

#### 4.0 FLOODPLAIN AND WESTFIELD RIVER PROTECTION DISTRICT

##### 4.0.1 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

Preserve and maintain the groundwater table and water recharge areas within the [floodplain](#).

##### 4.0.2 District Delineation

(a) The [Floodplain](#) District is herein established as an overlay district and includes all special flood hazard areas designated as Zones A, A1-30 on the Chester Flood Insurance Rate Maps (FRM), dated October 16, 1984 Panels 250136 001-0015), 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 length of the West Branch, of the Westfield River and that section from the Chester - Middlefield/Worthington town line to the confluence with Kinne Brook of the middle Branch of the Westfield River within the Town of Chester. The Westfield River Protection District shall encompass those [floodplain](#) areas designated as Zone A or Zones A 1-30 on the Town of Chester Flood Insurance Rate Maps (FIRM) for the Westfield River, West Branch and middle Branch from the

Chester-Middlefield/Worthington town line to the confluence with Kinne Brook.

Where the [floodplain](#) has not been delineated on the FIRM maps or where the delineation is less than 100 feet from the [riverbank](#) the Westfield River Protection District shall be defined as that area within 100 feet, measured horizontally, of the [riverbank](#). For purposes of this bylaw, the [riverbank](#) shall be defined as the rivers mean annual high water line (see definitions).

(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.

#### 4.0.3 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 Mass. Wetlands Protection Plan, Chapter 13 1, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code 780 CMR 744.i 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 lowflood-damage potential and causing no obstruction to flood flows shall be permitted in the [Floodplain](#) and Westfield River Protection Districts provided they do not require new structures or fill:

1. Agricultural use such as farming, grazing and horticulture,
2. Forestry and nurseries.
3. Outdoor recreational uses, including fishing, boating, play areas and foot, bicycle or horse paths.
4. Conservation of water, plants, and wildlife.
5. Wildlife management areas.
6. Structures existing prior to the adoption of these provisions which conform with the provisions of the bylaws regulating underlying districts, including maintenance and repair-usual for continuance of such an existing structure and improvements to such structures provided that the footprint increase of

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those improvements does not exceed 25% of the overall footprint of the structure. In the event such structure is destroyed said structure may be rebuilt on the same location but no larger than the original overall footprint.

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

The following uses may be allowed by Special Permit from the Zoning Board of Appeals in accordance with the Special Permit regulations in Section 6.5 of this bylaw, and additional restrictions and criteria contained herein:

#### 1. Residence and Agricultural-Residence Districts

- (i) Single-family residences, not including mobile homes.
- (ii) Residential accessory uses including garages, driveway, private roads, utility rights-of-way and on-site wastewater disposal systems.
- (iii) [Substantial](#) improvements to structures or buildings, which conform to the provisions of the underlying districts.

#### 2. Business and Industrial Districts

- (1) Uses which are in compliance in all respects with the provisions of the underlying districts.

### (d) Special Permit Requirements in the [Floodplain](#) District

The following Special Permit Requirements apply in the [Floodplain](#) District:

- 1. With Zone A 1-30, where base flood elevation is to 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

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### 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 Sections 4.0.3(d) and 6.5.

1. A buffer strip extending at least one hundred (100) feet in depth, to be measured landward from each [riverbank](#) 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 [riverbank](#), 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 [riverbank](#).

- (i) The buffer strip shall be kept in a natural or scenic condition.
- (ii) No buildings nor structures shall be erected, enlarged, altered or moved within the buffer strip except as provided for in Section 4.0.3(b)6.
- (iii) On-site wastewater disposal systems shall be located as far from the Westfield River as is feasible.

### Special Permit Criteria

In addition to the provisions of Section 6.5 the Zoning Board of Appeals may issue a special permit if it finds the proposed use is compliant with the following provisions:

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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, except that maintenance of the river, including stabilization or repair of eroded riverbanks, erosion control or removal of flood debris, may be done under requirements M.G.L., Chapter 131, Section 40, and any other applicable laws, bylaws, and regulations. [Riverbank](#) repairs shall be undertaken utilizing only natural materials (i.e. rock) and not with man-made materials (i.e. 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 Mass. Forest Cutting Practices Act (M.G.L. Chapter 132, Sections 40A-46). In addition, no commercial cutting of forest shall occur within 50 feet of the [riverbank](#). In the area between 50 feet and 100 feet from the [riverbank](#), no more than 50% of existing forest, shall be cut.

3. No new impoundments, dams or other water obstructions may be located

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within the district.

4. No private wastewater treatment facilities, including residential package treatment plants, shall discharge directly to the West and Middle 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) New 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 [riverbank](#). Replacement of existing on-site waste disposal systems shall be located as far away from the [riverbank](#) as is feasible.

(h) Prohibited Uses in the Floodway

In Zones A1-30 and AE, along watercourses that have a regulatory [floodway](#) designated on the Chester Flood Boundary and [Floodway](#) Map encroachments are prohibited in the regulatory [floodway](#) which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

### 4.0.4 Definitions

For the purposes of Section 4.0 of this bylaw, the following definitions apply:

**FLOODWAY** : the channel of a river or other watercourse plus an adjacent areas that must be kept free of [encroachment](#) in order that the 100-year flood may be carried without any increase in flood heights, as shown on the Chester Flood Boundary and Floodway map.

**RIVERBANK** : the mean annual high-water line, located within a river bank, that is apparent from visible markings, changes in the character or soils or vegetation due to

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the prolonged presence of water and which distinguishes between predominantly aquatic and predominantly terrestrial land.

**ENCROACHMENT** : fill, construction of new structures, [substantial](#) improvement to existing structures or other development.

**RIVERINE** : stone, rock, gravel, soil or other materials which Material comprise the rivers bed or [riverbank](#).

**SUBSTANTIAL** : improvement to a structure or building which exceeds 25% of Improvement the original footprint of such structure or building.

**FLOODPLAIN** : areas which would be flooded during the occurrence of the 100-year flood, shown as Zones A, A1-30 on the Chester Flood Insurance Rate Maps.