

ARTICLE 22 GROUNDWATER PROTECTION [Adopted 2011]

Section 2201 Authority

The Town of Effingham hereby adopts this Article pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls.

Section 2202 Purpose

The purpose of this Article is, in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.

The purpose is to be accomplished by regulating land uses that may contribute pollutants to designated wells and to aquifers that provide current or future water supplies for this town and surrounding municipalities which share such wells and aquifers.

Section 2203 Groundwater Protection District

- A. The Groundwater Protection District is an overlay district superimposed over the existing underlying zoning as shown on the map entitled, Town of Effingham Groundwater Protection District, dated March 8, 2011, or the most current version, and includes within its boundaries:
 - 1. All of the NH Department of Environmental Services approved Wellhead Protection Areas for public water supply wells, as defined under Section 2213, Definitions, 2213.14 and 2213.23 of this Article; and
 - 2. All areas overlying the Stratified Drift Aquifers as described in *Geohydrology and Water Quality of Stratified Drift Aquifers in the Saco and Ossipee River Basins, East-Central New Hampshire*, USGS Water Resources Investigations Report 95-4182.

Section 2204 Exemptions

- A. The following uses are exempt from the specified provisions of this Article as long as they are in compliance with all applicable local, state, and federal requirements:
 - 1. Any private residence, single-family, two-family, or multi-family, is exempt from all Performance Standards in Section 2210;
 - 2. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from Section 2210, Performance Standards, 5 through 8;
 - 3. Existing on-premise-use facilities, as defined in Section 2213.11, are exempt from all Performance Standards in Section 2210.
 - 4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Section 2210, Performance Standards, 5 through 8;
 - 5. Storage and use of office supplies is exempt from Section 2210, Performance Standards, 5 through 8;
 - 6. Temporary storage of construction materials on a site where they are to be used is exempt from Section 2210, Performance Standards, 5 through 8 if incorporated within the site development project within six months of their deposit on the site;
 - 7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this Article;
 - 8. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Section 2210, Performance Standards, 5 through 8;
 - 9. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section 2212, Maintenance and Inspection, of this Article.
 - 10. Agricultural activities as regulated by the NH Department of Agriculture, Markets, and Food are exempt from Section 2210, Performance Standards, 4 through 7, and Section 2208, Special Uses, 1, provided that such activities are conducted in accordance with:
 - a. Env-Wq 401, Best Management Practices for Groundwater Protection;

- b. *Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire* (NH Department of Agriculture, Markets, and Food, July 2008, or any subsequent revisions).

Section 2205 Applicability

This Article applies to all uses in the Groundwater Protection District, except for those uses exempt under Section 2204, Exemptions, of this Article.

Section 2206 Permitted Uses

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Special Uses as enumerated in the Article. All uses must comply with the Performance Standards of this Article unless specifically exempt under Section 2204, Exemptions.

Section 2207 Prohibited Uses

- A. The following uses are prohibited in the Groundwater Protection District.
 - 1. The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;
 - 2. The development or operation of a solid waste landfill;
 - 3. The outdoor storage of road salt or other deicing chemicals in bulk;
 - 4. The development or operation of a junkyard;
 - 5. The development or operation of a snow dump;
 - 6. The development or operation of a wastewater or septage lagoon;
 - 7. The development or operation of a petroleum bulk plant or terminal;
 - 8. The development or operation of a gasoline station.
 - 9. The development or operation of a golf course.
 - 10. The development or operation of a dry cleaning facility.
 - 11. The development or operation of a vehicle race track or vehicle proving grounds.
 - 12. The development of a car/vehicle wash facility not utilizing closed system water recovery technologies

Section 2208 Uses Requiring a Special Use Permit

- A. The Planning Board may grant a Special Use Permit, in accordance with the provisions of this Section, for a use otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:
 - 1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Section 2111, Spill Prevention Control and Countermeasure (SPCC) Plan, is approved by the Fire Chief;
 - 2. Any use that will render impervious more than 15% or more than 2,500 square feet, whichever is greater, of the groundwater protection district area of any lot that is either wholly or partially within the groundwater protection district.
 - 3. Any activities that involve blasting of bedrock.
 - 4. The operation of car/vehicle wash facilities utilizing closed system water recovery technology.
- B. In granting such Special Use Permit approval the Planning Board must first determine that the proposed use is not a Prohibited Use, as listed in Section 2207, Prohibited Uses, of this Article, and will be in compliance with the Section 2210, Performance Standards, as well as all applicable local, state and federal requirements.
- C. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards of Section 2210.