

**WEST WINDSOR PLANNING COMMISSION
INVITES YOU TO PARTICIPATE IN AN IMPORTANT COMMUNITY DECISION**

QUESTION: SHOULD WEST WINDSOR ADOPT STATE OF VERMONT RIVER CORRIDOR BYLAWS?

Dear West Windsor Property Owner,

May 1, 2024

The West Windsor Planning Commission is considering recommending to the Select Board **new combined Flood Hazard and River Corridor Bylaws**. The purpose of adding River Corridors to the existing Flood Hazard bylaws is to minimize the loss of life and property because of flooding, protect floodplain and river corridor functions, and adopt recommendations made by the State Agency of Natural Resources (ANR) and the West Windsor Conservation Commission. The draft bylaws are on the Town of West Windsor website <https://westwindsorvt.govoffice2.com> under Departments, Zoning and Planning.

As an incentive to adopt River Corridors, the State of Vermont will increase its share of Emergency Relief and Assistance Funds by 5%, lowering the cost to towns that adopt River Corridors from 12.5% to 7.5%, in the case of losses covered by FEMA Public Assistance Grants. The draft bylaws have been reviewed by the Regional Floodplain Manager of the Vermont Agency of Natural Resources and the draft “meets or exceeds the requirements for the National Flood Insurance Program and for recognition under Emergency Relief and Assistance Fund for River Corridor protection.”

West Windsor’s existing Flood Hazard Area (SFHA) Bylaws already limit development within the Special Flood Hazard Areas (SFHAs) designated by the Federal Emergency Management Agency (FEMA). The SFHA bylaws conform to Federal guidelines and allow the Town and property owners to access Federal benefits. **The addition of the ANR River Corridors (RCs) bylaws will result in additional properties having limitations for future development because the footprint of the RCs is larger than that for the SFHAs.**

- **Existing SFHA overlay** on West Windsor’s 915 land parcels: 139 parcels and 10 structures are partially or completely in the FEMA SFHAs; 6 parcels are 80% or more in the floodplain.
- **Proposed River Corridor overlay** on West Windsor’s 915 land parcels: 185 parcels and 49 structures are partially or fully in the RCs, of which 34 parcels are 80% or more within the ANR mapped river corridors.

You are encouraged to review the draft Flood Hazard Area and River Corridor Bylaws on the Town Website (hard copies are available at the Town Office) and to attend the **Planning Commission’s Public Meeting at 6:30, May 22** at the Town Hall. Additional links to helpful information, including ANR maps of the River Corridor and Flood Hazard areas, are noted below. If you have questions contact the Zoning Administrator, Deb Shearer, at 802-384-3520.

The Planning Commission has carefully studied the adoption of River Corridors. It is now time for the Planning Commission to receive input from West Windsor residents and property owners. **Your input will be taken into consideration by the Planning Commission before it makes its decision regarding these new draft Bylaws.**

History and Background

In 2011 Tropical Storm Irene was an unexpected and unprecedented event resulting in bridge destruction, village flooding, and road erosion resulting in damages of approximately \$750,000. Damage extended beyond FEMA mapped Special Flood Hazard Areas. A repeat of this event, or worse, is highly likely. West Windsor was spared major damage during the July 2023 storms that dramatically adversely impacted nearby towns of Reading and Ludlow. Next time, West Windsor may not be so fortunate.

The State of Vermont has made flood prevention and mitigation a high priority. For more information on State programs and requirements see www.floodready.vermont.gov.

How can West Windsor responsibly prepare for the next big flood event?

The following are options to consider limiting future loss of life and property from flooding:

1. Reinforce and prepare existing vulnerable structures and infrastructure.
2. Move vulnerable infrastructure to safer locations where possible.
3. Develop and test emergency management plans.
4. Limit additional development within potential flood areas that could be damaged, destroyed, or cause downstream damage and/or exacerbate downstream flooding due to obstructions.

The purpose of the **draft bylaws is to specifically address option #4, limiting additional development.**

When considering limiting further development within vulnerable areas, the following questions should be addressed by the Planning Commission, the Select Board and ultimately the citizens of West Windsor:

1. How do we identify vulnerable areas? How can we predict the extent of future flooding if experience is not necessarily a reliable predictor?
2. What type of development in vulnerable areas might still be acceptable?
3. What consideration should be given to the economic effects of limiting development?
4. What consideration should be given to the property rights of property owners who could be affected by additional development limitations?
5. How do we engage West Windsor citizens to educate them on the issues and options, and solicit their input?

Existing West Windsor Special Flood Hazard Area (SFHA) Bylaws

The current version of SFHA Bylaws were adopted March 19, 2018, with the purpose to:

1. Minimize and prevent loss of life and property, disruption of commerce, impairment of tax base, and extraordinary public expenditures,
2. Ensure the design and construction of development in flood hazard areas minimizes or eliminates loss and damage,
3. Manage flood hazard areas pursuant to 10 V.S.A. 753, and,

4. Make state, municipalities, and individuals eligible for flood insurance and other federal disaster recovery and hazard mitigation funds.

