

Proposed Amendment No.5

Would Replace existing Section 804 (would become Section 604 with passage of Amendment No. 1)

Section xxx Flood and Erosion Hazard Area Overlay District

xxx.1 Authority

The Flood and Erosion Hazard Area Overlay District is adopted under the authority granted pursuant to RSA 674:16, Grant of Power, RSA 674:21, Innovative Land Use Controls, and 674:56, Flood Hazards.

XXX.2 Purpose

The purpose of the Flood and Erosion Hazard Area Overlay District is to protect the health, safety and welfare of residents by promoting the most appropriate use of land in Flood Hazard Areas and Fluvial Erosion Hazard Areas, as follows:

- A. Uses which will result in no increase in base flood levels, flows, peaks or velocity.
- B. Uses which will not increase the potential for flood damage to the owner's property or that of others.
- C. Uses which will protect the benefits provided to the community by the floodplain.
- D. Uses which will result in no increase in erosion and/or sedimentation or other degradation of water quality.
- E. Uses which will not increase the risk to public safety, or to emergency personnel during flood events, or result in an increase in the cost of public services above costs incurred when not in a floodplain or fluvial erosion hazard area.
- F. Uses which will allow the Ammonoosuc River to maintain or re-establish its natural equilibrium to avoid the need for costly and environmentally degrading stream channelization and bank stabilization measures.

xxx.3 Findings Certain areas of the Town of Carroll are subject to periodic flooding, causing a serious threat to the health, safety and welfare of residents. These areas are shown on the Flood Insurance Rate Maps for Coos County, NH dated February 20, 2013 and described in the Flood Insurance Study for the County of Coos, NH dated February 20, 2013.

Certain areas of the Town of Carroll were identified as being subject to a High or Very High risk of erosion in the report ***Ammonoosuc River Geomorphic Assessment, Floodplain Conservation, and River Corridor Planning***, Dr John Field, October 2011, which was reviewed by NHDES.

xxx.4 Boundaries

The Flood and Erosion Hazard Area Overlay District is an overlay district superimposed over the existing conventional zoning districts in the town of Carroll. It is comprised of Flood Hazard Areas and Fluvial Erosion Hazard Areas.

A. Flood Hazard Areas

The provisions of this subdistrict as noted shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the County of Coos, NH" dated February 20, 2013 or as amended, together with the associated Flood Insurance Rate Maps dated February 20, 2013 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

B. Fluvial Erosion Hazard Areas

The provisions of this subdistrict as noted shall apply to areas identified in the maps accompanying ***Ammonoosuc River Geomorphic Assessment, Floodplain Conservation, and River Corridor Planning*** as subject to High or Very High risk of erosion.

xxx.5 Applicability

All proposed development in the Flood and Erosion Hazard Area Overlay District shall require a permit.

The Building Inspector or Code Enforcement Officer shall review all building permit applications for new construction, additions to existing structures, and substantial improvement to determine whether the proposed site is within the Flood Hazard Area Overlay District. If the site is determined to be within the Flood Hazard Area Overlay District, the Building Inspector or Code Enforcement Officer shall review the application to ensure that the proposal is in compliance with all provisions of the District including all applicable standards contained in Section xxx.11 Development Standards.

- A. For all new, expanded or substantially improved structures located in Zone(s) A, A1-30, AE, A0 or AH the applicant shall furnish the following information to the Building Inspector or Code Enforcement Officer:
 - 1. The as-built elevation (in relation to National Geodetic Vertical Datum/North American Vertical Datum (NGVD/NAVD)) 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/NAVD) to which the structure was floodproofed.
 - 3. Any certification of floodproofing.
- B. For all new construction or substantially improved buildings located in Zones V, VE or V1-30 the applicant shall furnish the Building Inspector or Code Enforcement Officer records indicating the as-built elevation of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) in relation to NGVD/NAVD and whether or not the structure contains a basement.
- C. The Building Inspector or Code Enforcement Officer shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.
- D. The Building Inspector or Code Enforcement Officer 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.

