

Town of  
Baltimore  
Flood Hazard  
Area  
Regulations

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# Town of Baltimore Flood Hazard Area Bylaws

## ARTICLE I. AUTHORIZATION AND PURPOSE

### Section 1.0: Authorization

In accordance with [10 VSA Chapter 32] and [24 VSA § 4424, 4411 and 4414] there is hereby established bylaws for areas at risk of flood damage in the Town of Baltimore, Vermont. As no Special Flood Hazard Areas have been established by Federal Emergency Management Agency (FEMA) for the Town of Baltimore, these bylaws designate Flood-Prone Areas in accordance with [44 CFR §60.3(a)] for the purposes stated below.

### Section 1.1: Statement of Purpose

It is the purpose of this bylaw to:

1. Implement the goals, policies and recommendations in the current Baltimore Town Plan;
2. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base and the extraordinary public expenditures and demands on public services that result from flooding;
3. Ensure that the selection, design, creation and use of development is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair floodplain services or the stream corridor;
4. Manage the flood hazard area designated pursuant to [10 VSA §753] and make the Town of Baltimore, its citizens and businesses eligible for federal flood insurance, federal disaster recovery funds and hazard mitigation funds as may be available.

### Section 1.2: Conformance with Other Regulations

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

### Section 1.3: 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.

### Section 1.4: Liability Disclaimer

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

## ARTICLE II. LANDS TO WHICH THESE BYLAWS APPLY

### Section 2.0: Regulated Flood Hazard Areas

1. **Special Flood Hazard Areas (SFHA).** FEMA has not designated any SFHA within the Town of Baltimore; therefore, there are no regulatory floodway nor floodway fringe areas that apply to these bylaws.

2. **Baltimore Flood-Prone Areas (BFPA).** The flood-prone areas designated by the Town of Baltimore (Baltimore Flood-Prone Areas, herein BFPA) are:

- a. Beaver Pond, Beaver Pond wetland and the area of land within fifty (50) feet of the high water mark surrounding these waters;
- b. The area of land within fifty (50) feet from the center line of the stream on both sides of Beaver Brook, Chandler Meadow Brook, Converse Brook and its branches and Hammonds Brook and its northerly and westerly branches; and
- c. The high water mark of other unnamed ponds and wetlands in the community, and stream bank limits of other unnamed streams in the community.
- d. The "Base and Natural Features Map" in Attachment A shows the location of Beaver Pond, Beaver Pond wetland, Beaver Brook, Chandler Meadow Brook, Converse Brook and Hammond Brook.

### 3. Development Review in BFPA.

- a. **Conditional Uses.** The following uses are allowed within the BFPA only upon conditional use approval by the Zoning Board of Adjustment in accordance with the provisions set forth in Section 4.3 of these bylaws, and issuance of a zoning permit by the Zoning Administrator:
  - i. Public or private functionally dependent facility
  - ii. Road or driveway crossings; bridges
  - iii. Improvements to existing structures
- b. **Permitted and Exempted Uses.** The following uses are exempt from these bylaws.
  - i. Road and bridge maintenance
  - ii. Agricultural and forestry uses in accordance with [24VSA §4413]
- c. **Prohibited.** All other uses shall be prohibited within the BFPA.

4. **Interpretation.** The information presented on any maps adopted with these bylaws, is based on the best available information. Site investigations may be necessary to determine the actual BFPA boundaries. If uncertainty exists with respect to the boundaries of the Baltimore Flood-Prone Areas, the location of the boundary shall be determined by the Zoning Administrator. If the applicant disagrees with the determination made by the Zoning Administrator, the applicant may appeal the decision of the ZA in accordance with Section 4.4.

## ARTICLE III. DEVELOPMENT STANDARDS

### Section 3.0: Baltimore Flood Prone Areas

1. Any development is prohibited within the BFPA except for the uses subject to conditional use review.
2. All development subject to conditional use review shall meet the following standards:
  - a. Reasonably safe from flooding;
  - b. Designed, operated, maintained, modified and adequately anchored to prevent flotation, collapse, release or lateral movement of the structure;
  - c. Constructed with materials resistant to flood damage;
  - d. Constructed by methods and practices that minimize flood damage;
  - e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - f. Adequately drained to reduce exposure to flood hazards;
  - g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
  - h. Require to located any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Area) a minimum of one (1) foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
3. New subdivision developments or manufactured home parks of more than five (5) acres or fifty (50) lots, whichever is less, shall:
  - a. Include base flood elevation data
  - b. Minimize flood damage within the Baltimore Flood Prone Areas
  - c. Provide adequate drainage to reduce exposure to flood hazards; and,
  - d. Locate and construct utilities and facilities, such as sewer, gas, electrical and water systems, so as to minimize or eliminate flood damage
4. Replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
5. Replacement of 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.
6. Replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**ARTICLE IV. ADMINISTRATION**

**Section 4.0: Administration**

The Select Board of Baltimore hereby appoints the Baltimore Zoning Administrator (ZA) to administer and implement the provisions of these bylaws.

