

Changes to New London's Regulations related to Floodplain Development in reference to the National Flood Insurance Program

The following are the changes that were identified during a review by the NH Office of Planning and Development on August 17, 2023, of *New London's Zoning Ordinance, Site Plan Review Regulations, and Subdivision Regulations*.

As part of mapping updates underway by FEMA, preliminary maps indicate the addition of Regulatory Floodway in New London. For this reason, additional requirements for Regulatory Floodways have been indicated in ordinance below.

Results of our review include:

- Amendments to New London's regulations included in the Town's Zoning Ordinance.
- Amendments to New London's Site Plan Review Regulations.
- New London's Subdivision Regulations include the required language. No amendments have been provided.

Once any changes have been adopted, please send a copy (electronically) to Alvina Snegach at the NH Office of Planning & Development at alvina.snegach@livefree.nh.gov. If there are any questions of this document, please contact our office at 603-271-1755 or by email as noted above.

Please note that the following text is for review purposes only and should be used as a reference to revise your existing regulations. Any revisions should be made in your source document. It is strongly recommended that the community review these revisions in comparison with the community's existing regulations for spelling, grammar, accuracy, and clarity.

(~~strikethrough text~~ means delete text, **highlighted text** means add text).

ARTICLE III

DEFINITIONS

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory; the word "may" is permissive.
- d. The words used or occupied include the words intended, designed, or arranged to be used or occupied.

e. The word “Lot” includes the words plot or parcel.

1. **Abutter:** Any person whose property adjoins, is directly across the Street or Stream, or is within 200 feet of the land under consideration by the Planning Board or Zoning Board of Adjustment including any person whose property meets these criteria and is located in a neighboring municipality. For the purposes of receiving testimony only and not for the purpose of notification, the term Abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land Use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term Abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.
2. **Accessory Building:** A Building subordinate to the main Building on the Lot and used for purposes customarily incidental to those of the main Building.
3. **Accessory Dwelling Unit:** A residential living unit that is within or attached to a Single- Family Dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal Dwelling Unit it accompanies.
4. **Accessory Use:** A Use incidental to, and on the same Lot as, a principal Use. For clarification, in residential districts, private Recreational Facilities, such as a tennis court or swimming pool, are Accessory Uses.
5. **Accessory Use of Structure:** A Use of Structure on the same Lot with, and of nature customarily incidental and subordinate to, the principal Use or Structure.
6. **Administrator:** The third party responsible for administering, monitoring and enforcing the provisions of the Workforce Housing Overlay District for Workforce Housing projects approved under that article. Acceptable third parties include a local, state or federal housing authority or other non-profit housing trust or agency, or a private group/agency with expertise in determining and qualifying the eligibility of the prospective owner/renter of a Workforce Housing unit. The Administrator must be approved by the Planning Board, but secured and paid for by the Applicant. **Affordable:** Housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30% of a household’s gross annual income. (*Amended 3/28/2023*)
7. **Agriculture:** See “Farm.”
8. **Alter:** Any change or alteration in the footprint or external dimensions of a Building or Structure, including the number and location of windows and doors; any rearrangement of rooms in a Structure; the improvement of or conversion of any room to a Bedroom, bathroom or kitchen; the addition of a chimney, fireplace, or foundation; and any change in the type of siding material or roofing material used on the Structure. For the purposes of this definition, maintenance and repairs to a Structure that result in a functionally equivalent Building using similar materials are not included in the definition of Alter.
9. **Alternative Tower Structure:** Innovative siting techniques that shall mean man-made trees, clock Towers, bell steeples, light poles, and similar alternative-design Mounting Structures that camouflage or conceal the presence of Antennas or Towers.
10. **Antenna:** Any apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.
11. **Apartment House:** A Multi-Family Dwelling for 3 or more Families, living independently of each other, each in a separate Dwelling Unit.

12. Area of Special Flood Hazard: This is the land in the Floodplain within the Town of New London subject to a one percent or greater possibility of Flooding in any given year. The area is designated on the FIRM as Zones A and AE.
13. Atmospheric Pollution: Discharging from stacks, chimneys, exhausts, vents, ducts, openings, Buildings, Structures, premises, open fires, portable boilers, vehicles, processes, or any source of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid, or gaseous matter, or any other materials in such place, manner or concentration as to cause injury, detriment, nuisance, or annoyance to the public, or to endanger the health, comfort, repose, safety or welfare of the public, or in such a manner as to cause or have a natural tendency to cause injury or damage to business or property.
14. Auto Service Station: Any area of land, including Structures thereon, that is used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of motor vehicles and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such motor vehicles. A service station is not a rental agency for autos, trucks, or Trailers.
15. Average Tree Canopy Height: An average Height found by inventorying the Height at above ground level (AGL) of the five tallest trees within a 150 foot radius of the proposed facility site.
16. Base Flood: The Flood having a one percent possibility of being equaled or exceeded in a given year.
17. **“Base Flood Elevation” (BFE) means the elevation of surface water resulting from the “base flood.”**
18. Basement: Any area of a Building having its floor subgrade on all sides.
19. Beach: The sloping shores of water bodies consisting of sand, gravel and cobble extending from low water to the upland.
20. Bed & Breakfast: A Dwelling Unit that contains no more than 8 guest rooms where short—term lodging with a morning meal for guests only is provided for compensation. The operator of the Bed & Breakfast, whether or not the owner, shall live on the property.
21. Bedroom: A private room intended for sleeping purposes that is separated from other rooms by a permanent door and is accessible to a bathroom without crossing another Bedroom. A Bedroom has one or more windows and closets.
22. Board: The Planning Board of the Town of New London.
23. Boathouse: An enclosed or partially enclosed accessory Structure located in or over a body of water or located over a dredged inlet and designed for the use and storage of private watercraft and/or marine-related Equipment. *(Amended May 2014)*
24. Bog: A Wetland distinguished by stunted evergreen Trees and Shrubs, peat deposits, poor drainage, and/or highly acidic soil and/or water conditions.
25. **Building:** Any Structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. **For floodplain management purposes, see “Structure”.**
26. Building Envelope: The portion of a Lot remaining after deleting undevelopable areas including Wetlands & Wetland buffers, lakes, ponds & their buffers, steep slopes and any applicable setback requirements and may be restricted further for new Lots in the Shore Land Overlay District to protect the

