

SECTION XIVE. WATER SUPPLY PROTECTION DISTRICTS.

A. PURPOSE.

The Water Supply Protection Districts are intended to protect the public health, safety, and welfare by preventing contamination of and preserving the quantity of ground and surface water which provides existing or potential water supply for the town's residents, institutions, and businesses.

B. DEFINITIONS.

For the purposes of this Section, the following terms shall be defined as follows:

Hazardous Waste - Materials as defined and regulated by 310 CMR 30.00 (Massachusetts Hazardous Waste Management regulations).

Impervious Surface - Material covering the ground, including but not limited to macadam, cement, concrete, pavement, and buildings, that does not allow surface water to penetrate into the soil.

Maximum Groundwater Elevation - The seasonal high level of the groundwater table. This level shall be the same as the maximum groundwater elevation defined and determined in 310 CMR 15.00 (Title 5, State Environmental Code).

Mining of Land - The removal of geologic materials such as topsoil, sand and gravel, metallic ores or bedrock.

Solid Waste - Unwanted or discarded solid material within sufficient liquid content to be free flowing, including without limitation rubbish, garbage, junk, refuse. The term does not include vegetative compost, tree stumps, and brush.

Toxic or Hazardous Materials - Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies and to human health, if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, virulent infectious wastes, pesticides, herbicides, solvents, thinners and other materials which are listed as U.S. EPA Priority Pollutants.

C. APPLICABILITY

1. Water Supply Protection Districts shall be considered as overlying other zoning districts.

2. The applicability of this Section, XIVE, to existing uses or structures and to projects legally begun at the time of adoption, shall be governed by SECTION XVII. NON-CONFORMING USES AND STRUCTURES.
3. The provisions of Parts D.1 and D.2 shall not apply to the installation, operation, or maintenance of necessary public water, public waste water, public stormwater, and public electric facilities and devices.

D. USE REGULATIONS

Within Water Supply Protection Districts the requirements of the underlying districts continue to apply, except that uses are prohibited as indicated in Part D.1 and require a Special Permit where indicated in Part D.2, even where underlying district requirements are more permissive. Within Water Supply Protection Districts, these regulations shall apply:

1. The following uses are prohibited:
 - a. Solid waste disposal facilities, including without limitation landfills and junk and salvage yards, that require a site assignment from the Board of Health under M.G.L., Ch.111, s.150A (the landfill site assignment law) and regulations adopted by the Department of Environmental Quality Engineering, 310 CMR 19.00;
 - b. Storage of petroleum and other refined petroleum products, including without limitation gasoline, waste oil, and diesel fuel, except within buildings which it will heat or where it currently exists or for in-kind replacement or in quantities for normal household use, provided there is compliance with all local, state, and federal laws;
 - c. Storage of road salt or other de-icing chemicals in quantities greater than for normal household use;
 - d. Storage of hazardous wastes, including without limitation chemical wastes, radioactive wastes, and waste oil in quantities greater than resulting from normal household activities;
 - e. Manufacture, use, storage, or disposal of toxic or hazardous materials as an integral part of a principal activity, but excluding domestic activities and pesticide applications;
 - f. Motor vehicle service stations, repair garages, car washes, truck or bus terminals, heliports, airports, electronic manufacturing, metal plating, commercial chemical and bacteriological laboratories, and

dry cleaning establishments using toxic or hazardous materials on site;

g. Disposal of hazardous wastes.

2. If, in the judgment of the Special Permit Granting Authority, the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, the following uses may be allowed upon issuance of a Special Permit and subject to such conditions as the SPGA may impose. Failure to comply with the terms and conditions of a Special Permit shall be grounds for revocation of said permit.

a. Commercial mining of land;

b. Major construction projects which are defined in SECTION XVIA. PROJECT APPROVAL, Parts B.1 through B.4, and which are subject to site plan review.

c. Parking lots, vehicle rental agencies, photographic processing establishments, or printing establishments;

d. Any uses where more than 10,000 square feet of any lot would be rendered impervious.

E. PROJECT APPROVAL

The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.

F. DESIGN AND OPERATION STANDARDS

1. Safeguards. Provision shall be made to adequately protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials.

2. Disposal. No disposal of hazardous wastes within Water Supply Protection Districts shall occur. All provisions of M.G.L., Ch.111, s.150A (the landfill site assignment law), and M.G.L., Ch. 21C (the Massachusetts Hazardous Waste Management Act) shall be adequately satisfied.

3. Fill. Fill material used in a Water Supply Protection District shall contain no solid waste, toxic or hazardous materials, or hazardous waste. Adequate documentation shall be provided to ensure proper condition of the fill. The SPGA may require soils testing by a certified laboratory at the applicant's expense.

4. Spill Containment. For industrial and commercial uses, an emergency response plan to prevent contamination of soil or water in the event of accidental spills or the release of toxic or hazardous materials shall be submitted to the SPGA, if deemed necessary, for approval prior to granting of a Special Permit. Recommendations of the Fire Department on said plan shall be sought.
5. Monitoring. Periodic monitoring shall be required when the site location and land use activities indicate a significant risk of contamination to the water supply as determined by the SPGA based upon recommendations of the Department of Public Works, Board of Health, and Wetlands Protection Committee. Such monitoring may include analyses of water for appropriate substances and the installation of groundwater monitoring wells constructed and located as specified by the Department of Public Works. All costs shall be borne by the owner of the premises.
6. On-site Recharge. All storm water runoff from impervious surfaces shall be recharged on-site unless in conducting site plan review it is determined that either recharge is not feasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge. Such recharge shall be by surface infiltration through vegetated surfaces unless otherwise approved by the SPGA during site plan review. If dry wells or leaching basins are approved for use, they shall be preceded by oil, grease, and sediment traps. Drainage from loading areas for toxic or hazardous materials shall be separately collected for safe disposal.
7. Grade Reduction. Soil overburden shall not be lowered to finished exterior grades less than five (5) feet above maximum groundwater elevation, unless technical evidence can be provided showing to the SPGA's satisfaction that groundwater quantity or quality will not be detrimentally affected. Technical evidence may include without limitation a determination of soil and geologic conditions where low permeability will mitigate leachate penetration and evaporation transpiration.