E. The Building Inspector or Code Enforcement Officer shall determine the 100-year flood elevation in The following order of precedence according to the data available:

1. In Zone(s) AI-30, AH, AE, VI-30, and VE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM or FHBM.
2. In unnumbered A zones or Zone A the Building Inspector or Code Enforcement Officer 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).
3. In zone A0 the 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. (Item (c.) can be deleted if there are no AO zones on the maps.)

xxx.6 Definitions

The following definitions shall apply only to this Flood and Erosion Hazard Area Overlay District, and shall not be affected by the provisions of any other ordinance of the Town of Carroll.

Addition: An expansion of a structure outside of the footprint of the original building.

Area of Shallow Flooding: A designated A0, AH, or V0 zone on the Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual possibility 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: The land in the floodplain within the Town of Carroll 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 Zones A, A0, AH, AI-30, AE, A99, VI-30, VE, or V.

Avulsion: The geomorphic process in which an active river channel shifts location or creates a new active channel. May occur very rapidly during a catastrophic flow event or over a long period of time.

Base Flood: The flood having a 1 percent possibility of being equaled or exceeded in any given year.

Basement: Any area of a building having its floor subgrade on all sides.

Building: "Structure."

Breakaway Wall: 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.

Channel: The area that contains continuously or periodic flowing water that is confined by banks and contained within a defined streambed.

Compensatory Flood Storage: The replacement for any loss of existing flood storage caused by development within the floodplain.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.

FEMA: The Federal Emergency Management Agency.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): 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 Carroll, NH.

Flood Insurance Study: An examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.

Floodplain or Flood-prone Area: Any land area susceptible to being inundated by water from any source (see definition of "Flooding").

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

Floodway: see "Regulatory Floodway."

Fluvial Erosion: The wearing away of river beds and banks by the action of water, which can be accelerated to rates harmful to life, property, and infrastructure during high flow conditions.

Fluvial Erosion Hazard (FEH) Area: The land area adjacent to stream channels subject to fluvial erosion processes or other channel adjustments.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

Functionally Dependent Use: A use that 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: 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:

- a. 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;

- 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: 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: A structure, transportable in one or more sections that 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. This includes manufactured homes located in a manufactured home park or subdivision.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction: 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.

One Hundred-Year Flood: "Base flood"

Recreational Vehicle: Defined as:

- 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.
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

Special Flood Hazard Area: See “Area of Special Flood Hazard.”

Structure: 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: 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: 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: Any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should equal:

- a. The appraised value prior to the start of the initial repair or improvement, or
- b. 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 that 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 that 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.” This term does not apply to an “addition.”

Top of Bank: The vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow its banks and enter the floodplain. For steep and narrow river and stream valleys, top

of bank can be, but is not always, the same as the top of slope (or break in topographic profile).

Violation: 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 44CFR § 60.3(b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

XXX.7 Permitted Uses

The following uses are permitted in the Flood and Erosion Hazard Area Overlay District provided they are consistent with the purposes of this ordinance and do not involve the placement, expansion or construction of permanent structures or other materials that could impede floodwaters or become flood-carried debris:

- A. Agricultural activities consistent with current best management practices as published by the New Hampshire Department of Agriculture, Markets, and Food, including maintenance or improvement of existing crop or pasture land for continued agricultural use, as defined in Env-Wt 101.20 and described in Env-Wt 303.04(u).
- B. Forest Management consistent with current accepted best management practices. As specified in Logging Operations (Env-Wt 304.05):
 1. All skid trails, truck roads and log landings shall be located far enough from streams or ponds so that waterborne soil particles will settle out before reaching the streams or ponds.
 2. Skid trails and truck roads shall be laid out using appropriate erosion control devices, as outlined in the *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire*, Department of Resources and Economic Development, April 1996, updated February 2000, so that the grade approaching a stream or pond is broken, and surface water is dispersed. Crossings of streams and wetlands shall be kept to a minimum and shall be located to minimize impact in accordance with Env-Wt 302.04(b) and (c).
- C. Outdoor recreation, such as play areas, boating, hunting, fishing, trails for motorized or non-motorized use.
- D. Wildlife or fisheries management.
- E. Scientific research and educational activities.
- F. Home occupations and home businesses in existing residences consistent with other sections of this Ordinance.
- G. Replacement water and sewer systems, including on-site systems, provided that the applicant shall provide the Building Inspector or Code Enforcement Officer 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.

