

- 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.

- D. Applications for Special Use Permit shall include all applicable plans required under Section 2208.A and Section 2210, Performance Standards, and must clearly demonstrate how all Performance Standards listed in Section 2210 will be met.
- E. A complete application for a Special Use Permit shall be submitted to the Planning Board at a regularly scheduled meeting and accompanied by a site plan drawn to an indicated scale and showing:
 - 1. Locations and dimensions of all significant structures and uses present and proposed, including wells.
 - 2. Total impervious area that will result from proposed development, and a calculation of the percentage and square footage of impervious area within the groundwater protection district.
 - 3. All stormwater filtration and infiltration practices and associated depths to the average seasonal high water table.
 - 4. All areas of cut and fill.
 - 5. All areas where regulated substances will be stored or transferred.
 - 6. Existing and proposed site drainage.

The site plan submitted for subdivision or site plan application to the Planning Board is acceptable if it meets all of the above requirements.

- F. The Planning Board shall hold a public hearing for a Special Use Permit application, following public notice, within 30 days of acceptance of a complete application.
- G. Upon acceptance of a complete Special Use Permit application, the Planning Board shall transmit one copy of any Spill Prevention, Control, and Countermeasure Plan, furnished by the applicant, to the Fire Chief, as provided in Section 2208.A and detailed in Section 2211, for his/her written recommendations and approval. The Planning Board shall transmit one copy of the complete application, furnished by the applicant, to the Conservation Commission for its written recommendations as well. Failure of the Fire Chief or Conservation Commission to respond within 30 days shall indicate their approval.
- H. The Planning Board shall, within 30 days of a public hearing or within 60 days of accepting a complete Special Use Permit application, or within such other time limit as may be mutually agreed to, issue an order denying or granting approval of the application. The approval or denial of an application for a Special Use Permit shall be in writing and shall state the reasons for the decision. The Planning Board may attach such conditions to its approval as are reasonable, necessary and appropriate in order to serve the purpose of this Article.
- I. Substantial construction must commence within one year of Planning Board approval of the Special Use Permit. If construction is not commenced within this period, the Special Use Permit may be extended for up to one year upon approval of the Planning Board. If construction is not commenced within this extended period the Special Use Permit is null and void.
- J. For uses requiring Planning Board approval, a narrative description of maintenance requirements for structures required to comply with Performance Standards of Section 2210, Performance Standards, shall be recorded at the Carroll County Registry of Deeds so as to run with the land on which such structures are located. The description so prepared shall comply with the requirements of RSA 478:4-a.
- K. The applicant will be required to reimburse the Town for any reasonable expenses incurred by the Planning Board, Board of Selectmen and their designated officials, to evaluate the application before the facility is constructed, including but not limited to, expenses incurred to hire qualified engineers or other experts.
- L. The Planning Board, at its discretion, may waive any requirements for a Special Use Permit under the following conditions:
 - 1. Receipt by the applicant of a waiver from a state best management practice (BMP) regulation granted by the NH Department of Environmental Services; or
 - 2. For requirements that are not also state and/or federal regulations, if the applicant can satisfactorily demonstrate through alternative means that the intent of the requirements and the purpose of Article 22 will still be achieved.
 - 3. The decision to waive any requirement for a Special Use Permit, along with the basis for such waiver and means of compliance with the purpose of Article 22, shall be issued in writing. Planning Board meeting minutes shall not constitute a written decision to waive Special Use Permit requirements.