

Blue Text – To be added to existing ordinance

Red Text – To be removed from existing ordinance

Deleted: Notes based on meetings between Earth Tech and Waterboro's CEO¶

Section 7.06 Well-Head Protection District (AMENDED 6-5-93)

Deleted: Green Text – MRWA revisions based on 2/17 mtg. with Scott Davis and Patti Berry¶

Subsection 7.06.01 General - The purpose of this district is to establish a protection district for wells intended to serve potable water on a town or regional scale. The creation of the Wellhead District is intended to protect the quality and quantity of the present and future water resources of the communal potable water systems, by regulating activities and land use practices within the well recharge area. This protection is vital to preserving the health, safety, and general welfare of the households serviced by potable water systems and the other residents of the Town.

The Wellhead Protection district shall be an overlay zoning district and therefore compliance with all the requirements of the underlying zoning district(s) which the Wellhead Protection district covers shall be maintained.

In addition, those uses listed in s7.06.03 are prohibited in the Wellhead Protection overlay district.

The Wellhead Protection districts shall consist of all land delineated within that zone on the Town of Waterboro Wellhead Protection Zone Map, as amended.

Subsection 7.06.02 Permitted Uses and Structures - Any permitted uses and structures allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), and not specifically prohibited in subsection 7.06.03, shall be permitted uses and structures within the Wellhead Protection district.

Subsection 7.06.03 Prohibited Uses and Structures

1. Disposal or storage of combustible or non combustible waste is defined in the Town of Waterboro's Landfill Licensing Ordinance; hazardous or toxic materials as defined in the Town of Waterboro's Hazardous Waste Ordinance; leachable materials or road salt; used automobiles or related parts; and sludge.

2. Use or storage of fertilizer or manure, other than for home-agriculture.

3. Use or storage of herbicides, insecticides or pesticides other than for normal household or home agricultural use. Aerial spraying of herbicides, insecticides or pesticides.

4. Mining.

5. Metal plating,

6. Boat or motor vehicle service or repair; body shops.

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Subsection 7.06.(NEW) Performance Guarantees – The Planning Board may require the applicant to provide performance guarantees for an amount adequate to cover the total construction costs of all required improvements. Performance guarantees maybe made by certified check, payable to the Town, or a savings account naming the Town as Owner, for the establishment of an escrow account; by an irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or by a performance bond, payable to the Town, issues by a surety company and acceptable to the Town. The form, time periods, conditions, and amount of performance guarantees shall be determined by the Planning Board. (Patti suggested that this section be deleted because "performance bonds" are covered in Section 12.04 of the existing Zoning Ordinance.)¶

Deleted: – (To be Replaced by NEW Subsection that follows)

- 7. Car washes.
- 8. Dry cleaning establishments.
- 9. Truck or trailer terminals.
- 10. Agricultural uses other than home agricultural uses.
- 11. Furniture stripping, painting or wood preserving other than for personal use.
- 12. Commercial animal husbandry.
- 13. Sand and gravel extraction.
- 14. Pipelines for the transmission of oil, fuel, or hazardous or toxic materials, other than home heating systems.
- 15. Spray irrigation of industrial sewage or
- 16. Sawmills or wood processing plants.

17. Subsurface waste disposal systems with a capacity, greater than 1,000 gallons per day.

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Subsection 7.06.04. Establishment of Zones

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The Wellhead Protection Area consists of two (2) zones that are shown on the official Town of Waterboro Zoning Map or official Wellhead Protection Area Map. The two zones are defined as:

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A. Zone 1: Immediate Recharge Area

Zone 1 includes the area immediately recharging the water supply, as shown on the official Town of Waterboro Zoning Map or official Wellhead Protection Area Map.

B. Zone 2: Primary Recharge Area

Zone 2 includes the primary recharge area shown on the official Town of Waterboro Zoning Map or official Wellhead Protection Area Map.

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C. Land Use Table

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Any proposed land use listed below is subject to the requirements of this section and applicable performance standards. Any proposed uses not listed are prohibited.