water resources.

27. **Building Footprint:** All parts of a structure, including roof overhangs that rest, directly or indirectly, on the ground, including portions that are supported by posts, piers, or columns. Building Footprint also includes attached cantilevered structures, such as, bay windows or decks.
28. **Building Inspector:** The Board of Selectmen or that person whom the Board shall designate.
29. **Building Maintenance:** Work on an existing structure that is intended to preserve the Building in its current configuration in order to retain its value and practical viability. Building Maintenance may include re-roofing or re-siding, repair or replacement in-kind of decaying structural members, adding insulation or insulated glass (provided there is no alteration of existing door and window openings), painting and/or replacement of interior and exterior finished surfaces, re-flooring, modernization of plumbing and utility services to meet current standards.
30. **Camouflaged:** Telecommunications Facilities that are disguised, hidden, part of an existing or proposed Structure, or placed within an existing or proposed Structure.
31. **Cluster Development:** A Subdivision for single and two Family residential dwellings which permits the housing units to be clustered on a portion of the entire parcel on the condition that the remaining land in the tract is reserved for Open Space, the future Development or Subdivision of which is prohibited. The number of permitted units is to be determined by the density permitted in the underlying Zone District.
32. **Co-location:** The Use of a single Tower on the ground by more than one carrier (vertical Co-location) or the same carrier with multiple licenses, and/or the use of several Towers on an existing Building or Structure by more than one carrier or the same carrier with multiple licenses.
33. **Commercial Farm:** Farms used for the breeding, raising, selling, or distribution of Livestock and/or Livestock products and by-products, or for the growing, distribution and sale of plant-based products. Hobby and subsistence Farms whose products are intended primarily for consumption by the owner/tenant, with only the occasional sale of surplus animals or produce, are not considered a Commercial Farm.
34. **Commercial Use:** A land Use classification that permits facilities for the buying, renting, leasing and selling of commodities and services. Legal Accessory Uses to residential Uses, including Home Occupations and Home Businesses, are excluded from the definition of Commercial Use.
35. **Company Vehicle:** Any motor vehicle used primarily for Home Business purposes, except any Heavy Vehicle or Equipment as defined herein which is not permitted as part of a Home Business.
36. **Conditional Use Permit:** A permit for a use administered by the Planning Board based on the criteria outlined in the ordinance.
37. **Country Club:** A social or recreational facility, including any structures thereon, that shall include a course for playing golf under the rules of the United States Golf Association and which consists of at least nine (9) holes, each of which has a separate tee, fairway and greens, and may include practice areas, tennis, fitness and swim facilities, dining and function facilities, and other Accessory Uses.
38. **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, excavation, or drilling operation, or storage of Equipment ~~or~~ materials.
39. **Dish Antenna:** Such an Antenna is a satellite station of dish-shaped Structure designed to receive television broadcasts relayed by microwave signals from earth orbiting communications satellites.

40. Drive-in Restaurant or Refreshment Stand: Any place or premise used for sale, dispensing or servicing food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.
41. Dwelling, Single-Family: A detached residential Dwelling Unit designed for and occupied by one Family only.
42. Dwelling, Multi-Family: A residential Building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of Dwelling Units provided.
43. Dwelling, Two-Family: A detached residential Building containing two Dwelling Units, with a common roof and common wall or common ceiling/floor designed for occupancy by not more than two families.
44. Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or Dwelling Units which may be in the same Structure. For the purpose of this definition, an independent housekeeping establishment includes the following minimum attributes: space devoted to kitchen facilities for the storage, preparation and consumption of food (including counters, cabinets, appliances, and a sink for washing dishes), space for one or more Bedrooms for sleeping, and a bathroom with a tub and/or shower. (A bar equipped with a bar-sink and an under-the-counter refrigerator shall not constitute kitchen facilities.)
45. Electric Vehicle Charging Station: The pedestal that accommodates the electrical charging infrastructure. *(Added 3/28/2023)*
46. Electric Vehicle Charging Station Facility: Charging centers comprised of one or more charging pedestals for use by the general public for a fee. *(Added 3/28/2023)*
47. Environmental Assessment (EA): A document required by the Federal Communications Commission and the National Environmental Policy Act when Telecommunications Facilities are placed in certain designated areas.
48. Equipment: Includes backhoes, bucket loaders, excavators, skid-steers, bulldozers, graders, self-propelled compaction devices, cranes, booms, scrapers and pans used in site preparation and road construction, as well as skidders, shears, whole-Tree chippers, firewood processors and portable sawmills used in logging operations. Farm or agricultural implements are excluded from this definition.
49. Equipment Shelter: An enclosed Structure, cabinet, shed, vault, or box near the base of the Tower within which is housed Equipment for Telecommunications Facilities such as batteries and electrical Equipment. Equipment Shelters are sometimes referred to as base transceiver stations.
50. Erosion and Sediment Control Plan: A plan to manage stormwater that adequately controls erosion and sedimentation. The plan needs to be developed using a combination of structural, non-structural, and vegetative Best Management Practices (BMPs) to adequately control erosion and sedimentation. The plan shall consist of a narrative, a plan map, and the design calculations, drawings, and specifications. Erosion and Sediment Control Plans shall be designed in accordance with the Best Management Practices (BMPs) for Stormwater Management and Sediment and Erosion Control as specified in the *Stormwater Management and Sediment and Erosion Control Handbook for Urban and Developing Areas in New Hampshire*, August 1992 prepared by the Rockingham County Conservation District.
51. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam or water transmission, or distribution systems, including poles, wires, mains, drains, sewers, pipes conduit, cables, fire alarm boxes,