H. Substantial improvement not involving an addition.

xxx.8 Prohibited Uses

Except where otherwise noted, the following uses are prohibited in both the Flood Hazard Area and the Fluvial Erosion Hazard Area:A. New buildings or other structures except as allowed below by Conditional Use Permit.

- B. Processing or storage of excavation materials in the Flood Hazard Area.
- C. Storage of construction or other materials which would impede flow of floodwaters or become a hazard downstream during a flood event.
- D. Filling in Flood Hazard Areas.
- E. Grading in Flood Hazard Areas that results in obstruction of flood flows or reduces flood storage capacity
- F. Grading and excavation conducted in such a manner as to potentially increase the possibility of channel avulsion within the Fluvial Erosion Hazard Area.
- G. Dumping.
- H. Wastewater or septage treatment facilities.
- I. Storage of floatable, or toxic, hazardous, or regulated substances. (Quantities typical for household use are permissible if stored 3 feet or more above base flood elevation.)
- J. Unsecured tanks.
- K. Junkyards.
- L. Landfills.
- M. Subdivision of land that would create a parcel that had inadequate developable land outside the Flood Erosion Hazard Area.

XXX.9 Uses by Conditional Use Permit

The Planning Board may grant a Conditional Use Permit for the following uses in the Flood Hazard Area and the Fluvial Erosion Hazard Area if determined, based on evidence provided by the applicant, to be in conformance with all of the applicable standards provided in Section xxx.11 below and the purposes of the Flood and Erosion Hazard Area Overlay District listed in Section xxx.2 above:

- A. Water impoundments for the purpose of creating a waterbody for wildlife, fire safety, on-site detention of stormwater run off and/or recreational uses.
- B. Water-dependent uses, such as docks, boathouses, and water powered projects.

If not in floodway:

- C. Additions to or replacements of existing structures, including manufactured homes. When possible, the addition or replacement of structures in the Fluvial Erosion Hazard Area should not result in a decreased the distance between the structure and the top of the bank.
- D. Accessory structures to existing primary uses when it is not practicable to construct the accessory structure on a portion of the lot outside of the Flood and Fluvial Erosion Hazard Area Overlay District.
- E. One principal building on a preexisting lot of record with inadequate developable land outside Flood and Erosion Hazard Area Overlay District. When locating the structure outside the Fluvial Erosion Hazard Area is not possible, the structure should be sited to maximize the distance from the top of the bank.
- F. New or expanded septic systems if no suitable location exists for the system on a portion of the lot outside of the Flood and Erosion Hazard Area Overlay District.
- G. Construction, repair or maintenance of streets, roads, and other access ways, including driveways, footpaths and bridges, and utility right-of-way easements, including power lines and pipe lines, wastewater collection facilities and pump stations, if essential to the productive use of land adjacent to the Flood and Erosion Hazard Area Overlay District.
- H. Undertaking of a use not otherwise permitted in the Flood and Erosion Hazard Area Overlay District, if it can be shown that such proposed use does not involve the erection of structures or filling and is in accordance with all of the purposes of the District as listed in Section xxx.2 and those of the underlying zoning district.

xxx.10 Nonconforming Uses and Structures

An existing use or structure as of the effective date of this amendment may continue, even though it does not conform to requirements of these regulations. Such non-conforming uses and structures may not be extended, enlarged, or re-established after being discontinued for more than one year.

Nor may a non-conforming use and/or structure be modified to create another non-conforming use and/or structure unless it is determined by the Planning Board that the proposed use will not increase the degree of non-conformance with the standards contained in these regulations.

