



**TOWN OF BELMONT**

**NEW HAMPSHIRE**

**FLOODPLAIN ORDINANCE  
CODIFICATION**

**This is a Compilation of Past Ordinance Amendments  
See Current Ordinance for Today's Requirements**

**MARCH 6, 1976 to MARCH 10, 2009**

Uncertified

**TABLE OF CONTENTS**

	<b>PAGE</b>
<b>SUMMARY</b>	<b>ii</b>
<b>FLOOD HAZARD AREA REGULATIONS</b>	
<b>Chapter 8 - March 6, 1976</b>	<b>1</b>
<b>FLOODPLAIN DEVELOPMENT ORDINANCE</b>	
<b>Chapter 8 - March 14, 1987</b>	
<b>Article 1</b>	<b>2</b>
<b>Articles 2 – 7</b>	<b>5</b>
<b>Article 8</b>	<b>6</b>
<b>Article 9</b>	<b>7</b>
<b>FLOODPLAIN ORDINANCE – March 14, 1995</b>	
<b>Article 1</b>	<b>8</b>
<b>Article 2</b>	<b>12</b>
<b>Article 3</b>	<b>13</b>
<b>Article 4</b>	<b>14</b>
<b>Article 5</b>	<b>15</b>
<b>Article 6</b>	<b>16</b>
<b>Article 7</b>	<b>17</b>
<b>Article 8</b>	<b>19</b>
<b>FLOODPLAIN MAP</b>	<b>20</b>

## SUMMARY Ballot Questions

***March 6, 1976 – Article 29 – Second Session – Carried by a show of hands.***

To see if the Town agrees to participate in the National Flooding Insurance Program, by directing the Board of Selectmen to complete the eligibility application and submit the required information to the Federal Insurance Administration.

***March 14, 1987 – Article 21 – Second Session – Carried by a voice vote.***

To see if the Town will adopt, by reference, the revised Floodplain Development Ordinance which shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its “Flood Insurance Study for the Town of Belmont, N.H.” together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the Town of Belmont, dated June 25, 1976.

***March 17, 1990 – Article 18 – Second Session – Carried by a voice vote.***

To see if the Town will vote to make the effective date of “The Flood Insurance Rate Map” (FIRM) in the Belmont Floodplain Development Ordinance, September 1, 1989.

***March 14, 1995 – Article 15 – First Session – Yes 468, No 101.***

Adoption of NH Model Flood Plain Ordinance (Model B) with the required Federal amendments and repeal of previously adopted Flood Plan Ordinance as amended. Amendments are required by the Federal Emergency Management Agency in order for Belmont to remain in the National Flood Insurance Program. Many individuals in Belmont have been able to obtain Flood Insurance through the National Program, but it is necessary for the Town to comply with Federally mandated amendments to maintain that insurance and to stay in the National Program.

***March 13, 2001 – Article 10 - First Session – Yes 319, No 43.***

Adopt clarifications to existing flood map data within the Ordinance as recommended by NH Office of State Planning and correct reference to NH Wetlands Bureau.

***March 11, 2008 – Article 5 – First Session – Yes 309, No 95.***

Amend the existing Floodplain Ordinance by amending and adding definitions, correctly referencing “Zone A” and requiring permits for proposed development in special flood hazard areas.

**Chapter XIII**  
**FLOOD HAZARD AREA REGULATIONS**

1. It shall be the duty of the Board of Selectmen or appointed official to administer the provisions of this Ordinance. The person appointed shall be known as the Building Inspector.
2. The Building Inspector, before issuing building permits must ensure that all building proposals comply with Town Ordinances and Bylaws, and if a subdivision of land is involved, the Planning Board must approve the developer's plan before the Inspector may issue a building permit.
3. No person, firm or corporation shall erect any new building or structure, or make substantial improvements to an existing building or structure, or cause the same to be done within the "special flood Hazard area" of the Town of Belmont without first obtaining a permit from the Building Inspector.
4. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:
  - (a) be designed (or modified) and anchored to prevent floatation, collapse or lateral movement of the structure;
  - (b) use construction materials and utility equipment that are resistant to flood damage;
  - (c) use construction methods and practices that will minimize flood damage.
5. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences,
6. Any person, firm, or corporation violating the provision of this ordinance shall upon conviction, be penalized the same as for a Violation under the Criminal Code of N. H. Each day during which a violation continues shall be considered as a separate violation, and punishable as such.
7. Appeals shall be as provided in RSA 156:L4 a, b, c.

**Source: Article 29, Second Session, March 6, 1976. Voice Vote.**

## **Chapter 8**

### **Belmont Floodplain Development Ordinance**

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its “Flood Insurance Study for the Town of Belmont, N.H.” together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway maps of the Town of Belmont, dated June 25, 1976 which are declared to be a part of this Ordinance.

#### Item I. Definition of Terms:

“Area of shallow flooding” means a designated AC, AH or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AC, AH, A1-30, AE, A99, VO, or V1-30, VE, or V.

“Base flood” means the flood having a one percent chance of being equalled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” - see “structure.”

