TOWN OF FARMINGTON

Public Wellhead Protection Ordinance

ENACTED: May 28, 2013

CERTIFIED BY: Leanne E. Pinkham
Name

Town Clerk
Title

Affix Seal

Town of Farmington
Public Wellhead Protection Ordinance
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WELLHEAD PROTECTION ORDINANCE

ARTICLE I. GENERAL PROVISIONS

SECTION 1. TITLE

This Ordinance shall be known and cited as the "Public Wellhead Protection Ordinance" of the Town of Farmington, Maine.

SECTION 2. AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, Title 30-A M.R.S. § 3001 (Home Rule), Title 30-A M.R.S. § 4311 (Growth Management), and Title 22 M.R.S. §2642 (Protection of Drinking Water Supplies).

SECTION 3. PURPOSE

The purpose of this Ordinance is to protect the public water supply in the Town of Farmington, Maine from land uses which pose a threat to the quality and/or quantity of the groundwater being extracted from the wells which serve public water systems.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect upon its enactment by the Town. Enacted: May 28, 2013.

SECTION 5. APPLICABILITY

This Ordinance applies to all land uses located or proposed within the area delineated as the Wellhead Protection Zones on the official Town of Farmington Zoning Map, official Wellhead Protection Area Map, or other official map.

SECTION 6. RELATIONSHIP WITH OTHER ORDINANCES

Whenever a provision of this Ordinance is inconsistent with another provision of this Ordinance or with any other ordinance, regulation or statue, the more restrictive provision shall control.

SECTION 7. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

SECTION 8. AMENDMENTS

A. Initiation and Procedure

A proposal for an amendment to this Ordinance may be initiated by: (1) The Planning Board; (2) the Board of Selectmen; or (3) an individual, through the petition process for placing articles on the warrant for Town Meeting per Title 30-A M.R.S.§2522 .

Amendments proposed by the Planning Board under paragraph (1) above shall be forwarded to the Board of Selectmen to be considered for inclusion as an article in a future Town Meeting warrant. Amendments proposed by the Board of Selectmen under paragraph (2) above shall be forwarded to the Planning Board for advisory review and comment prior to being considered for placement on a Town Meeting warrant. In both cases, the Board of Selectmen shall have final authority to determine whether to present the amendment by Warrant Article to the Town Meeting for approval.

B. Public Hearing and Farmington Village Corporation – Water Department (Water Department) Notification

The Board of Selectmen shall hold a Public Hearing on any proposed Amendment, including amendments proposed by petition. . . Notification of the Public Hearing and Water Department notification shall follow the requirements pursuant to Title 30-A M.R.S. § 4352.

C. Enactment

A proposed amendment to this Ordinance must be approved by a majority vote of the Town Meeting.

ARTICLE II. ADMINISTRATION, ENFORCEMENT, APPEALS AND PENALTIES

SECTION 1. ADMINISTERING BODIES AND AGENTS

A. Code Enforcement Officer

The Code Enforcement Officer (CEO) of the Town of Farmington shall administer and enforce this Ordinance. The Code Enforcement Officer shall refer all applications requiring Planning Board review to the Planning Board.

B. Planning Board

The Planning Board (PB) of the Town of Farmington shall review and act upon applications as designated under this Ordinance.

SECTION 2. APPLICATION APPROVAL REQUIRED

After the effective date of this Ordinance, no person shall engage in any land use activity identified in the Land Use Table listed in Article III, Section 2 without filing application and obtaining approval under this ordinance.

SECTION 3. NON_CONFORMANCE

Non-conforming structures, lots, and uses that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this article.

A. General

(1) Transfer of Ownership

Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot.

(2) Repair and Maintenance

This Ordinance shall allow, without permit, the normal upkeep and maintenance of non-conforming uses and

structures including repairs or renovations which do not involve expansion of the non-conforming use or structure.

B. Non-Conforming Structures

(1) Expansion

A non-conforming structure may be added to or expanded after obtaining a permit from the Planning Board if such addition or expansion has no greater impact than the existing structure.

a. If any portion of a structure is less than the required setback from the property line, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.
b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified below in subsection 2. (Relocation); that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.
c. No structure which is less than the required setback from the property line shall be expanded toward the property line.