police call boxes, traffic signals, hydrants, Street signs, and similar Equipment and accessories in connection there-with, but not including Buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare.

52. Family: One or more persons occupying a single Dwelling Unit, provided that unless all persons are related by blood, marriage, civil union, adoption or guardianship, no such Family shall contain more than five (5) persons. In determining the maximum number of persons allowed, children (under the age 18) of any of the residents shall not be counted. For the purpose of this Ordinance, the term "Family" and the term "household" shall be synonymous and interchangeable. (Old definition deleted and replaced with this new definition, amended May 2015).
53. Farm: The word "Farm" means any land, Buildings, or Structures on or in which agriculture and farming activities are carried out or conducted. See RSA 21:34-a for a complete definition of the term "Farm."
54. Farm Buildings: All temporary or permanent Buildings, barns or other Structures used to house, feed, store or process commercially raised Farm animals or Livestock, including any product or by-product of such activity.
55. FAA: An acronym that shall mean the Federal Aviation Administration.
56. FCC: An acronym that shall mean the Federal Communications Commission.
57. FEMA: An acronym that shall mean the Federal Emergency Management Agency.
58. Flood or Flooding: A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
59. Flood Insurance Study: An examination, evaluation, and determination of Flood hazards and if appropriate, corresponding Water Surface Elevations, or an examination and determination of mud slide and/or Flood-related erosion hazards.
59. Flood Insurance Rate Map (**FIRM**): 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 New London.
60. Flood Opening means an opening in a foundation or enclosure wall that allows automatic entry and exit of floodwaters. See FEMA "Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures."
61. Floodplain or Flood-prone Area: Any land area susceptible to being inundated by water from any source (see definition of "Flooding").
62. Flood Proofing: 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.
63. Floodway: See Regulatory Floodway.
64. Forestry: The operation of timber tracts, Tree Farms, forest nurseries and the gathering of forest products.

65. Fresnel Zone: The Envelope around a line-of-sight radio signal which should be free of interfering objects, such as branches, to minimize interference with a radio signal.
66. Front Yard: A space extending the full width of the Lot and lying between the nearest part of the Structure and the Lot Line bordering the nearest Right-of-Way. Front Yard depth shall be measured at right angles to the Lot Line bordering on the nearest Right-of-Way.
67. Frontage: The length of the Lot Line bordering on the public or private Right-of-Way. For clarification, Frontage as used here refers to road Frontage; lake or Shore Frontage is not considered Frontage under this definition. The orientation of the house has no bearing on the determination of Frontage.
68. Garden — **multi-family** housing: A residential building containing more than four units, not exceeding three stories in height with units located side by side and on top of each other with access provided by a common hallway. *(Added 3/28/2023)*
69. Grade: The average of the finished ground level of all walls of a Building, as shown below.
70. Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive Use, including Basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.
71. Guyed Tower: Any Tower that is secured to the ground or other surface by diagonal cables for lateral support.
72. Heavy Vehicle: Any vehicle having more than two axles.
73. Height: The distance measured above Grade to the top of the Structure, as shown below. When referring to a Tower, the Height shall be measured to the highest point on the Tower, even if said highest point is an Antenna.
74. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
75. Historic Structure: Any Structure that is:
 - a. Listed individually in the National Register of Historic Places 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 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 by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states with approved programs.
76. Historical Village: Historic Buildings or replicas of historic Buildings grouped together for the purpose of preserving the historical heritage of the community for future generations and educating people on the historical heritage of the community which is owned and operated by a Private Nonprofit Organization.

Fund raising activities such as wedding receptions and barbecues as well as art festivals and crafts demonstrations shall be permitted as Accessory Uses.