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

“Coastal high hazard area” means the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V1-30, yE, or V. “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.

“Flood” or “Flooding” means: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map” (FLOODWAY) is an official map of the community, on which the Federal Emergency Management Agency has delineated the “Regulatory Floodway”. This map should not be used to determine the correct flood hazard zone or base flood elevation, the Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

“Flood elevation study” 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., mud low) and/or flood—related erosion hazards.

“Flood Hazard Boundary Map” (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

“Flood Insurance Rate Map” (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

“Flood Insurance Study” see “flood elevation study.”

“Flood plain” or “flood—prone area” means any land area susceptible to being inundated by water from any source (see definition of “flooding”).

“Flood proofing” means any combination of structural and non—structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” - see “regulatory floodway.”

“Functional dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long—term storage or related manufacturing facilities. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). PLn 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 this ordinance.

“Mean sea level” means, 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.

“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 connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes park trailers, travel 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.

“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.

“100-year flood” see “base flood.”

“Regulatory 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. These areas are designated as floodways on the Flood Boundary and Floodway Maps.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Special flood hazard area” means an area having special flood, mudslide (i.e., mudflow) and/or flood—related erosion hazards, and shown on an FHBM or FIRM as Zone A, AD, AI—3D, AE, A99, At-f, VO, VI—30, VE, V, M or E. (See Area of Special Flood Hazard)

“Structure” means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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; or does it include excavation for a basement, footings, 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.

“Substantial improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places.

“V-Zone” - see “coastal high hazard area.”

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Item II.

All proposed development in any special flood hazard areas shall require a permit.

Item III.

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be 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.

Item IV.

Where new and replacement water and sewer systems (including on—site systems) are proposed in floodprone areas the applicant shall provide the Building Inspector with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on—site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

Item V.

The Building Inspector shall maintain for public inspection, and furnish upon request, any certification of flood—proofing and the, as built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement. If the structure has been floodproofed, the as built elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant.

Item VI.

The Building Inspector shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

Item VII.

In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.



Along watercourses that have a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the designated Regulatory Floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from a Federal, State, or other source as criteria for requiring that development meet the floodway requirements of this section.

Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones AI—30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#### Item VIII.

1. In special flood hazard areas the Building Inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available:
  - a. In Zones AI—30, AH, AE, VI—30, & V refer to the elevation provided in the communities Flood Insurance Study and accompanying FIRM or FHBM.
  - b. In unnumbered A zones the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from Federal, State, development proposals submitted to the community (example sub—divisions, site approvals, etc.) or other source.
  - c. In Zone AD the 100 year flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least two feet.
2. The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in Zones AI—30, AE, AH, AD and A that:
  - a. all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level;
  - b. that all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
    - (i) be floodproofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
  - c. all manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over—the—top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
  - d. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted providing the enclosed areas meet

- the following requirements: (1) the enclosed area is unfinished or flood resistant, useable solely for parking of vehicles, building access or storage; (2) the area is not a basement; (3) 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 must meet or exceed the following minimum criteria: A minimum of two 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
- e. proposed structures to be located on slopes in Special Flood Hazard Areas, Zones AH and PD, shall include adequate drainage paths to guide flood waters around and away from the proposed structures.

#### Item IX.

(These are additional requirements for communities with “Coastal High Hazard Areas” only.) In “Coastal High Hazard Areas”, designated on the communities FIRM as Zones VI-30, VE, or V, the following additional requirements shall be met:

1. All new construction or substantial improvements are to be elevated on pilings and columns so that:
  - a. the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and
  - b. the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100—year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (a) and (b) above.
2. The Building Inspector will obtain and maintain records of new construction or substantial improvements indicating the elevation of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) in relation to mean sea level and whether or not such structures contain a basement.
3. The space below the lowest floor must be either free of obstructions or constructed with non-supporting breakaway walls, open lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Such enclosed space shall be usable solely for parking vehicles, building access, or storage.
4. The use of fill for the structural support of buildings is prohibited.
5. Man-made alterations of sand dunes which would increase potential flood damage is prohibited.

**Source: Article 21, Second Session, March 14, 1987. Voice Vote.**

**BELMONT FLOODPLAIN ORDINANCE**  
**Town of Belmont, New Hampshire**

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Belmont Floodplain Development Ordinance. The Regulations in this ordinance shall overlay and supplement the regulations in the Town of Belmont Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Maps dated September 1, 1989, which are declared to be a part of this ordinance and are hereby incorporated by reference.

**Item I: Definition of Terms**

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by, the provisions of any other ordinance of the Town of Belmont.

“Area of Special Flood Hazard” is the land in the floodplain within the Town of Belmont subject to a one-percent or greater possibility of flooding in any given year. The area is designated as zone A on the FHBM and is designated on the FIRM as Zone A.

“Base Flood” means the flood having a one-percent possibility of being equalled or exceeded in any given year.

“Basement” means any area of a building having its floor subgrade on all sides.

“Building”. - see “structure”.

“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 operation.

“FEMA “ means the Federal Emergency Management Agency.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land\ areas from: (1) the overflow of inland or tidal waters and (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance Rate Map” (FIRM) means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Belmont.

