

SECTION V: OVERLAY DISTRICT REGULATIONS

5.0 FLOODPLAIN AND WESTFIELD RIVER PROTECTION DISTRICT

5.0.1 Purposes

The purposes of the Floodplain and Westfield River Protection Districts are to:

- (a) Protect life, public safety and property from flooding hazards;
- (b) Preserve the natural flood control and flood storage characteristics of the floodplain;
- (c) Promote the preservation of agricultural lands along the Westfield River;
- (d) Prevent any alterations to the natural flow of the river;
- (e) Protect fisheries and wildlife habitat within and along the river;
- (f) Control erosion and siltation;
- (g) Enhance and preserve existing scenic or environmentally sensitive areas along the shoreline;
- (h) Conserve shore cover and encourage well-designed developments;
- (i) Prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off, and poorly sited waste disposal facilities.
- (j) Preserve and maintain the groundwater table and water recharge areas within the floodplain.

5.0.2 District Delineation

- (a) The Floodplain District is herein established as an overlay district and includes all special flood hazard areas designated as Zone A on the Middlefield Flood Insurance Rate Maps (FIRM), dated January 3, 1986, as they may be amended or revised, (Community Number 250166B, 01-10), on file with the Town Clerk, and hereby made a part of this ordinance.
- (b) The Westfield River Protection District is herein established as an overlay district. The area subject to the bylaw shall be the entire sections of the Middle and West Branches of the Westfield River within the Town of Middlefield and Glendale Brook from Glendale Falls to the Middle Branch confluence. The Westfield River Protection District shall encompass those floodplain areas designated as Zone A on the town of Middlefield Flood Insurance Rate Maps (FIRM) for the Westfield River, Middle and West Branches and Glendale Brook from Glendale Falls to the Middle Branch confluence. Where the floodplain has not been delineated on the FIRM maps or where the delineation is less than 100 feet from the river bank (as defined by M.G.L. Chapter 131, Section 40), the Westfield River Protection District shall be defined as that area within 100 feet, measured horizontally, of the river bank. For purposes of this bylaw, the riverbank shall be defined as the river's seasonal high water mark.
- (c) The boundaries of the Floodplain and Westfield River Protection Districts shall be determined by scaling distances on the Flood Insurance Rate Map. When interpretation is needed as to the exact location of the boundaries of a district, the Building Inspector shall make the necessary interpretation.

5.0.3 Use Regulations

- (a) All development, including structural and non-structural activities, whether permitted as a right or by special permit must be in compliance with the Massachusetts Wetlands Protection Act, Chapter 131, Section 40 of the Massachusetts General Laws, with the requirements of the Massachusetts State Building Code 780 CMR 744.0 pertaining to construction in the floodplain, with the State Environmental Code, Title V, and must comply in all respects to the provisions of the underlying district except that where the Floodplain and Westfield River Protection Zoning imposes additional regulations such regulations shall prevail.

(b) Permitted Uses

The following uses of low flood-damage potential and causing no obstruction flood flows shall be permitted in the Floodplain and Westfield River Protection Districts provided they do not require new structures, fill, or storage of material or equipment:

1. Agricultural uses such as farming, grazing, and horticulture.
2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, and play areas.
4. Conservation of water, plants, and wildlife.
5. Wildlife management areas.
6. Buildings lawfully existing prior to the adoption of these provisions, and improvements to such structures provided that the square foot increase of those improvements does not exceed 25% of the overall footage of the structure.

(c) Uses by Special Permit in the Floodplain and Westfield River Protection Districts

1. The following uses may be allowed by Special Permit from the zoning Board of Appeals in accordance with the Special Permit regulations in Section 6.4 of this bylaw, and additional restrictions and criteria contained herein:
 - i. Single-family residences, not including mobile homes.
 - ii. Residential accessory uses including garages, driveways, private roads, utility rights-of-way, and on-site wastewater disposal systems.
 - iii. Excavation or moving of earth materials accessory to residential use.
 - iv. Improvements to structures or buildings the square footage of which exceeds 25% of the overall square footage of the structure.

(d) Special Permit Requirements in the Floodplain District

The following Special Permit requirements apply in the Floodplain District, in addition to those requirements specified in Section 6.4.