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Agricultural chemical spreading or spraying	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Agricultural use of residuals	N	PB	Chemical Spreading/Spraying
Agriculture	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Animal husbandry	N	PB	Chemical Storage Wastewater and Solid Waste
Auto parts/supply	N	PB	Chemical Storage
Auto repair/body shop	N	PB	Chemical Use Chemical Storage
Beauty parlor	N	PB	Chemical Use Wastewater and Solid Waste
Boat builders, refinisher, maintenance	N	PB	Chemical Storage Chemical Use
Bulk Fuel Oil Storage >275 gallons	N	PB	Chemical Storage
Car wash	N	PB	Chemical Use Wastewater and Solid Waste
Commercial vehicular storage or parking; maintenance and refueling of vehicles and equipment ¹	N	PB	Vehicular Use and Storage
Concrete, asphalt, tar, coal company	N	PB	Chemical Storage Chemical Use
Dry cleaner	N	PB	Chemical Storage Chemical Use
Essential operations of the Water District	Y	Y	
Furniture stripper	N	PB	Chemical Storage Chemical use
Golf course	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Graveyard/cemetery	N	PB	Chemical Spreading/Spraying
Herbicide/Pesticide/Fertilizer application ²	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Herbicide/Pesticide/Fertilizer dealer	N	PB	Chemical Storage
Hoop houses and greenhouses	N	PB	Chemical Use Chemical Spreading/Spraying
Junk or salvage yard	N	PB	Wastewater and Solid Waste Chemical Storage
Laundromat	N	PB	Chemical Use Wastewater and Solid Waste
Machine shop	N	PB	Chemical Storage Chemical Use
Medical, dental, veterinarian office	N	PB	Wastewater and Solid Waste
Mining (Sand & Gravel, Rock)	N	PB	Mining
Mortuary/funeral parlor	N	PB	Chemical Storage Chemical Use
Multi-unit/family housing	N	PB	Wastewater and Solid Waste
Municipal wastewater treatment plant	N	PB	Wastewater and Solid Waste
Nursery or garden shop	N	PB	Chemical Use Chemical Spreading/Spraying
Oil pipeline	N	PB	Chemical Use Chemical Spreading /Spraying
Painters, finishers	N	N	Chemical Use
Parking lot	N	PB	Stormwater Road maintenance
Photo processor	N	PB	Chemical storage Chemical use
Printer	N	PB	Chemical storage Chemical use
Railroad yard or line	N	PB	Chemical storage Chemical use
Recycling or processing center (other than beverages)	N	PB	Chemical storage Chemical use Wastewater and Solid Waste

Land Use	Zone 1	Zone 2	Applicable Performance Standards
			Storm water Fill
Research laboratory	N	PB	Chemical storage Chemical use Wastewater and Solid Waste
Rust proofer	N	PB	Chemical storage Chemical use Wastewater and solid waste
Salt pile or sand and salt pile (uncovered)	N	PB	Chemical storage
Septic system - New ≥ 1,000 gallons - New < 1,000 gallons - Replacement < 1,000 gallons	N N CEO ³	N CEO ³ CEO ³	Wastewater and solid waste
Sewer lines	PB	PB	Waste water Solid waste
Small engine repair shop	N	PB	Chemical use
Storm water impoundment or run-off area	N	PB	Storm water Road maintenance
Utility Transmission Lines	PB	PB	Chemical Spreading/Spraying
Wastewater treatment plant, discharge	N	PB	Wastewater and solid waste
Notes	<p>¹ – Short-term overnight parking may be allowed in connection with other activities receiving a CEO or PB permit. For example, short-term overnight parking of construction vehicles on new permitted construction projects.</p> <p>² – Unless a greater public health concern warrants pesticide application. For example, Browntail Moth control.</p> <p>³ – With notification made to the <u>appropriate public water supplier(s): the Waterboro Water District and/or the Lake Arrowhead Association Department of Public Works.</u></p>		

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Land use key
Y= permitted

Land use key (continued)

N= not permitted

PB= permitted subject to Planning Board Review and use of Best Management Practices that pertain to the application

CEO= permitted subject to CEO Review and use of Best Management Practices that pertain to the application

Subsection 7.06.05 Conditional Uses - Any conditional uses allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), and not specifically prohibited in subsection 7.06.03, shall be conditional uses in this district and subject to Planning Board review pursuant to Article 4 of this Ordinance.

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Subsection 7.06.06 Conflict - If the provisions of this Article conflict with other requirements in this zoning ordinance, or with requirements found in other ordinances of the Town of Waterboro, the stricter requirements shall govern.

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Subsection 7.06.07. Lot Specifications

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A. Minimum Lot Size

Areas not served by public sewer:

<u>Zone</u>	<u>Land Area per Dwelling Unit</u>
1	160,000 sq. ft.
2	80,000 sq. ft.

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Areas served by public water have a minimum lot size of 40,000 square feet per dwelling unit.