“Floodplain” or “Flood-prone area” means any land area susceptible to being inundated by water from any source (see definition of “Flooding”).

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

“Floodway” - see “Regulatory Floodway”.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic Structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior, or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

“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 an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“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 connected to the required utilities. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days.

“Mean sea level” means 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.

“100—year flood” — see “base flood”

“Recreational Vehicle” is defined as a vehicle that is:

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

“Regulatory 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 increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

“Special flood hazard area” means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, A0, A1-30, AE, A99, AH, VO, VI-30, VE, V, M, or E. (See - “Area of Special Flood Hazard”)

“Structure” means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

“Start of Construction” includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 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, footings, 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 part of the main structure.

“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.

“Substantial Improvement” means any combination of repairs, construction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

**Source: Article 15, First Session, March 14, 1995. Yes 468, No 101.**

Article I (Amend) “Area of Special Flood Hazard”

Delete “is designated as zone A on the FHBM and”.

Article I (Amend) “Mean sea level”

Delete “to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced”.

Article I (Amend) “Regulatory floodway”

Delete “These areas are designated as floodways on the Flood Boundary and Floodway Map.”

Article I (Amend) “Special flood hazard area”

Delete “AU, A1-30, AE, A99, AH, VU, V1-30, VE, V. M, or E”.

**Source: Article 10, First Session, March 13, 2001. Yes 319, No 43.**

**Article 1-Revise Definitions of Development and Manufactured Home.**

**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.

**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. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

**Article 1-Add Definitions for Manufactured Home Park or Subdivision, New Construction and Violation.**

**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 a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**Violation** means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 4 and Article 7 (B) is presumed to be in violation until such time as that documentation is provided.

**Source: Article 5, First Session, March 11, 2008. Yes 309, No 95.**

Item II

The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

1. Be-designed (or modified) and adequately anchored to prevent floatation collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
2. Be constructed with materials resistant to flood damage,
3. Be constructed by methods and practices that minimize flood damages,
4. Be 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.

**Source: Article 15, First Session, March 14, 1995. Yes 468, No 101.**

**Article 2-Add sentence to beginning of section requiring permit for all proposed development.**

All proposed development in any special flood hazard area shall require a permit.

**Source: Article 5, First Session, March 11, 2008. Yes 309, No 95.**

**Item III**

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

**Source: Article 15, First Session, March 14, 1995. Yes 468, No 101.**



Item IV

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the building inspector:

1. The as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
2. If the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.
3. Any certification of floodproofing.

The Building Inspector shall maintain for public inspection, and shall fur-s-I such information upon request.

**Source: Article 15, First Session, March 14, 1995. Yes 468, No 101.**

Item V

The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

**Source: Article 15, First Session, March 14, 1995. Yes 468, No 101.**

Item VI

- A. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the Belmont Planning Board, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Belmont Planning Board, including notice of all scheduled hearings before the Wetlands Board and the Belmont Planning Board.
- B. The applicant shall submit to the Belmont Planning Board, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
- C. The Belmont Planning Board shall obtain, review, and reasonably utilize any floodway data available from Federal, States or other sources as criteria for requiring that all development located Zone A meet the following floodway requirement:

“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

**Source: Article 15, First Session, March 14, 1995. Yes 468, No 101.**

Article VIA. (Amend) Change two instances of Wetlands Board to Wetlands Bureau.

**Source: Article 10, First Session, March 13, 2001. Yes 319, No 43.**

## Item VII

- A. In unnumbered A zones the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).
- B. The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in zone A that:
1. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation;
  2. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:
    - a. be floodproofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and.
    - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;
- C. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the 100 year flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- D. All recreational vehicles placed on sites within Zones AI-3D, AH, and AE shall either:
1. Be on the site for fewer than 180 consecutive days;
  2. Be fully licensed and ready for highway use; or
  3. 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" in Paragraph (c) (6) of Section 60.3.
- E. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
1. the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
  2. the area is not a basement;
  3. shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

**Source: Article 15, First Session, March 14, 1995. Yes 468, No 101.**

**Article 7.A-Replace "unnumbered A zones" with "Zone A".**

A. In **Zone A** the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).

**Article 7.D-Replace “Zones A1-30, AH, and AE” with “Zone A”.**

D. All recreational vehicles placed on sites within Zc A1, AH, and AE Zone A shall either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use; or
3. 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” in Paragraph (c) (6) of Section 60.3.

**Source: Article 5, First Session, March 11, 2008. Yes 309, No 95.**

## Item VIII: Variances and Appeals

- A. Any order, requirement, decision or determination of the building inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, 1(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
  - 1. That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
  - 2. That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
  - 3. That the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- D. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

**Source: Article 15, First Session, March 14, 1995. Yes 468, No 101.**

## **Belmont Floodplain Development Ordinance**

Make the effective date of “The Flood Insurance Rate Map” (FIRM) in the Belmont Floodplain Development Ordinance, September 1, 1989.

**Source: Article 18, Second Session, March 17, 1990. Voice Vote.**