazard Area Map:** These regulations shall apply to all Areas of Special Flood Hazard identified on the most recent National Flood Insurance Program maps, hereby adopted as the official Groton Flood Hazard Zoning Map. The Groton Flood Hazard Zoning Map is hereby declared to be part of these Regulations and is on file at the Groton Town Office.

04-2) **Interpretation of Flood Hazard Boundaries:** Upon receipt of an application which involves land development in a Flood Hazard Area, the Zoning Administrator may require that the Flood Hazard Area Boundaries be delineated by the Vermont Department of Environmental Conservation.

#### **SECTION 5: ACTIVITIES NOT REQUIRING A ZONING PERMIT IN FLOOD HAZARD AREAS**

The following activities and uses within the Flood Hazard Areas shall not require a Zoning Permit.

- a. The removal of a structure or building in whole or in part.
- b. The installation of a satellite dish less than forty (40) inches in diameter mounted to an existing structure provided it is not more than ten (10) feet higher than the existing structure, or, if not mounted to an existing structure, fifteen (15) feet high or less. This shall not apply to telecommunication towers and facilities.
- c. The installation of a TV or radio antenna mounted to an existing structure provided it is not more than ten (10) feet higher than the existing structure, or, if not mounted to an existing structure, fifteen (15) feet high or less. This shall not apply to telecommunication towers and facilities.
- d. Home occupations.
- e. Agricultural uses and agricultural structures whereas a person shall give written notification to the Zoning Administrator prior to the construction of a farm structure and shall abide by setbacks approved by the Commissioner of Agriculture, Food and Markets.

f. Forestry (silvicultural) uses not involving construction of a structure within the Flood Hazard Area.

g. Cordwood operations conducted on the site where the trees are harvested or the processing and storage of cordwood for personal use.

h. Signs meeting the provisions of the existing Zoning Statutes.

i. Signs erected, maintained or administered by the Town or State.

## SECTION 6: PERMITTED USES AND PROCEDURES

06-1) Application and procedures: The Zoning Administrator may approve a Zoning Permit in the Flood Hazard Area for those uses and activities outlined in Section 06-2. Upon receipt of such an application, the Zoning Administrator shall transmit one copy to the Vermont Department of Environmental Conservation. A Zoning Permit may be issued only following receipt of comments from the Department or the expiration of thirty (30) days from the date the application was submitted to the Department, whichever is sooner. The Zoning Administrator shall apply all guidelines and recommendations received from the Department of Environmental Conservation.

### 06-2) Permitted Uses:

(a) Small residential accessory structures such as sheds and detached garages and improvements to such structures not located on compacted fill which has been elevated to a level at or above the base flood elevation are subject to compliance with the following criteria: *(Special note: Small accessory structures located in Flood Hazard Areas and not elevated may impact the property owner's flood insurance policy. It is the responsibility of the applicant to ascertain what, if any, insurance ramifications are entailed.)*

- 1) Accessory structures shall not be used for human habitation.
- 2) Accessory structures shall be designed to have low flood damage potential.
- 3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- 4) Accessory structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
- 5) Services facilities such as electrical and heating equipment shall be elevated or flood-proofed.

(b) Small residential accessory structures such as sheds and detached garages and improvements to such structures located on compacted fill which has been elevated to a level at or above the base flood elevation.

(c) Minor residential building improvements as defined. In determining whether an improvement is a minor building improvement, the Zoning Administrator may confer with the Town Listers, consider the recommendations of the Vermont Department of Environmental Conservation and consider other applicable provisions.

(d) Any development for residential purposes except construction of new residential buildings and substantial improvement of existing residential buildings.

## **SECTION 7: APPLICATION AND PROCEDURES FOR COMDITIONAL USE**

**07-1) Conditional Use Approval: Conditional Use Approval by the Board of Adjustment is required for the following:**

- A) New Construction.
- B) Substantial improvement of a structure.
- C) Development which is not exempt.

**07-2) Application Submission and Requirements: Application for a Zoning Permit for land development requiring Conditional Use Approval in a Flood Hazard Area shall be made to the Zoning Administrator, who shall deny the permit and shall refer the application to the Board of Adjustment for review as provided by these Regulations. Unless waived or varied by the Zoning Administrator and Board of Adjustment Chair, the application and accompanying documents shall include, but are not limited to:**

- a. The elevation (in relation to the mean sea level) of the lowest floor, including basement, of new buildings or buildings to be substantially improved;
- b. Where flood-proofing is proposed, the elevation (in relation to mean sea level) to which the building will be flood-proofed;
- c. Plans drawn to scale showing the existing and proposed land contours, buildings, structures, streams, roads and other pertinent physical features;
- d. Base flood elevations data for subdivisions and other proposed development which contains at least fifty (50) lots or five (5) acres, whichever is smaller.



e. Such other information deemed necessary by the Board of Adjustment for determining the suitability of the site for the proposed development.

### 07-3) Procedures:

**07-3.1 State Review:** Prior to issuing a Zoning Permit for any development in a Flood Hazard Area, a copy of the application shall be submitted to the Vermont Department of Environmental Conservation in accordance with Section 4409 of the Act and 06-1 of this Regulation. A Zoning Permit may be issued only following receipt of comments from the Department or the expiration of thirty (30) days from the date the application was submitted to the Department, whichever is sooner.