**Section 4.1: Application Submission Requirements**

1. A permit from the Zoning Administrator is required for all development in the Town of Baltimore, including the placement of manufactured structures. The Zoning Administrator shall review all applications to determine whether or not such development is within the flood prone area.
2. All applications for Flood Hazard review shall include:
  - a. A site plan showing the dimensions of the lot, location of existing and proposed structures.
  - b. Agency of Natural Resources project review sheet. The applicant shall contact a permit specialist at ANR and request the specialist to complete a permit review for the development. The permit review sheet, which informs the applicant of all governmental agencies from which permit approval for the proposed development is required by federal or state law, shall be filed as a required attachment to the town permit application.
3. Except for necessary public infrastructure and functionally dependent facilities, all new development is prohibited within the flood-prone areas.
4. Summary Table of Development Review in the Baltimore Flood Prone Areas

ctivity	Baltimore Flood Prone Area
New Structures	x
Storage	x
Improvements to Existing Structures	p,c
Small Accessory Structures	p,c
At Grade Parking	p,c
Replacement water supply or septic systems	c
Fill as needed to elevate new structures	x
Grading	c
Road Maintenance	a
Road Improvements	c
Bridges and Culverts	c
Channel Management	c
Recreational Vehicles	p,c
Recreation	a
Forestry	a
Agriculture	a

x = prohibited

c = conditional use review

a = exempted

p = permitted

#### **Section 4.2: Referrals**

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

#### **Section 4.3: Review Procedure**

1. Permitted and Exempted Uses
  - a. If it is within the BFPA and is a public or private functionally dependent facility and/or an exempted use, the application shall be reviewed by the Zoning Administrator in accordance with this bylaw.
2. Conditional Use
  - a. The Zoning Administrator shall review all applications for development in the BFPA for compliance with this bylaw.
  - b. Prior to issuing a permit for development in the BFPA, the Zoning Administrator shall submit a copy of the application and supporting information to the State National Flood Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with [24 VSA §4424]. A permit may be issued only following receipt of comments from the Agency or the expiration of thirty (30) days from the date the application was mailed to the Agency, whichever is sooner.
  - c. Only those uses under Section 2.1 3(a) will be permitted.

#### **Section 4.4. Appeals**

1. **Appeal of Decisions of Zoning Administrator.** The decisions of the Zoning Administrator may be appealed by an interested party to the ZBA, in the manner provided in [24 VSA §4465].
2. **Appeal of Decisions of the Zoning Board of Adjustment.** Decisions of the ZBA may be appealed under [24 VSA §4469] in request for a variance. Within thirty (30) days of a decision by the ZBA, under [24 VSA §4471], an interested party who has participated in the review proceedings may appeal to the Vermont Environmental Court.

#### **Section 4.5: Variances**

Variances may be granted in writing by the Zoning Board of Adjustment only in accordance with all the criteria in [24 VSA §4469 and §4424(e)] along with [44CFR §Section 60.6], after a public hearing noticed as described in Section 4.7.

Any variance issued in the Baltimore Flood Prone Area will not increase flood heights as certified by a registered engineer using analyses supported by accepted hydrological and hydraulic methods. The variance will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notifications shall be maintained with a record of all variance actions. A copy of such a variance shall be affixed to the deed of the property on file in the municipal clerk's office.

#### **Section 4.6: Exemptions**

The following activities are exempted from this bylaw:

1. The removal of a building or other structure in whole or in part;
2. Maintenance of existing roads and storm water drainage;
3. Forestry activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices; and,
4. Agricultural activities conducted in accordance with the Vermont Department of Agriculture's Accepted Agricultural Practices (AAP). Prior to the construction of farm structures the farmer must notify the Zoning Administrator in writing of the proposed activity. The notice must contain a sketch of the proposed structure including setbacks.