B. Maximum Lot Coverage

For portions of lots within the Wellhead Protection Area, the maximum lot coverage that can be covered by impermeable surfaces including parking areas, shall be limited as follows:

<u>Zone</u>	<u>Maximum lot Coverage</u>
1	30%
2	50%

Notwithstanding other provisions of the ordinance, lot coverage that exists as of the date of adoption of this ordinance that equal or exceed the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Wellhead Protection Area. However, the Planning Board shall not authorize expansion of impermeable surfaces of existing uses if the total coverage of all lot areas located in the Wellhead Protection Area is greater than fifty percent (50%) in Zone 1 or greater than sixty-five percent (65%) in Zone 2.

Subsection 7.06.08. Application Requirements

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size or nature of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not affect or conflict with the purposes of this ordinance.

A. All Applications

All applications shall follow submission criteria required for Site Plan Review.

B. Additional Application Requirements for Planning Board Review for Certain Activities within the Wellhead Protection Area

More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Town Planner should there be questions as to which categories apply.

1. Non-agricultural chemical use, storage and handling, (including petroleum products)

- a. Type and volume of chemical compounds handled and/or stored.
- b. Site plan showing all storage, handling and use areas for raw materials and wastes.
- c. For outside areas, details to contain spills including:
 - i. drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;
 - ii. provisions to collect chemicals should they enter the drainage system;
 - iii. provisions to segregate underground systems to insure that there are no cross connections;
 - iv. provisions to prevent accidental containment breach by collisions;
 - v. statement of emergency measures which can be implemented for surface drainage systems;
- d. For inside areas, details to contain spill including the:
 - i. design of dikes around rooms;
 - ii. the location of floor drains and floor drains outlets;
 - iii. the location of separators, holding tanks and/or drain outlets;
 - iv. the specific location and design of underground storage structures;
 - v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- e. A spill prevention and control and countermeasure (SPCC) plan detailing:
 - i. materials and equipment to be available;
 - ii. a training plan and schedule;
 - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - iv. an inspection schedule.
- f. A report by an industrial engineer or other competent professional detailing:
 - i. steps which have been taken to reduce the use of hazardous material;

Comment [SBK1]: Patti seconded the note to compare these criteria against the Site Plan Review requirements. She suggested deleting all of section A and putting in something like this instead: "Anything that triggers Planning Board review requires the same submission criteria as Site Plan Review."

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Deleted: – Compare Against Existing Site Plan Review Requirements

Deleted: contain the following information.

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- a. Name of development; municipality; tax map and lot numbers.¶
- b. Owner and applicant's names and addresses; name and addresses of person who prepared the application and/or plan.¶
- c. Name and address to which correspondence should be sent.¶
- d. If applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach a copy of Secretary of State's Registration.¶
- e. Copy of recorded deed for property; verification of ownership of legal interest.¶
- f. Interest the applicant has in any property abutting the parcel to be developed.¶
- g. State whether the development covers the entire or contiguous holdings of applicant.¶
- h. On-site sewage disposal report from licensed site evaluator or information from local sewer district indicating capacity.¶
- i. Special reports:¶
 - i. Necessary state and/or federal permits and date of application and approval (please list).¶
 - ii. List of construction items, cost estimates.¶
 - iii. Construction schedules.¶
 - iv. Proposed method of performance guarantee.¶
 - v. Restrictions, conditions, covenants and easements.¶
- 2. Plan information:**¶
 - a. Existing and proposed streets.¶
 - b. Outline of development and remaining portion of property scale; written and graphic date; north point.¶
 - c. Perimeter survey (bearings and distances; surveyor's seal; number of acres; existing and proposed monuments; abutters names).¶
 - d. Lot lines, numbers and sizes; building setback lines.¶
 - e. Existing water bodies, watercourses, wetlands, and other significant natural features.¶
 - f. Public and private rights-of-way and easements.¶
 - g. Zoning boundaries.¶
 - h. Location of test pits keyed to site evaluator's or soil scientist's report ... [1]

- ii. actions which have been taken to control the amount of wastes generated;
- iii. any reports to provide information on the design theory or methodology for the above features.