77. Home Produce: Includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on the property of the resident, also such articles as are manufactured or altered by members of the household of the bona fide resident of any property.
78. Impact Fee: A fee or assessment imposed upon Development, including Subdivision, Building construction or other land-use change, in order to help meet the needs occasioned by the Development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and Flood control facilities; public road systems and rights-of-way; municipal office facilities; Public School facilities; the municipality's proportional share of capital facilities of a cooperative or regional School district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public Recreation Facilities, not including public Open Space.
79. Impervious Surface: Any modified surface that cannot absorb or infiltrate water. Examples of Impervious Surfaces include, but are not limited to, roofs, decks, patios, and paved, gravel or crushed stone driveways, parking areas and walkways. Pervious Surfaces such as pervious asphalt, porous concrete, landscape pavers and similar technologies that are designed to absorb and infiltrate water are not Impervious Surfaces for the purposes of this definition.
80. Inn: A commercial facility for the housing and feeding of transients. Typically the food services are available to the general public and not limited to the transients housed at the Inn.
81. Invasive/Exotic Species: Any herbaceous plant or any woody seedling or shrub listed by NH Department of Agriculture, Markets and Food in accordance with RSA 430:53, III, or as designated by rule of the NH Department of Environmental Services in accordance with RSA 487:24, VII. *(Added 3/28/2023)*
82. **Junk:** Any old metals, old bottles, or other solid textile mill waste, unfinished cloth, or other textile mill yarns, old paper products, two or more unregistered motor vehicles which are unfit for use on highways, used parts and material of motor vehicles, and other secondhand or waste articles, the accumulation of which is detrimental or injurious to the neighborhood.
83. Lattice Tower: A type of Tower with multiple legs and structural cross-bracing between the legs that may be self-supporting and freestanding or may be guyed.
84. Legal Nonconforming Structure: A Legal Nonconforming Structure in whole or in part, does not conform to the regulations of the district in which the Structure is located, but existed as a conforming Structure, or legally replaced a legal, structure, prior to the adoption of the regulation(s) that now make the Structure Nonconforming.
85. Legal Nonconforming Lot: A Legal Nonconforming Lot is a Lot which, in whole or in part, does not conform to the regulations of the district in which the Lot is located, but existed as a legal Lot prior to the adoption of the regulation(s) that now make the Lot Nonconforming.
86. Legal Nonconforming Use: A Legal Nonconforming Use is a Use of any Building, Structure, or land, which does not conform to the Use regulations of the Zone District in which such Use exists, but existed as a legal Use prior to the adoption of the regulation(s) that now make the Use Nonconforming.
87. Livestock: Livestock shall include all horses, cattle, goats, pigs, sheep, llamas, poultry, ostriches, emus, and similar animals other than small animals permitted in ARTICLE II.

88. Lodging House: A Building in which the rooms are rented with or without meals to 3 or more but not exceeding 16 persons. A boarding house or a rooming house or a furnished room shall be deemed a Lodging House.
89. Lot: A Lot is a parcel of land which is a single Lot of Record occupied or to be occupied by only one main Building and the Accessory Building or Uses customarily incidental to it. A Lot shall be of sufficient size to meet minimum zoning requirements for Use, coverage, and area, and to provide such yards and other Open Spaces as are herein required. Such Lot shall have Frontage on a public Street, or on an approved private Street.
90. Lot Line: A line dividing one Lot from another.
91. Lot Measurements: Depth of a Lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side Lot Lines in front and the rearmost points of the side Lot Lines in the rear. Width of a Lot shall be considered to be the distance between straight lines connecting front and rear Lot Lines at each side of the Lot, measured across the rear of the required Front Yard, provided however that width between side Lot Lines at their foremost points (where they intersect with the Street line) shall not be less than 80 percent of the required Lot width except in the case of Lots on the turning circle of cul—de—sac, where the 80 percent requirement shall not apply.
92. Lot of Record: A Lot which is part of a Subdivision recorded in the office of the Merrimack County Registry of Deeds, or a Lot of parcel described by metes and bounds, the description of which has been so recorded.
93. 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 enclosure is not built so as to render the Structure in Violation of the applicable non-elevation design requirements of this Ordinance.
94. Manufactured Home: Any Structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. 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. A Manufactured Home as defined in this section shall not include Presite Built Housing, Travel Trailers or Recreational Vehicles.
95. Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of and divided into two or more Manufactured Home Lots for rent or sale.
96. Marsh: A Wetland:
- a. That is distinguished by the absence of Trees and Shrubs;
 - b. Dominated by soft-stemmed herbaceous plants such as grasses, reeds, and sedges; and
 - c. Where the water table is at or above the surface throughout the year, but can fluctuate seasonally.
97. Mast: A thin pole that resembles a Street light standard or a telephone pole. A dual-polarized Antenna is typically deployed on a Mast.