**07-3.2 Notification:** Adjacent communities and the Vermont Department of Environmental Conservation shall be notified at least fifteen (15) days prior to issuing any permit for the alteration or relocation of a watercourse and copies of such notification shall be submitted to the Administrator of the Federal Insurance Administration.

**07-3.3 State and Federal Approvals:** Prior to approval by the Board of Adjustment, proposed development shall be reviewed by the Board of Adjustment to assure that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

### 07-4) Board of Adjustment Review.

**07-4.1 Criteria:** When reviewing an application, the Board of Adjustment shall consider:

- a. The evaluation of the Vermont Department of Environmental Conservation.
- b. The availability of alternative locations not subject to flooding for the proposed use.
- c. The susceptibility of the proposed improvements to flood damage.
- d. The safety of access to the property in times of flood by ordinary and emergency vehicles.
- e. The potential for damage to the property caused by erosion.
- f. The danger of materials being swept onto other lands and causing damage to others.
- g. The proposed water supply and sanitation systems and the ability of these systems to avoid disease, contamination and unsanitary conditions under conditions of flooding.
- h. The costs of providing governmental and public facilities and services during and after flooding.

**i. Such other factors as are relevant to the purposes of this Regulation.**

**07-4.2) Standards.** The Board of Adjustment may grant a Conditional Use Approval for development provided:

**a. All necessary permits are obtained from those governmental agencies from which approval is required by Federal or State law; and**

**b. The development standards of Sections 07-4.3 and 07-4.4 below are met or exceeded, as well as all other provisions of this Town of Groton Regulation.**

**07-4.3) Floodway Areas**

**a. Development within the Floodway is prohibited unless a registered professional engineer certifies that the proposed development will not result in any increase in flood levels during the occurrence of the base flood.**

**b. Storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited within the Floodway.**

**07-4.4) Flood Hazard Areas.**

**a. All development shall be designed to:**

**i. Minimize flood damage to the proposed development and to public facilities and utilities; and**

**ii. Provide adequate drainage to reduce exposure to flood hazards.**

**b. Structures shall be:**

**i. Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood:**

**ii. Constructed with materials resistant to flood damage;**

**iii. Constructed by methods and practices that minimize flood damage, and:**

**iv. 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.**



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

d. New and replacement water supply and 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.

e. On-site waste disposal system shall be located to avoid impairment to them or contamination from them during flooding.

f. New and replacement manufactured homes, including mobile homes, shall be elevated on structurally-sound, permanent foundations which meet the requirements of Section 07-4.4 b above, and such that the top of the foundation under the entire manufactured home is above the base flood elevation or shall be elevated on properly compacted fill such that the top of the fill (the pad) under the entire manufactured or mobile home is above the base flood elevation.

g. The lowest floor, including the basement, of all new buildings shall be at least one (1) foot above the base flood elevation. Residential accessory buildings may be excluded in accordance with Section 06-2 a and b.

h. Existing buildings to be substantially improved for residential purposes shall be modified or elevated to meet the requirements of Section 07-4.4 g above.

i. The substantial improvement of any commercial, industrial or other non-residential structure shall either meet the requirements of Section 07-4.4 g or be designed to be watertight below the base flood elevation with walls substantially impermeable and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A permit for a building proposed to be flood proofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

j. All new construction and substantial improvements with fully enclosed areas below the lowest floor (such as crawl spaces) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

i. A minimum of two (2) openings 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;

ii. The bottom of all openings shall be no higher than one (1) foot above grade;

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

k. Storage areas or facilities for floatable materials, chemicals, explosives, flammable liquids, or other hazardous or toxic materials, are prohibited in the fringe areas unless the area is filled to at least one (1) foot above the base flood elevation.

l. Recreational Vehicles placed on/in the Flood Hazard Area shall either:

i. Be on the site for fewer than 180 consecutive days

ii. Be fully licensed and ready for highway use, or

iii. Meet all standards of Section 60.3 (b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" of Section 60.3(c)(6).

m. Such additional conditions as deemed necessary by the Board of Adjustment in order to meet the purposed and Flood Hazard Area management requirements of this Regulation.

## **SECTION 8: ADMINISTRATION AND ENFORCEMENT**

08-1) Zoning Administrator: The Zoning Administrator shall maintain records of:

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

b. The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantially improved structures;

c. The elevation, in relation to mean sea level, to which the structure is flood-proofed; and

d. All flood-proofing certifications required under this Regulation;

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

08-2) Variances. Variances shall be granted by the Board of Adjustment only;

a. In accordance with 24 VSA Section 4412(h) and 4468 and in accordance with the criteria for granting variances found in 44 CFR, Section 60.6 of the National Flood Insurance Program regulations.

b. Upon a determination that the variance will not result in increased flood levels, threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

### **08-3) Board of Adjustment Secretary**

**08-3.1) Notification.** The Secretary of the Board of Adjustment shall notify the applicant that:

a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance; and

b. Such construction below the base flood elevation increases risks to life and property.

**08-3.2) Record Keeping.** The Secretary of the Board of Adjustment shall:

a. Maintain a record of all variance actions, including justification for issuance; and

b. Report such variances issued under Section 08-2 in its annual report to the Federal Insurance Administrator.