2. Agricultural chemical use, storage and handling

- a. Type and volume of chemical compounds handled and/or stored.
- b. Intended use.
- c. An Integrated Pest management Plan.
- d. An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.
- e. Plans for control of surface water run-off and erosion in areas where chemicals will be applied.
- f. Detailed report on type of chemical applied and rate of application.
- g. Site plan showing all storage, handling and use areas for raw materials and wastes.
- h. For outside storage, details to contain spills including:
 - i. drainage and contour information to prevent the flow of runoff from entering;
 - ii. the storage area and which keep leaks or spills from flowing off site;
 - iii. provisions to collect chemicals should they enter the drainage system;
 - iv. provisions to segregate underground systems to insure that there are no cross connections;
 - v. provisions to prevent accidental containment breach by collisions;
 - vi. statement of emergency measures which can be implemented for surface drainage systems.
- i. For inside storage, details to contain spill including the:
 - i. design of dikes around rooms;
 - ii. the location of floor drains and floor drains outlets;
 - iii. the location of separators, holding tanks and/or drain outlets;
 - iv. the specific location and design of underground storage structures;
 - v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- j. A spill prevention and control and countermeasure (SPCC) plan detailing:
 - i. materials and equipment to be available;
 - ii. a training plan and schedule;
 - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - iv. an inspection schedule.
- k. A report by an industrial engineer or other competent professional detailing:
 - i. steps which have been taken to reduce the use of hazardous material;
 - ii. actions which have been taken to control the amount of wastes generated;
 - iii. any reports to provide information on the design theory or methodology for the above features.

3. Vehicular use and storage

- a. A site plan, drawn to scale, showing locations and designs of secondary containment for fuel and storage and refueling pads.

4. Mining (Sand, Gravel and Rock)

- a. A location map and site plan, drawn to scale, showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, erosion and sedimentation control all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas.
- b. A detailed report by a Maine Certified Geologist with experience in hydrogeology attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.

5. Subsurface injection

- a. Subsurface Wastewater Disposal
 - i. Soil evaluator's report and septic system design.
 - ii. For sites/uses producing >800 gallons of sewage, a hydrogeologic analysis of nitrate concentrations at the property line.
- b. Sewage Disposal
 - i. Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.
- c. Subsurface Injection
 - i. Provisions and designs for all floor drains, grease traps, and holding tanks.

6. Stormwater Management

- a. Narrative describing site layout, and on-site and off-site watershed hydrology, including all new and existing buildings and facilities, which may be affected by the site runoff. Provide total amount of impervious area created by the project.
- b. Drainage plans showing all topographic features, such as buildings and other facilities, drainageways, cover types, roads, drainage easements and subcatchment boundaries for pre-construction and post-construction conditions must be shown on the plan. Show all hydrologic flow lines and hydrologic soil groups boundaries on a plan and identify each subcatchment, reach and pond consistent with the runoff model. For post construction conditions, show all new stormwater management structures and changed to the hydrologic condition.
- c. Stormwater runoff calculations for measured designed to meet the standards listed in Section 5(G).
- d. Designs, construction details and technical specifications for each stormwater management measure that will be constructed, installed or managed on the site.

7. Utility Corridors

- a. Type and volume of chemical compounds applied, handled or stored.
- b. Site plan showing all areas of use areas for chemical compounds.
- c. A spill prevention and control and countermeasure (SPCC) plan detailing:
 - i. materials and equipment to be available;
 - ii. a training plan and schedule;
 - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - v. an inspection schedule.
- d. A report by an industrial engineer or other competent professional detailing:
 - i. steps which have been taken to reduce the use of hazardous material;
 - ii. actions which have been taken to control the amount of wastes generated;
 - iii. any reports to provide information on the design theory or methodology for the above features.

Subsection 7.06.09. Performance Standards

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A. General Provisions

All development located within the Wellhead Protection Area shall comply with the Performance Standards established in this section to protect the quality and quantity of the public water supply.

B. Performance Standards for Chemical Use

1. The use of chemicals or residuals shall not cause or contribute to the cumulative, calculated or actual levels of any contaminants in the groundwater at the Water District's property line to exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water act, as amended.
2. Only fertilizers containing predominantly slow release nitrogen and manure are allowed. Fertilizers shall be applied at an agronomic rate based on annual soil test results. Permit applications must be on an annual basis. Permit applications shall include application materials and rates.
3. Only land application of pesticides with low leachability by Maine licensed applicators is allowed. Provisions shall be made for control of surface run-off and erosion in areas where pesticides are being applied. Permit applications shall be submitted on an annual basis and shall include copies of the pesticide labels and materials safety data sheets and the proposed rate of application. In addition to a comprehensive Integrated Pesticide Management Plan certified by a groundwater hydrologist as having no unreasonable adverse effects on groundwater. Annual reports detailing the type and amount of substance reports as well as date and specific location of application shall be submitted to the CEO annually.