98. 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.
99. Meteorological Tower: Includes the Tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold Equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, Meteorological Towers shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a Small Wind Energy System.
100. Mixed Use: The Development of two or more uses permitted within the Zone District in the same Building or on the same property.
101. Modification: Any change to the Small Wind Energy System that materially alters the size, type or location of the Small Wind Energy System. Like-kind replacements shall not be construed to be a Modification.
102. Monopole: A thicker type of Tower than a Mast that is self—supporting with a single shaft of wood, steel or concrete or other material and that is designed for the placement of Antennas and arrays along the shaft.
103. Mount: The Structure or surface upon which Antennas are mounted, including the following types of Mounts:
 - a. Roof—mounted: mounted on the roof of a Building.
 - b. Side—mounted: mounted on the side of a Building.
 - c. Ground-mounted: mounted on the ground.
 - d. Structure—mounted: mounted on a Structure other than a Building.
104. Multi-Family Housing: For the purpose of Workforce Housing Developments, means a Building or structure containing 5 or more Dwelling Units, each designed for occupancy by an individual household.
105. Natural Ground Cover: Natural Ground Cover: Any herbaceous plant or any woody seedling or Shrub generally less than 3 feet in Height. Natural Ground Cover shall also include naturally occurring leaf or needle litter (duff), stumps, decaying woody debris, stones, and boulders. Natural ground cover shall not include lawns, invasive/exotic species, imported organic stone mulches or other artificial materials. *(Amended 3/28/2023)*
106. Natural Woodland Buffer: A forested area consisting of various species of Trees, Saplings, Shrubs, and ground covers in any combination and at any stage of growth that lies within 150 feet of the Reference Line measured horizontally and at right angles to the Reference Line.
107. Net Metering: The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's Small Wind Energy System that is fed back into the electric distribution system over a billing period.
108. Net Tract Area: The remaining area of a property after subtracting all wetlands, floodplains, and areas with steep slopes greater than 25% within the steep slopes overlay district that meets the minimum district lot area requirement. *(Added 3/28/2023)*

109. 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.
110. Nonconforming Building or Structure: A Nonconforming Building or Structure is a Building or Structure which, in whole or in part, does not conform to the regulations of the district in which the Building or Structure is located.
111. Nonconforming Use: A Nonconforming Use is a Use of any Building, Structure, or land, which does not conform to the Use regulations of the Zone District in which such Use exists.
112. Normal High Water: The limit of flowage rights in a regulated water body. For lakes where dams are owned by the New Hampshire Water Resources Board, information on the level of Stowage rights is available from the Board. On Lake Sunapee the Normal High Water is defined as elevation 1094.15 feet above sea level according to U.S.G.S. data or 11.5 feet on the gauge at the dam in Sunapee Harbor. On Pleasant Lake the Normal High Water is defined as 804 feet above sea level according to U.S.G.S. data. In an unregulated water body, Normal High Water is the high water level experienced in an average year.
- ~~113. One Hundred Year Flood (100 Year Flood): See Base Flood.~~
114. Open Space: Land which is un-built upon except for Buildings and improvements necessary and appropriate for accessory recreational Uses. Open Space excludes land under principal and non-recreational Accessory Buildings, sidewalks, driveways, parking areas, and Streets.
115. Ordinary High Water Mark: The line on the shore, running parallel to the main stem of the Stream, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.
116. Outdoor, Active Recreation Uses: Leisure-time activities, usually of a formal nature and often performed with others, requiring Equipment and taking place at prescribed outdoor places, sites, or fields. Outdoor, Active Recreation Uses include, by way of example, baseball, softball, soccer and other field sports; outdoor track; tennis and other outdoor court games; golf; outdoor basketball courts; trails for hiking, biking, cross-country skiing and equestrian Uses; and outdoor equestrian facilities.
117. Outdoor, Passive Recreation Uses: Outdoor activities that involve relatively inactive or less energetic activities, such as walking, bird watching and picnicking.
118. Overlay District: An area which is subject to special, additional regulations to protect a natural resource. An Overlay District is superimposed over the underlying Use district(s). The special regulations of an Overlay District are in addition to the regulations of the underlying Use district(s). Uses permitted in the underlying Use district may be prohibited or require a Special Exception subject to conditions of the Overlay District. In case of conflict between the Overlay District and the underlying Use district, the more restrictive shall apply.
119. Owner-Occupied Housing: Any Dwelling Unit intended to be conveyed in fee simple, condominium or equity-sharing arrangement such as a community housing land trust and limited equity cooperatives.
120. Parking and Loading Space, Off-Street: An off-Street parking space shall consist of a space adequate

for parking a vehicle together with properly related access to public Street or alley and maneuvering room. Required off-Street parking areas for three or more vehicles shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public Street, walk, or alley, and so that any vehicle may be parked and un-parked without moving another. Off-Street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the town. A buffer zone of 5 feet in width shall be required between the Street Right-of-Way, and the edge of the on-site parking areas.

121. **Planned Unit Development:** A Subdivision for any type or mix of residential Uses including single Family, two Family, and Multi-Family Dwellings and Commercial Uses if allowed by the underlying Zone District which permits the Uses to be clustered on a portion of the entire parcel on the condition that the remaining land in the tract is reserved for Open Space, the future Development or Subdivision of which is prohibited. The number of permitted units is to be determined by the density permitted in the underlying Zone District.
122. **Plat:** The final plan on which the subdivider's plan of Subdivision is presented to the New London Planning Board for approval and which, if approved and signed, will be submitted to the Registry of Deeds of Merrimack County for recording.
123. **Power Grid:** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.
124. **Preexisting Towers and Antennas:** Any Tower or Antenna lawfully constructed or permitted prior to the adoption of this Ordinance. Shall also mean any Tower or Antenna lawfully constructed in accordance with this Ordinance that predates an application currently before the Board.
125. **Presite Built Housing:** Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local Building codes, for installation, or assembly and installation, on the Building site. Pre-site built housing shall not include manufactured housing as defined in RSA 674:31.
126. **Private, Nonprofit Organization:** Any organization which has been recognized by the United State Internal Revenue Service as tax exempt under Section 501(c)(3) of the Internal Revenue Code as amended.
127. **Public Body of Water:** Shall consist of Lake Sunapee, Little Lake Sunapee, Pleasant Lake, Otter Pond, Messer Pond, Goose Hole Pond, Murray Pond and Clark Pond.
128. **Public Buildings:** Any Building owned and/or occupied by a governmental agency (i.e., national, state, county, municipal or a department thereof).
129. **Rear Yard:** A space extending across the full width of the Lot and lying between the rear Lot Line and the nearest part of the Structure.
130. **Reasonable and Realistic Opportunities for the Development of Workforce Housing:** Opportunities to develop economically viable Workforce Housing within the framework of a town's ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e. The collective impact of all such ordinances and regulations on a proposal for the Development of Workforce Housing shall be considered in determining whether opportunities for the Development of Workforce Housing are reasonable and realistic. If the ordinances and regulations of a town make feasible the Development of sufficient Workforce Housing to satisfy the town's obligation under RSA 674:59, and such Development is not unduly inhibited by natural features, the town shall not be in Violation of its obligation under RSA 674:59