#### **Section 4.7: Public Notice**

1. Prior to the issuance of a permit, proposals needing conditional use review, nonconforming structures and uses review, or approval for a variance, must have a warned public hearing. A copy of the application shall be submitted to VT ANR at least thirty (30) days prior to the date of the public hearing. Public notice of the hearing shall be provided at least fifteen (15) days notice before the date of the hearing by all the following:
  - a. Publication of the date, place, and purpose of the hearing in the newspaper of record;
  - b. Posting of the same information in three or more public places within the town including posting within view from the public right-of-way nearest to the property for which an application is made; and
  - c. Written notification to the applicant and to owners of all properties adjoining the property subject to development, without regard to any public right-of-way, as well as to all interested persons. The notification shall include a description of the proposed project and shall be accompanied by information that clearly informs the recipient where additional information may be obtained, and that participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.
  - d. For hearings on subdivision plats located within five hundred (500) feet of a municipal boundary, written notification to the clerk of the adjoining municipality.
2. The applicant shall bear the cost of the public warning and notification to all adjoining landowners.
3. No defect in the form or substance of any required public notice under this section shall invalidate the action of the Zoning Board of Adjustment where reasonable efforts have been made to provide adequate posting and notice. However, the action shall be invalid when the defective posting or notice was materially misleading in content. If an action is ruled to be invalid by the ZBA or the Environmental Court, the action shall be remanded to the Planning Commission to provide new posting and notice, hold a new hearing, and take a new action.

#### **Section 4.8: Decisions**

1. The Zoning Administrator shall act within thirty (30) days to approve or deny the application, or refer the application to the ZBA. Applications that cannot be approved in compliance with this bylaw shall be denied. The decision shall be issued in writing and include a statement of the factual basis on which the conclusions were made. Decisions of the Zoning Administrator can be appealed following guidelines in Section 4.4 of this bylaw. If the ZA fails to act within the thirty (30) day period, a permit shall be deemed issued on the 31<sup>st</sup> day.



2. The Zoning Board of Adjustment shall consider comments from the NFIP Coordinator at ANR. The ZBA may recess the proceedings on any application pending submission of additional information. The ZBA should close the hearing promptly after all parties have submitted the requested information, adjourn the hearing, and may deliberate prior to issuing its decision.
3. Decision by the Zoning Board of Adjustment shall include a statement of the factual basis on which the ZBA has made its conclusions regarding how the proposed development will meet the development standards, and a statement of the conclusions. In rendering a decision in favor of the applicant, the ZBA may attach additional reasonable conditions and safeguards as it deems necessary to implement the purposes of this bylaw and the municipal plan then in effect. Zoning Board of Adjustment decisions shall be conditioned to assure that all necessary permits must be also received from those government agencies from which approval is required by Federal, State or Municipal law for the approval to be valid. The ZBA may provide for the conditioning of permit issuance on the submission of a bond, escrow account, or other surety in a form acceptable to the legislative body of the municipality to assure one or more of the following: the completion of the project, adequate stabilization, or protection of public facilities that may be affected by a project.
4. Decisions of the Zoning Board of Adjustment shall be issued in writing within forty five (45) days after the adjournment of the final hearing. All decisions shall be sent by certified mail to the applicant, and the appellant in matters on appeal. Copies of the decision shall also be mailed to every person or body appearing and having been heard at the hearing. The decision will include a notice that an Interested Person may appeal the decision within fifteen (15) days.

#### **Section 4.9: Enforcement and Fines**

It shall be the duty of the Zoning Administrator to enforce the provision of this bylaw. Upon determination that a violation exists, the Zoning Administrator shall notify the alleged offender of the violation by certified mail.

1. The notice of enforcement shall state that:
  - a. A violation exists;
  - b. That the alleged offender has an opportunity to cure the violation within seven days of receipt;
  - c. That failure to cure the violation may result in fines and/or loss of flood insurance;
  - d. That the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days within the next succeeding twelve (12) months; and,
  - e. That the notice of violation may be appealed as specified under Section 4.4 of this bylaw.
2. Copies of the notice of violation will be:
  - a. Mailed to the Vermont NFIP Coordinator and, within thirty (30) days be
  - b. Filed in the land use permit files; and,
  - c. Delivered to the town clerk for recording in the land records.
3. After seven (7) days, if the violation has not been remedied, in accordance with [10 VSA §1974(a), §4451 and §4452], any person who is found to have violated this bylaw shall be fined by the court not more than \$100.00 for each offense. No action may be brought under this section unless such notice as required in has been given as described above in this part. In default of payment of the fine, the violator shall pay double the amount of the fine. Each day that a violation is continued shall constitute a separate offense.