1. With Zone A 1-30, where base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data. These data will be reviewed by the Building Inspector for their reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code

2. No encroachments (including fill, new construction, substantial improvements to existing structures, or other development) shall be allowed unless it is demonstrated by the applicant that the proposed development, as a result of compensating actions, will not result in any increase in flood levels during the occurrence of a 100-year flood in accordance with the Federal Emergency Management Agency's regulations for the National Flood Insurance Program.
3. The proposed use shall comply in all respects to the provisions of the underlying District in which the land is located.
4. The Zoning board of Appeals may specify such additional requirements and conditions as it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.
5. Within 10 days of the receipt of the application, the Zoning Board of Appeals shall transmit one copy of the development plan to the Conservation Commission, Board of Health, Building Inspector, and the Planning Board. Final action shall not be taken until reports have been received from the above boards or until 35 days have elapsed.

(e) Special Permit Requirements in the Westfield River Protection District

The following Special Permit requirements apply in the Westfield River Protection District, in addition to those requirements specified in Section 6.4:

1. A buffer strip extending at least one hundred (100) feet in depth, to be measured landward from each bank of the Westfield River shall be required for all lots within the River Protection District. If any lot, existing at the time of adoption of this bylaw, does not contain sufficient depth, measured landward from the river bank, to provide a one hundred foot buffer strip, the buffer strip may be reduced to 50% of the available lot depth, measured landward from the river bank.
 - i. The buffer strip shall include trees and shall be kept in a natural or scenic condition.
 - ii. No buildings nor structures shall be erected, or moved within the buffer strip except as provided for in Section 6.0.3(b)6.
 - iii. On-site wastewater disposal systems shall be located as far from the Westfield River as is feasible.

(f) Special Permit Criteria

In addition to the provisions of Section 6.4, the Zoning Board of Appeals may issue a special permit if it finds the proposed use is compliant with the following provisions:

1. In the Floodplain District, proposed uses must:
 - i. Not create increased flood hazards which are detrimental to the public health, safety and welfare.
 - ii. Comply in all respects to the provisions of the underlying District or Districts within which the land is located.
 - iii. Comply with all applicable state and federal laws, including the Massachusetts Building Code and the Massachusetts Wetlands Protection Act (M.G.L., C.131, s.40).

2. In the Westfield River Protection District, proposed uses must also:

- i. Be situated in a portion of the site that will most likely conserve shoreland vegetation and the integrity of the buffer strip;
- ii. Be integrated into the existing landscape through features such as vegetative buffers and through retention of the natural shorelines;
- iii. Not result in erosion or sedimentation;
- iv. Not result in water pollution.

(g) Restricted Uses Within the Westfield River Protection District

1. No altering, dumping, filling or removal of riverine materials or dredging is permitted. Maintenance of the river, including stabilization or repair of eroded riverbanks or removal of flood debris, may be done under requirements M.G.L., C.131, s. 40, and any other applicable laws, bylaws, and regulations. Riverbank repairs shall be undertaken utilizing only natural materials (e.g., rock) and not with man-made materials (e.g., tires).
2. All forest cutting over 25,000 board feet at one time shall require the filing of a Forest Cutting Plan in accordance with the Massachusetts Forest Cutting Practices Act (M.G.L. C.132, s. 40-46). In addition, no cutting of forest or vegetation shall occur within 50 feet of the river bank. In the area between 50 feet and 100 feet from the river bank, no more than 50% of existing forest shall be cut.
3. No permanent impoundments, dams or other water obstructions may be located within the district.
4. No private wastewater treatment facilities, including residential package treatment plants, shall discharge directly to the Middle or West Branches of the Westfield River.
5. All other uses not specifically permitted or allowed by special permit approval within the overlay zone are prohibited.
6. All utilities shall meet the following standards:
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.
 - iii. On-site waste disposal systems shall be located to avoid impairment or contamination from them during the flooding and shall be located no less than 150 feet from the normal high water mark.

(h) Nonconforming Uses

1. Any lawful use, building, structures, premises, land or parts thereof existing at the effective date of this bylaw or amendments thereof and not in conformance with the provisions of this bylaw shall be considered to be a nonconforming use.
2. Any existing use or structure may continue and may be maintained, repaired, and improved in conformance with Section 5.0.3(a) provided that the square foot increase of those improvements does not exceed 25% of the overall footage of the structure.
3. Any nonconforming structure that is destroyed may be rebuilt on the same location but no larger than its overall original square footage.