by virtue of economic conditions beyond the control of the town that affect the economic viability of Workforce Housing Development.

131. Record Lot: Land designated as a separate and distinct parcel in a legally recorded deed and plan filed in the records of Merrimack County, New Hampshire.
132. Recreation Facilities: An area and appurtenances designed for the purpose of leisure time activities such as:
 - a. Publicly owned Recreational Facilities: town, county or state areas, ponds and lakes; also forest areas where timber is privately owned, but which are open to the public through permanent easement.
 - b. Privately owned tax exempt Recreational Facilities that are available to the public: example: civic organizations that have a tax exempt status such as the New London Outing Club.
 - c. Privately owned, noncommercial Recreational Facilities that are not generally available to the public (example: veterans' organizations).
 - d. Commercial Recreational Facilities that may or may not be available to the public (examples: Lake Sunapee Country Club and Slope 'n Shore Club).
133. Recreational Vehicle: 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.
134. Reference Line: (a) For natural fresh water bodies without artificial impoundments, the natural mean high water level as determined by the NH Department of Environmental Services. (b) For artificially impounded water bodies with established flowage rights, and for water bodies without established flowage rights, the waterline at full pond as determined by the elevation of the spillway crest.
135. 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.
136. Rental Housing: Any Dwelling Unit intended to be leased.
137. Retirement Care Community (RCC): A RCC is defined as an age restricted Development that shall provide appropriate amenities, appropriate health care facilities, meeting rooms, Recreational Facilities, common dining facilities, and other amenities for the residents of the Development, and is designed to provide housing for persons age 55 or older, with a mix of different types of housing units and housing arrangements, which may include single Family attached, single Family detached, two-unit or multi-unit housing structures or other living arrangements to accommodate the needs of the residents of the retirement community. A Retirement Care Community may include and consist of assisted living facilities, continuing care retirement communities, nursing homes and or congregate care facilities. (New definition added May 2014).
138. Right-of-Way: Includes all town, state and federal highways, and rights-of-way public or private and the land on either side of same as covered by Statutes to determine the widths of the Right-of-Way. In addition, private rights-of-way that serve three or more properties whose dimensions and location are not defined by deed, plan or metes and bounds, shall be considered 40 feet wide for the purposes of establishing a bound for measuring Front Yards and corner yards. In these instances, Front Yard and corner yard depth shall be

measured at right angles to the Lot Line bordering this Right-of-Way beginning at a point 20 feet from the centerline of the existing private Street, excluding driveways, within the private Right-of-Way. The front and corner yard measurement shall be the depth required by the underlying zone district. The terms of this definition shall not apply to common driveways serving only two properties.

139. Sapling: Any woody plant which normally grows to a mature Height greater than 20 feet and has a diameter less than six inches at a point 4U2 feet above the ground.
140. Schools, Public or Private: Schools not operated for profit whose principal purpose and activity consist of general education instruction similar to approved curricula prescribed by the State Board of Education for the Elementary and Secondary Schools of the State of New Hampshire; kindergartens, nursery Schools.
141. Seasonal Use: A use carried on for only part of the year or for one or more season(s) of the year, such as swimming in the summer, skiing in the winter, or residing in a condominium during the summer or winter seasons.
142. Shadow Flicker: The visible flicker effect when rotating blades of the Wind Generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.
143. Shore Frontage: The actual shoreline footage measured at the Normal High Water line.
144. Shrub: Any multi-stemmed woody plant which normally grows to a mature Height of less than 20 feet.
145. Side Yard: A space extending the full depth of the Lot and lying between the side Lot Line and the nearest part of the Structure. Side Yard width shall be measured at right angles to the side Lot Lines. For districts that establish an aggregate minimum width for Side Yards, if the primary Structure on the Lot is constructed with a minimum Side Yard setback, then all subsequent Structures on the Lot shall conform to the setback established by the primary Structure.
146. Sign: Any combination of letters, numerals, lines, symbols, shapes or designs, in any medium, on any surface, intended to convey the identity of, or information about, any person, place, thing, product or service.
147. Small Wind Energy System: A wind energy conversion system consisting of a Wind Generator, a Wind Tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.
148. Snow Storage/ Disposal Area: Those areas identified on a site plan for such Use where snow is moved and dumped and not normal snow plowing areas along private roads/driveways and parking areas.
149. Special Exception: A Special Exception is a Use that would not be appropriate generally or without restriction throughout the Zone District but which, if controlled as the number, area, location, or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity, or general welfare. Such Uses may be permitted in such Zone District as Special Exceptions, if specific provision for such Special Exceptions is made in this Zoning Ordinance if it is in accordance with the master plan.
150. Special Flood Hazard Area: See Area of Special Flood Hazard.
151. 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 a 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 not part of the main Structure.