4. If any appeals have been resolved, but the violation remains, the Zoning Administrator shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the violator. The declaration shall consist of:
  - a. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
  - b. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
  - c. A clear statement that the Zoning Administrator making the declaration has authority to do so and a citation to that authority;
  - d. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
  - e. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.
5. Violations of the Accepted Agricultural Practices shall be enforced under this section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under [6 VSA §4812].

#### **Section 4.10: Records**

The Zoning Administrator shall properly file and maintain a record of:

1. All permits issued in areas covered by this bylaw
2. All flood proofing and other certifications required under this regulation
3. All decisions of the ZBA (including variances and violations) and all supporting findings of fact, conclusions and conditions.

#### **Section 4.11: Certificate of Occupancy.**

In accordance with [24 VSA §4449], it shall be unlawful to use, occupy or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted or wholly or partly altered or enlarged in its use of structure within the Baltimore Flood Prone Area until a certificate of occupancy is issued therefore by the Zoning Administrator stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with this bylaw at the time of construction and have not been improved since the adoption of this bylaw. Within thirty (30) days of the receipt of the application for a certificate of occupancy, the Zoning Administrator shall inspect the premises to ensure that all permits identified on the ANR Project Review Sheet have been acquired and all work has been completed in conformance with the zoning permit and associated approvals. If the Zoning Administrator fails to grant or deny the certificate of occupancy within thirty (30) days of the submission of the application, the certificate shall be deemed issued on the thirty first (31) day.

## Article V. Definitions

### Section 5.0: Terms and Uses

1. All words, phrases and terms in these regulations shall have their usual and customary meanings except where specifically defined herein or in [24 VSA] or in [44 §CFR 59.1] or where the context clearly indicates a different meaning.
2. The Planning Commission shall clarify doubt as to the precise meaning of any word used in these regulations. In such cases, the Commission shall base its ruling upon the following definitions, state statute and the need for reasonable and effective implementation of these regulations.

### Section 5.1: Definitions

ACCESSORY STRUCTURE – Any building which is subordinate to and whose use is incidental and accessory to the use of the principal building on the same lot or on an adjoining lot under the same ownership. This includes permanent accessory structures and the temporary storage of accessory structures.

BASE FLOOD - means the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION - the height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or average depth of the base flood, usually in feet, above the ground surface.

BUILDING – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BYLAWS – Municipal regulations applicable to land development adopted under the authority of [24 VSA § 4401].

CRITICAL FACILITY - means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is *completed before the effective date of the initial floodplain management regulations* adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes

are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FILL - means a deposit of earth material placed by artificial means.

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

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

FLOOD INSURANCE STUDY (GENERIC) - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

FLOOD PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of "flood").

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

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.

FUNCTIONALLY DEPENDENT FACILITY OR USE - means a facility or use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, bridges, roads and other infrastructure, but does not include long-term storage or related manufacturing facilities.

HARDSHIP - (as related to variances) means the exceptional hardship that would result from a failure to grant the requested variance. The PC shall require that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be

resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**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 CFR §60.3].

**MANUFACTURED 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.”

**MANUFACTURED HOME PARK OR SUBDIVISION** – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION** - means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

**RECREATIONAL VEHICLE** – means a vehicle which is: (a) built on a single chassis; (b) four hundred (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.

**SPECIAL FLOOD HAZARD AREA** - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated a Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

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

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

**SUBSTANTIAL DAMAGE** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings. For the purposes of this definition, “repair” is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- a.) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Zoning Administrator and which are solely necessary to assure safe living conditions, or
- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”, or
- c.) Any improvement to a building.

**SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”. For the purposes of determining “substantial

improvement” value and exceptions in (a) only and for no other purpose, the Zoning administrator is “the local code enforcement official.

VARIANCE - means a grant of relief from the requirements of these regulations, which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

VIOLATION - means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in [44 CFR §60.3] is presumed to be in violation until such time as that documentation is provided.

# Town of Baltimore Natural Features

-  Town Boundary
-  Stream
-  Building
-  Pond
-  Wetland
-  Deer Wintering Area
-  FEMA Flood Zone
-  Area Not Included
-  Outside Floodplain
-  Class 2 TH
-  Class 3 TH
-  Class 4 TH
-  Private Road

VT State Plane  
Meters, NAD 83

For planning purposes only!  
Not for regulatory representation

**GIS**

For more details - [www.gis.org](http://www.gis.org)

Southern Windsor County  
Regional Planning Commission

**SWC/RPC**

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