The **applicable land parcels** are identified as Special Flood Hazard Areas (SFHA) (also referred to as the “floodplain”) on FEMA maps and studies. The applicable FEMA maps are held by the West Windsor Zoning Administrator in the Town Offices. Note: FEMA is currently updating area maps, with issuance expected in the next year or two. Generally, FEMA includes land in the SFHAs (floodplain) that is subject to a 1% or greater chance of flooding in any given year (often referred to as the “100-year flood”).

On line maps are also available at

https://maps.vermont.gov/ANR/Html5Viewer/Index.html?configBase=https://maps.vermont.gov/Geocortex/Essentials/ANR/REST/sites/Focus_on_Floods/viewers/FocusOnFloodsHTML/virtualsector/Resourcess/Config/Default (note: a copy of this letter, including this link, is on the Town website). Zoom in on West Windsor, then click the “Flood Ready Tools” button. Toggle “on” and “off” buttons for “Flood Data” to overlay the flood hazard areas on the map. Screen toggles are also available for the “River Corridors” overlay.

The Special Flood Hazard Area (SFHA) extends the entire length of Mill Brook in West Windsor. The SFHA on Beaver Brook extends from Hammond Hill Road adjacent to the Brownsville-Hartland Road and up Blood Hill Road to Cross Road. There is also approximately ¼ mile of Willow Brook in the SFHA from where it flows into Mill Brook up Rush Meadow Road.

The existing SFHA development standards under the current Flood Hazard Area Bylaws are detailed. Please refer to the Town Website <https://westwindsorvt.gov/office2.com> under Departments, Planning and Zoning to review the existing bylaws. Generally, for new construction or for existing buildings to be substantially improved, the lowest floor, including the basement, shall be elevated to or above one foot above the “base flood” elevation. **Under the draft combined bylaws, the elevation requirement is increased to two feet.** There are other numerous specific limitations on development in the current bylaws. **The current SFHA bylaws, with minor modifications, are carried forward and combined with the new River Corridor draft bylaws.**

Agency of Natural Resources (ANR) River Corridors

In response to Irene’s destruction, ANR has advocated adoption of River Corridor “overlay” district bylaws to enhance existing FEMA Special Flood Hazard Areas overlay district bylaws. According to ANR, river corridors:

1. Provide rivers and streams with the lateral space necessary to allow increased floodway during extreme flooding events.
2. Minimize erosion hazards through natural, physical processes.
3. Are defined by geomorphic surveys which delineate the river corridors on maps.
4. Generally, have a wider, broader footprint over a stream or river than the corresponding FEMA special flood hazard area (SFHA).

West Windsor River Corridors

ANR completed a geomorphic survey in 2017 that delineate West Windsor’s River Corridors. West Windsor’s ANR River Corridors can be viewed on the “Flood Ready Tools” online maps noted above.

Toggle “River Corridors” on. Both the Special Flood Hazard Areas and the River Corridors can be toggled “on” at the same time to compare the footprints of the two overlays.

Like the SFHAs, the River Corridors (RC) extend the entire length of Mill Brook in West Windsor, with the RC footprint wider than the SFHA in most locations. In addition, the RC extends up Beaver Brook from Mill Brook up to Silver Hill Road, and up Willow Brook from Rt 44 to Sheddsville Road along Rush Meadow Road.

Development within River Corridors

As with those for Special Flood Hazard Areas, the draft development standards within River Corridors are detailed, but different from those within the SFHAs. **Where the SFHAs and RCs overlap, both requirements apply.** Also, throughout the Town, no development is allowed within a 50-foot buffer from the top of the bank of any stream (except for within the specially designated “Village Center”). To review the details of the draft development standards, visit <https://westwindsorvt.govoffice2.com> Departments, Zoning and Planning.

There are specific exempt activities in both SFHAs and RCs such as the removal of a building, routine maintenance, and certain agricultural and forestry activities. Other minor development within RCs is allowed upon obtaining a permit, such as structures under 500 square feet, parking, and small decks.

More significant development within the RC is restricted to:

- “Infill” between existing structures no more than 300 feet apart and no closer to the top of the bank.
- Within the “down river shadow” no more than 50 feet downstream from an existing structure and no closer to the top of the bank.
- Development not meeting either the infill or shadow requirements, that is approved by the Development Review Board after demonstrating the project meets specific flow, erosion, and other standards.

In both SFHAs and RCs, if new structures or development can be reasonably located outside the SFHA or RC elsewhere on the property, such location will be stipulated in the permit.

Your Input is Requested

The Planning Commission has carefully studied the adoption of River Corridors. It is now time for the Planning Commission to receive the input of West Windsor residents and property owners. Please review the draft bylaws, ask questions, and attend the Public Meeting on May 22 at 6:30 PM at the Town Hall.

Thank you for your interest in this important matter. We look forward to meeting with you and hearing your comments and suggestions.

West Windsor Planning Commission