

**Section 2209 Existing Nonconforming Uses**

Existing nonconforming uses may continue without expanding or changing to another nonconforming use, except as permitted by ARTICLE 7 of the Effingham Zoning Ordinance, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices for Groundwater Protection.

**Section 2210 Performance Standards**

- A. The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Section 2204, Exemptions:
1. For any use that will render impervious more than 15% or more than 2,500 square feet of the groundwater protection district area of any lot, whichever is greater, a stormwater management plan shall be prepared which the planning board determines is consistent with *New Hampshire Stormwater Manual Volumes 1-3*, NH Department of Environmental Services December 2008 or any subsequent revisions.
  2. Special uses, as defined under Section 2208, Special Uses, shall develop stormwater management and pollution prevention plans and include information consistent with *Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*, US EPA #833R06004, May 2007 or any subsequent revisions. The plan shall demonstrate that the use will:
    - a. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within *Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post-Construction) Stormwater Management*, (DES, 2008 or later edition);
    - b. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;
    - c. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);
    - d. Maintain the following minimum vertical separation between the bottom of a stormwater practice and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board: four foot vertical separation for a practice that infiltrates stormwater; one foot vertical separation for a practice that filters stormwater.
  3. Animal manures, fertilizers, and compost must be stored in accordance with *Manual of Best Management Practices for Agriculture in New Hampshire*, NH Department of Agriculture, Markets, and Food, July 2008 and any subsequent revisions;
  4. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;
  5. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;
  6. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
  7. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
  8. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
  9. Prior to any land disturbing activities, all inactive wells on the property not in use or properly maintained at the time the plan is submitted shall be considered abandoned and must be decommissioned in accordance with We 604, or must be properly maintained in accordance with We 603 of the New Hampshire Water Well Board Rules.

10. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells.
11. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter.<sup>1</sup>

#### **Section 2211 Spill Prevention, Control and Countermeasure Plan**

Special Uses, as described under Section 2208, Uses Requiring a Special Use Permit, 1, using regulated substances, shall submit a Spill Control and Countermeasure (SPCC) Plan to the Fire Chief who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

1. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas.
2. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.
3. A list of all regulated substances in use and locations of use and storage;
4. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure.
5. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

#### **Section 2212 Maintenance and Inspection**

- A. For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Section 2210, Performance Standards, shall be recorded so as to run with the land on which such structures are located, at the Carroll County Registry of Deeds. The description so prepared shall comply with the requirements of RSA 478:4-a.
- B. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Board of Selectmen or their designated agent at reasonable times with prior notice to the landowner.
- C. All properties in the Groundwater Protection District known to the Fire Chief as using or storing regulated substances in containers with a capacity of five gallons or more, except for facilities where all regulated substances storage is exempt from this Article under Section 2204, Exemptions, shall be subject to inspections under this Section.
- D. The Board of Selectmen may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule may be established by the Board of Selectmen as provided in RSA 41:9-a.

#### **Section 2213 Definitions**

***Aquifer:*** a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

***Car/vehicle Wash Facility:*** A facility used to wash motor vehicles as a separate or part of a commercial entity.

***Dry cleaner:*** An operation which cleans clothing with the use of substances consistent with dry cleaning operations and not using standard detergents and water methods.

***Gasoline station:*** means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.

***Golf course:*** consisting of one or more golf links with a natural turf.

***Groundwater:*** subsurface water that occurs beneath the water table in soils and geologic formations.

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<sup>1</sup> A positive limiting barrier (PLB) is a depression (e.g., groove) in the surface of an otherwise level impervious area designed to impede the flow and contain spilled substances within the perimeter of the impervious area. PLBs are typically constructed and maintained to contain small spills or releases (five to fifteen gallons).