

§ 255-91. Floodplain regulations.

A. Purposes. These floodplain regulations are intended to provide standards for the use of those lands deemed subject to seasonal or periodic flooding, and are enacted for the following purposes:

- (1) To eliminate potential dangers to the health and safety of occupants of said lands, or of the public generally;
- (2) To prevent loss and damage to property, and relieve the burden from the public of costs resulting from the unwise use of said lands; and
- (3) To retain the natural storage capacity of the watershed, and assure the continuation of the natural flow pattern of watercourses within the Town, in order to avoid encroachment on the floodplain which would increase the extent and severity of flooding up- and downstream.

B. Floodplain District.

- (1) The Floodplain District is herein established as an overlay district. The Floodplain District includes all special flood hazard areas designated as Zone A, A1-30 on the South Hadley Flood Insurance Rate Maps (FIRM), and all areas within the limits of the one-hundred-year flood boundary indicated on the Flood Boundary and Floodway Map, said maps dated August 15, 1979, having been prepared by the United States Department of Housing and Urban Development (HUD) and having been placed on file with the Town Clerk, Planning Board and Building Commissioner. These maps, as well as the accompanying South Hadley Flood Insurance Study, are incorporated herein by reference.
- (2) The above-described Floodplain District is hereinafter also referred to as the "floodplain." The floodway is hereby defined to include: a) the area shown as within the floodway on the above-referenced maps, and b) the area within the floodplain which lies 10 feet or more below the elevation of the floodplain limits. The boundaries of the floodway shall be determined by the limits of the more extensive of the aforesaid areas.
- (3) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant for any building permit shall obtain any existing base flood elevation data and it shall be reviewed by the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of this section and of the State Building Code.

C. Permitted uses.

- (1) Within the floodplain but outside of the floodway, all uses as permitted in the applicable zoning district are allowed, provided that the lowest floor, including basement or cellar, of any building or structure is constructed at an elevation above the elevation of the floodplain limits as defined in the above-referenced maps.
- (2) Within the floodway, only uses not involving a building, such as farming, forest management, nurseries, conservation areas, parks, playgrounds, boat landing ramps,

public utility wires and pipe lines, and vehicular parking areas are permitted. Open storage of materials or equipment subject to flotation or washing away, such as lumber storage, is not a permitted use nor is the storage of inflammable liquids such as petroleum.

- (3) The addition or filling of soils, gravel, rocks, waste materials or other substances to raise the elevation or contours of land in the floodway is prohibited.
- D. Exceptions. The Planning Board, acting as the special permit granting authority, may grant a special permit for the construction of nonresidential structures or buildings in the floodplain but not in the floodway, provided that the following conditions are satisfied:
- (1) The building or structure is a permitted use in the applicable zoning district; and
 - (2) Such building or structure shall be designed and constructed to meet the structural design requirements for floodproofing as specified in the Massachusetts State Building Code, as amended, up to an elevation not less than two feet above the elevation of the floodplain limits. Working plans and specifications bearing the seal of a registered architect or engineer shall be submitted to the Planning Board and the Building Commissioner to verify that the proposed construction will withstand flood conditions as set forth in said State Building Code.
 - (3) The Planning Board may attach conditions to such special permit to protect the health and safety of the occupants of the premises, to prevent loss and damage to the property, and to ensure that construction and improvements on the land will not result in flood channel impoundments creating hazardous conditions for those properties upstream from that of the applicant.
- E. Floodway and base flood elevation data.
- (1) Floodway data. In Zone A and Zones A1-30, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) Base flood elevation data. Within unnumbered A Zones, applicants proposing developments (including but not limited to subdivisions) involving more than 50 lots or five acres (whichever is the lesser) must provide base flood elevation data.
- F. Notification of watercourse alteration. Any person intending to alter or relocate a watercourse in a riverine situation must notify the following:
- (1) Adjacent towns and cities.
 - (2) The National Flood Insurance Program State Coordinator with the Massachusetts Office of Water Resources.
 - (3) The National Flood Insurance Program Specialist with the Federal Emergency Management Agency for Region I.

G. Compliance with other regulations.

- (1) All development and use of land in the Floodplain District, including structural and nonstructural activities, whether permitted by right, special permit or site plan review (noted as Y, SP, SPR respectively in the Table of Use Regulations included as an attachment to this chapter) must be in compliance with MGL c. 131, § 40 and with other state and local regulations, including, but not limited to, the following:
 - (a) Applicable section(s) of the Massachusetts State Building Code which addresses floodplain and coastal high-hazard areas;
 - (b) Department of Environmental Protection (DEP) regulations regarding:
 - [1] Wetlands protection.
 - [2] Inland wetlands protection.
 - [3] Subsurface disposal of sanitary sewage.
- (2) Variances granted by the Town of South Hadley under MGL c. 40A or the Town's Zoning Bylaw do not convey a grant of a variance from state regulations. Accordingly, any variances from the provisions and requirements of the state regulations referenced in Subsection G(1)(a) or (b) above may only be granted in accordance with the required variance procedures of the applicable state regulations.

H. Supplemental requirements and restrictions.

- (1) In Zones A1-30, along watercourses that have a regulatory floodway designated on the South Hadley FIRM, 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.
- (2) All preliminary and definitive subdivision plan and site plan proposals must be designed, and are to be reviewed, to assure that:
 - (a) Development and use proposals minimize flood damage; and
 - (b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (c) Adequate drainage is provided to reduce exposures to flood hazards.