

Town of Gilford  
Floodplain Management Ordinance

Authority

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 Gilford, NH dated May 4, 1992”, together with the associated Flood Insurance Rate Maps (FIRM), dated May 4, 1992, which are declared to be a part of this ordinance, and are hereby incorporated by reference.

Item I – Definition of Terms

Throughout this ordinance, the following definitions shall apply:

“100-Year Flood” – See “Base Flood”.

“Area of Special Flood Hazard” is the land in the floodplain subject to a one (1) percent or greater possibility of flooding in any given year. The area is designated on the FIRM as zone A or zone AE.

“Base Flood” is a flood having a one (1) percent possibility of being equaled or exceeded in any given year.

“Basement” is any area of a building having its floor below grade on all sides.

“Building” is a man-made, occupiable structure having walls, a roof, and a permanent foundation.

“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, excavating, or drilling operations.

“Federal Emergency Management Agency” or “FEMA” is the independent agency created in 1978 to provide a single point of accountability for all Federal activities related to disaster mitigation and emergency preparedness, response, and recovery. FEMA administers the NFIP.

“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; or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Elevation Study” is a study of the height of flood waters above an elevation datum plane.

“Flood Insurance Rate Map” or “FIRM” is the 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 Gilford.

“Flood Insurance Study” is a study performed by any of a variety of agencies and consultants to delineate the special flood hazard areas, base flood elevations, and risk premium zones. The study is funded by FEMA and is based on detailed site surveys and analysis of the site-specific hydrologic characteristics. The information in the study helps guide updates of floodplain regulations, and further promote sound land use and floodplain development.

“Floodplain” or “Flood-Prone Area” means any land area susceptible to 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”.

“Historic Structure” is a structure registered with the National Register of Historic Places, or the New Hampshire State Register of Historic Places.

“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 consecutive days.

“Mean Sea Level” means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the community’s Flood Insurance Rate Map are referenced.

“National Flood Insurance Program” or “NFIP” is the federal program created in 1968 which makes flood insurance available in communities that enact satisfactory floodplain management regulations.

“Recreational Vehicle” means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as 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.

“Special Flood Hazard Area” means an area having flood, and/or flood-related erosion hazards, and shown on a FIRM as zone A or AE (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 pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of 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 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, 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 equal (1) the appraised value prior to the start of the initial repair or improvements, 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 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.

#### Item II

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

#### Item III

1. 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 or substantial improvements shall:

- a. 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.
- b. be constructed with materials resistant to flood damage,
- c. be constructed by methods and practices that minimize flood damages,
- d. 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 or replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas 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.

#### Item V

Applicants shall provide to the building inspector, and 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 any new or substantially improved structure, whether or not any such structure contains a basement.

#### 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 provide the Building Inspector evidence that all such permits have been granted prior to the issuance of a building permit.

#### Item VII

1. In riverine situations, prior to the alteration or relocation of a watercourse, an applicant seeking authorization to alter or relocate a watercourse shall notify the Wetlands Board of the New Hampshire Department of Environmental Services 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, including notice of all scheduled hearings before the Wetlands Board.
2. The applicant shall submit to the Building Inspector certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. In zone A, the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from federal, state and other sources as criteria for requiring that, in regard to any

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

4. Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) 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 zone AE refer to the elevation data provided in the community Flood Insurance Study and accompanying the FIRM.
- b. In unnumbered A zones, the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from federal sources, state sources, development proposals submitted to the community (i.e. subdivisions, site plans, etc.), or other sources.

2. The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in zones A and AE that:

- a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;
- b. All new construction or substantial improvement 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 flood proofed 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 manufacture 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. All recreational vehicles placed on sites within zones A and AE shall either:
  - (i) be on the site for fewer than 180 consecutive days,
  - (ii) be fully licensed and ready for highway use, or

- (iii) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in Section 60.3(c)(6);
- 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:
  - (i) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
  - (ii) the area is not a basement;
  - (iii) 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 have a minimum of two (2) openings having a total net area of not less than one (1) 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 (1) 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;

#### Item IX – Variance and Appeals

1. Requests for variances, appeals, or waivers of these regulations may be made to the Town of Gilford Building Code Board of Appeals.
2. Appeals, revisions, and amendments to National Flood Insurance Program Maps may be requested through FEMA.

Approved at Town Meeting  
March 10, 2003