

SECTION IX - FLOOD PLAIN AND WESTFIELD RIVER PROTECTION ZONING

A. Purposes.

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

1. Protect life, public safety and property from flooding hazards;
2. Preserve the natural flood control and flood storage characteristics of the floodplain;
3. Promote the preservation of agricultural lands along the Westfield River;
4. Prevent any alterations to the natural flow of the river;
5. Protect fisheries and wildlife habitat within and along the Westfield River;
6. Control erosion and siltation;
7. Enhance and preserve existing scenic or environmentally sensitive areas along the shoreline;
8. Conserve shore cover and encourage well-designed developments;
9. Prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off, and poorly sited waste disposal facilities.
10. Preserve and maintain the [groundwater](#) table and water recharge areas within the floodplain.

B. District Delineation

1. The Flood Plain District is herein established as an overlay district and includes all special flood hazard areas designated as Zones A, A1-30 on the Worthington Flood Insurance Rate Maps (FIRM), dated June 19 1989, on file with the Town Clerk, and hereby made a part of this By-Law.
2. The Westfield River Protection District is herein established as an overlay District. The area subject to the By-Law shall be the entire length of the Middle Branch of the Westfield River within the Town of Worthington. The Westfield River Protection District shall encompass those floodplain areas designated as Zone A or Zones A1-30 on the Town of Worthington Flood Insurance Rate Maps (FIRM) for the Westfield River, Middle Branch. 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 MGL Ch 131 s 40), the River Protection District shall be defined as that area within 100 feet, measured horizontally, of the river bank.
3. The boundaries of the Flood Plain 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.

C. Use Regulations

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, MGL Ch 131 s40, and with the requirements of the Massachusetts State Building Code pertaining to construction in the Flood Plain (currently Section 744).

1. Permitted Uses

WORTHINGTON – Current Bylaw

The following uses in the Flood Plain District of low flood damage potential and causing no obstruction to flood flows shall be permitted provided they do not require structures, fill, or storage of material or equipment:

- a. Agricultural uses such as farming, grazing, and horticulture.
- b. Forestry uses.
- c. Outdoor recreational uses, including fishing, boating, play areas and foot, bicycle or horse paths.
- d. Conservation of water, plants, and wildlife.
- e. Wildlife management areas.
- f. Buildings lawfully existing prior to the adoption of these provisions.

2. Uses by Special Permit

- a. No structure or building in the Flood Plain District shall be erected, constructed, substantially improved, reconstructed, or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a Special Permit is granted by the Zoning Board of Appeals.
- b. The following uses may be allowed by Special Permit from the Zoning Board of Appeals in accordance with the Special Permit regulations of this Zoning By-Law, and additional restriction and criteria contained herein:
 - i. Single family residences.
 - ii. Residential accessory uses including garages, driveways, private roads, utility rights-of-way and on-site waste-water disposal systems.
- c. The following Special Permit requirements apply in the Flood Plain District:
 - i. 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 flood proofing requirements, as appropriate, of the State Building Code.
 - ii. 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 regulation for the National Flood Insurance Program.
 - iii. The proposed use shall comply in all respects to the provisions of the underlying District in which the land is located.
 - iv. The Board 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.
- v. Within 10 days of the receipt of the application the Board 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 thirty-five (35) days have elapsed.
- d. The following Special Permit requirements apply in the Westfield River Protection District, in addition to those requirements specified in Sections **IX.III.B.3.:**
- i. 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 By-Law, does not contain sufficient depth, measured landward from the river bank, to provide a one hundred (100) buffer strip, the buffer strip, may be reduced to 50% of the available lot depth, measured landward from the river bank. For purposes of this By-Law, the river bank shall be defined as the river's seasonal high water mark. The buffer strip shall include trees and shall be kept in a natural or scenic condition.
 - ii. No buildings or structures shall be erected, enlarged, or altered or moved within the buffer strip.
 - iii. On-site wastewater disposal systems shall be located as far from the Westfield River as is feasible.
- e. In addition to the provisions of Section VIII.C, the Zoning Board of Appeals may issue a Special Permit if it finds the proposed use is compliant with the following provisions:
- i. In the Flood Plain District, proposed uses must:
 - a) Not create increased flood hazards which are detrimental to the public health, safety and welfare.
 - b) Comply in all respects to the provisions of the underlying District or Districts within which the land is located.
 - c) Comply with all applicable State and Federal laws, including the Massachusetts Wetlands Protection Act (MGL Ch 131 s40).
 - ii. In the Westfield River Protection District, proposed uses must also:
 - a) Be situated in a portion of the site that will most likely conserve shoreland vegetation and the integrity of the buffer strip.
 - b) Be integrated into the existing landscape through features such as vegetative buffers and through retention of the natural shorelines.

WORTHINGTON – Current Bylaw

- c) Not result in erosion or sedimentation.
- d) Not result in water pollution.

3. Restricted Uses Within the Westfield River Protection District

- a. No altering, dumping, filling, or removal of river line materials or dredging is permitted. Maintenance of the river may be done under requirements of MGL Ch 131s 40, and any other applicable laws, by-laws, and regulations.
- b. All forest cutting shall require the filing of a Forest Cutting Plan in accordance with the Massachusetts Forest Cutting Practices Act (MGL Ch 132s 40-46). In addition, no cutting of forest or vegetation shall occur within fifty (50) feet of the river bank. In the area between fifty (50) and one hundred (100) feet from the river bank, no more than 50% of existing forest shall be cut.
- c. No impoundments, dams, or other water obstructions may be located within the District.
- d. All other uses not specifically permitted or allowed by site plan approval within the overlay zone are prohibited.

4. Nonconformable Uses

- a. Any lawful use, building, structures, premises, land or parts thereof existing at the effective date of this By-Law or amendments thereof and not in conformance with the provisions of this By-Law shall be considered to be a nonconforming use.
- b. Any existing use or structure may continue and may be maintained, repaired, and improved, but in no event made larger.
- c. Any nonconforming structure which is destroyed may be rebuilt on the same location but no larger than its overall original square footage.