152. Statutes: Whenever the word Statutes appears, it shall mean New Hampshire Statutes.
153. Storage Container: An enclosed container, usually of metal construction, with or without wheels or rollers, designed for the transportation and/or secure storage of material or property of any kind. Storage containers include semi-trailers intended to be pulled by a tractor, containers moved by container truck, containers moved by flatbed, and roll-off containers. Dumpsters used for the temporary storage of trash and construction debris are not included in the definition of Storage Container.
154. Streams: Only those intermittent or perennial running waters specifically identified for protection on the New London Streams and Wetlands Protection Map dated March 13, 2001. This map is available for viewing in the Office of the Board of Selectmen.
155. Street: Relates to and includes Street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway, and other ways.
156. Structure: Anything constructed, placed or erected on the ground, or attached to something already existing on the ground, with or without a durable foundation, whether temporary or permanent. Among other things, "Structure" includes Buildings, Manufactured Homes, Pre-Site-Built Housing and Accessory Buildings. "Structure" also includes walls, decks or platforms, concrete pads or slabs, temporary carports, sheds over 40 square feet in size, greenhouses, and anything built or constructed outside for Accessory Uses, including Dish Antennas or satellite earth stations that are over three (3) feet in diameter. The following are excluded from the definition of "Structure": lawn furniture, portable barbeque grills, free standing hot tubs (not including the deck, pad or slab on which it is placed), heating, ventilation and air conditioning (HVAC) Equipment, Essential Services Equipment (cabinets for switching, connecting and distributing electric power, telephone, cable and fiber optics), wells and well heads serving individual Lots, propane tanks serving individual residential properties, landscaped features (including patios, steps, walkways and retaining walls), fences, stone walls, animal shelters under 40 square feet, children's swing sets, dumpsters, temporary portable toilets, flagpoles, sandboxes, playhouses and other playground Equipment, Signs and Sign installation devices (see Article II, Section 10), tents used for camping or temporary functions and gatherings and Equipment providing necessary utilities servicing Buildings. For Floodplain management purposes only, "Structure" means a walled and roofed Building, including a gas or liquid storage tank principally above ground, as well as a Manufactured Home.
157. Subdivision: The division of a Lot, tract, or parcel of land into two or more Lots, Plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or Building Development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided in parts among the several owners shall be deemed a Subdivision.
158. 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.
159. Substantial Improvement: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

~~160. 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 the appraised value prior to the start of the initial repair or improvement, or 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.”~~

161. Swamp: A Wetland that is dominated by Trees and Shrubs.
162. System Height: The vertical distance from ground level to the tip of the Wind Generator blade when it is at its highest point.
163. Telecommunications Facilities: Any Structure, Antenna, Tower, or other device which provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier wireless exchange access services.
164. Trailer, Travel Trailer or Recreational Vehicle: A portable Structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes. Recreational Vehicles are included in the definition of Trailer or Travel Trailer.
165. Tree: Any woody plant which normally grows to a mature Height greater than 20 feet and which has a diameter of 6 inches or more at a point 4Uz feet above the ground.
166. Tourist Facility: A residential facility for the accommodation of transient guests.
167. Tower: Any Structure that is designed and constructed primarily for the purpose of supporting one or more Antennas, including Lattice Towers, guy Towers, or Monopole Towers. The term includes radio and television transmission Towers, microwave Towers, common-carrier Towers, cellular telephone Towers, Alternative Tower Structures, and the like.
168. Townhome: A single dwelling unit whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in a row may be owned by a separate owner. *(Added 3/28/2023)*
169. Use: The purpose or activity for which land or Buildings are designed, arranged, or intended or for which land or Buildings are occupied or maintained.
170. Variance: A Variance is a relaxation of the terms of the Zoning Ordinance where such Variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

171. 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 under Section E, Section H(2)(b), or Section G(3)(4) of this ordinance is presumed to be in Violation until such time as that documentation is provided.
172. 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.
173. Watercourse: A body of water, usually, but not necessarily, of natural origin, flowing in a reasonably defined channel with bed and banks. The definition includes not just rivers and creeks, but also springs, ponds and Marshes in which such flowing streams originate and through which they flow.
174. Waterfront Access: Shore Frontage on or access to a lake, pond or river.
175. Waterfront Buffer: The area of the Shore Land Overlay District that lies within 50 feet of the Reference Line, measured horizontally and at right angles to the Reference Line.
176. Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, Swamps, Marshes, Bogs and similar areas.
177. Wind Tower: The Monopole, guyed Monopole or lattice structure that supports a Wind Generator.
178. Wind Tower Height: The Height above Grade of the fixed portion of the Wind Tower, excluding the Wind Generator.
179. Wind Generator: The blades and associated mechanical and electrical conversion components mounted on top of the Wind Tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.
180. Workforce Housing: Housing that is intended for sale and that is Affordable to a household with an income of no more than 100% of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Workforce Housing also means Rental Housing which is Affordable to a household with an income of no more than 60% of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing Developments that exclude minor children from more than 20% of the units, or in which more than 50% of the Dwelling Units have fewer than two Bedrooms, shall not constitute Workforce Housing for the purposes of this subdivision.