Reconstruction of an existing structure will be allowed if for the same use, within the same building footprint, and of the same or smaller dimensions as existed within 12 months prior to reconstruction, provided the construction meets all applicable development standards of this ordinance.

xxx.11 Development Standards

A. General Standards within the Flood Hazard Area

1. All development, including new construction, additions, substantial improvements and fill shall be:
 - a. 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. Constructed with materials resistant to flood damage.
 - c. Constructed by methods and practices that minimize flood damages.
 - d. Designed to result in no increase in flood levels during the flood event.
2. No encroachments may be located in the floodway unless a registered professional engineer certifies that the proposed development will not result in any increase in base flood levels.
 3. All new construction and additions to any residential or nonresidential structure shall have the lowest floor, including basement, together with attendant utility and sanitary facilities, elevated to no lower than three feet above the base flood elevation.
 4. All utilities, including electrical, heating, ventilation, plumbing, air conditioning, and other service facilities, including ductwork, shall be elevated or made of flood resistant materials up to three feet above base flood elevation, and designed and located to prevent water from entering or accumulating within the components during conditions of flooding.
 5. All new buildings and additions to existing buildings must be constructed on foundations that are approved by a licensed professional engineer, or constructed on properly designed and compacted fill (ASTM D-698 or equivalent) that extends beyond the building walls before dropping below the level which is three feet above the base flood elevation and has appropriate protection from erosion and scour. The fill design must be approved by a licensed professional engineer.
 6. All recreational vehicles shall either: be on the site for fewer than 180 consecutive days; be fully licensed and ready for highway use; or meet all standards of Section xxx.5 and the elevation and anchoring requirements for “manufactured homes” in Section xxx.11 D
 7. 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 or Code Enforcement Officer 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.
 8. The space occupied by fill, including mounded septic systems, or structure below the level which is three feet above the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavations shall be constructed to drain freely to the watercourse.
 9. Proposed structures to be located on slopes in special flood hazard areas shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

10. The activity must be sited and designed to minimize disruption to shorelines and their banks.

B. Additional Standards for Watercourses in Flood Hazard Area

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector or Code Enforcement Officer, 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 Building Inspector or Code Enforcement Officer, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the Building Inspector or Code Enforcement Officer 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. Standards for Substantial Improvements in Flood Hazard Area, Not Involving Additions

1. Residential structures to be substantially improved shall have the lowest floor (including basement) elevated to or above the 100-year flood elevation.
2. Nonresidential structures to be substantially improved shall 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.

D. Additional Standards for Manufactured Homes in Flood Hazard Area

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 least three feet above the base flood level; 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.

F. Additional Standards for Conditional Use Permits in Fluvial Erosion Hazard Area

1. No reasonable alternative location for the proposed development outside of the Fluvial Erosion Hazard Area is available.
2. The proposed development will not increase the susceptibility of the property to fluvial erosion damage.

3. The proposed development will not increase the potential for damage to other private or public properties or public infrastructure due to fluvial erosion.
4. The proposed development will not increase the potential of materials being swept onto other lands or into the stream by fluvial erosion, thereby causing damage to others from fluvial erosion.
5. The proposed development will not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
6. The development plans include maintenance of an undisturbed buffer of native tree, shrub and undergrowth vegetation to be maintained, restored or allowed to naturally regenerate on the property to the maximum extent practicable. The width of the buffer shall be no less 25 feet or greater, as recommended by the reviewing qualified professional or the Conservation Commission, if site conditions warrant additional stabilization of land and soil.

xxx.12 Variances and Appeals

- A. Any order, requirement, decision or determination of the Building Inspector or Code Enforcement Officer 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, I (b), the applicant shall have the burden of showing, in addition to the usual variance standards under state law, that the use, along with any mitigating measures proposed, will not:
 1. Result in any increase in base flood levels, flows, peaks or velocity.
 2. Increase the potential for flood damage to the owner's property or that of others.
 3. Result in increased erosion and/or sedimentation or other degradation of water quality.
 4. Increase the risk to public safety or emergency personnel during flood events, or increase the cost to the public by virtue of its location in a flood hazard area.The variance must additionally be the minimum necessary, considering the flood and erosion hazard, to afford relief.
- C. The Zoning Board of Adjustment shall notify the applicant in writing that:
 1. 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,
 2. 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 Town shall:
 1. Maintain a record of all variance actions, including their justification for their issuance, and

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2. Report such variances issued in Flood Hazard Areas in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.