ARTICLE XV

FLOODPLAIN OVERLAY DISTRICT

Certain areas of the Town of New London, New Hampshire are subject to periodic Flooding, causing serious damages to properties within these areas. Relief is available in the form of Flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of New London, New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

- A. This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of New London Floodplain Overlay District. The regulations in this ordinance shall overlay and supplement the regulations in the Town of New London 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 Study for the County of Merrimack, N.H." dated April 19, 2010 or as amended, together with the associated Flood Insurance Rate Maps dated April 19, 2010 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

- B. **Permit Required:** All proposed Development in any Flood hazard area shall require a permit.
- C. **Permit Applications:** The Board of Selectmen 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 flotation, 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 damage; and
 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.
- D. **Water and Sewer Systems:** Where new or replacement water or sewer systems (including on-site systems) are proposed in a Special Flood Hazard Area the applicant shall provide the Board of Selectmen 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.
- E. **Permit Records:** For all new or substantially improved Structures located in an Area of Special Flood Hazard, the applicant shall furnish the following information to the Board of Selectmen:
1. The as-built elevation (in relation to **mean sea level** ~~NGVD~~) of the Lowest Floor (including the Basement) and include whether or not such Structures contain a Basement;
 2. If the Structure has been Flood proofed, the as-built elevation (in relation to **mean sea level**

~~NGVD~~) to which the Structure was Flood-proofed; and

3. Any certification of Flood Proofing.

The Board of Selectmen shall maintain for public inspection, and shall furnish such information upon request.

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

G. Watercourses

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 Zoning Administrator, in addition to the copies required by RSA 482-A: 3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Zoning Administrator, including notice of all scheduled hearings before the Wetlands Bureau and the New London Zoning Board of Adjustment for local Wetland hearings.

2. The applicant shall submit to the Zoning Administrator, 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. The Zoning Administrator shall obtain, review, and reasonably utilize any Floodway data available from Federal, State, or other sources as criteria for requiring that all Development located in Zone A meets 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.”

4. Until a Regulatory Floodway is designated along Watercourses, no New Construction, Substantial Improvements, or other Development (including fill) shall be permitted within Zone(s) 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 foot at any point within the community.

5. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

H. ~~Base Flood Elevation-100-Year-Flood-Elevation~~ Determination

1. In Special Flood Hazard Areas the Board of Selectmen shall determine the ~~Base Flood Elevation-100-Year-Flood-Elevation~~ in the following order of precedence according to the data available:
 - a. In zones AE, refer to the elevation data provided in the community’s Flood Insurance Study and accompanying FIRM.

- b. In Zone A, the Board of Selectmen shall obtain, review, and reasonably utilize any **Base Flood Elevation** ~~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). **Where a base flood elevation is not available or not known for Zone A, the base flood elevation shall be determined to be at least 2 feet above the highest adjacent grade.**
2. The Board of Selectmen's **Base Flood Elevation** ~~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 elevation (including Basement) elevated to or above the **Base Flood Elevation** ~~100-Year Flood Elevation~~.
- b. All New Construction or Substantial Improvements of non-residential Structures have the Lowest Floor (including Basement) elevated to or above the **Base Flood Elevation** ~~100-Year Flood Elevation~~; or together with attendant utility and sanitary facilities, shall:
- i. Be Flood-proofed so that below the **Base Flood Elevation** ~~100-Year Flood Elevation~~ that 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 the 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 Elevation** ~~100-Year Flood Elevation~~; 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. 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, 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 Paragraph (c) (6) of Section 60.3.

Section 60.3(b)(1) states that the community shall require permits for all proposed construction and other Developments including the placement of Manufactured Homes, within Zone A of the community's FIRM.

Section 60.3(c)(6) states that the community shall require that Manufactured Homes that are placed or substantially improved within Zone AE on the community's FIRM on sites (i) outside of a Manufactured Home park or Subdivision; (ii) in a new Manufactured Home park or Subdivision; (iii) in an expansion to an existing Manufactured Home park or Subdivision; or (iv) in an existing Manufactured Home park or Subdivision on which a Manufactured Home has incurred Substantial Damage as the result of a Flood, be elevated

on a permanent foundation such that the Lowest Floor of the Manufactured Home is elevated to or above the Base Flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.

A Recreational Vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- e. For all New Construction or 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 exceed the following minimum criteria: a minimum of two flood 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; and openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

I. Variances:

- 1. Any order, requirement, decision or determination of the Board of Selectmen made under this Ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- 2. 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:
 - a. That the Variance will not result in increased Flood heights, additional threats to public safety or extraordinary public expense.
 - b. 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.
 - c. That the Variance is necessary, considering the Flood hazard, to afford relief.
- 3. The Zoning Board of Adjustment shall notify the applicant in writing that:
 - a. 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
 - b. 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.
- 4. The Town shall:

- a. Maintain a record of all Variance actions, including the justification for their issuance, and
- b. Report such Variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

The language below must be included in the Subdivision Regulations and Site Plan Review Regulations of communities that participate in the National Flood Insurance Program. This language appears to be missing from New London's Site Plan Review Regulations.

For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development 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.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - c. adequate drainage is provided so as to reduce exposure to flood hazards.