(2) Relocation

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the

law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming or have any greater adverse impact than the existing location.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion and sedimentation, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

(3) Reconstruction or Replacement

Any non-conforming structure which is removed, or damaged or destroyed by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within two (2) years of the date of said damage, destruction or removal. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity or have any greater adverse impact than the existing structure.

Upon application within the above two (2) year period, the Planning Board may grant an additional extension of any permit issued for such reconstruction or replacement so long as good faith progress has been demonstrated and a realistic plan for completion of construction is presented to and accepted by the Board. The Board may also require evidence of ability to complete the project in the allotted extension time, such as, but not limited to, bank letters of credit and/or written agreements with suppliers or contractors for goods and services required to complete reconstruction or replacement.

Any non-conforming structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

(4) Chance of a Use of a Non-Conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the subject or adjacent properties and resources than that of the existing use. The determination of no greater adverse impact shall be made according to, but not limited to, the criteria listed in subsection C3 below.

(5) Changes Mandated by Federal, State, and Local Laws or Regulations

Any expansion, relocation, reconstruction or replacement of any portion of a non-conforming structure which is mandated by federal, State or local building and safety codes, including, but not limited to the Americans with Disabilities Act and State Fire Code, shall require review and approval by the Planning Board regardless of whether the required changes are to be performed at the same time as other expansions, relocations, reconstruction or replacement of the non-conforming structure. The Planning Board shall not withhold approval for the mandated changes unless the contemplated changes create a health or safety hazard which is likely to affect the occupants and/or the public.

(6) Written Documentation Required for Not Greater Adverse Impact

In determining that no greater adverse impact will occur as a result of the expansion, relocation, reconstruction or replacement, or change of use of a non-conforming structure, the Planning Board shall also require written documentation from the applicant regarding the probable effects on public health and safety, if applicable, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

C. Non-Conforming Uses

(1) Expansions

Expansions of non-conforming are prohibited, except that the non-conforming use of a residential dwelling unit may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section B1 as above.

(2) Resumption Prohibited

A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one (1) year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period unless conditions outlined in B3 exist.

(3) Change of Use

An existing non-conforming use may be changes to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The Planning Board shall require written documentation from the applicant regarding the probable effects. The determination of no greater adverse impact shall be made according to, but be not limited to, the criteria listed below:

a. That the proposed use is of the same character or less noxious than the current nonconforming use;
b. That the proposed use will not create a traffic hazard nor increase an existing traffic hazard;
c. That the amount of parking required meets the minimum requirements for the use that exists on the site or will be otherwise provided in accordance with the Town of Farmington Traffic Ordinance, Site Review Ordinance, and the Off-Street Parking and Loading Performance Standard in the Zoning Ordinance;

d. That the extent of noise, odors, vibrations, smoke, dust, and air discharges of the proposed use shall be equal to or less than the present use;
e. That the rate of surface water run-off from the site will not be increased;
f. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;
g. That the proposed use will have no greater adverse impact on surrounding properties; and
h. That the proposed use will not create adverse effect on public health and safety, erosion and sedimentation, and if applicable, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water dependent uses.

D. Non-Conforming Lots of Record

(1) Non-Conforming Lots of Record

A non-conforming lot of record as of the effective date of this Ordinance or applicable amendment thereto may be built upon, without the need for a variance, provided that such lot is in compliance with State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules and that all provisions of the Zoning Ordinance, except lot size and frontage, can be met. Variance relating to setbacks or other dimensional requirements not involving lot size or frontage may only be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots

If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the lots are in conformance with the State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot upon issuance of a written determination by the Code Enforcement Officer that each resulting lot is in compliance with the State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules and conforms to the greatest extent possible with the dimensional requirements of the Zoning Ordinance.

SECTION 4. APPLICATIONS

An applicant under this Ordinance shall submit an application in writing to the Planning Board, as designated in the Wellhead Protection Area Land Use Table (Article III, Section 2). All applications shall be dated and signed by the owner(s) or leasee(s). Such signatures shall certify that the information in the application is complete and correct.

SECTION 5. PLANNING BOARD APPLICATION REVIEW AND HEARINGS

Within thirty (30) days of the date of receiving a written application and fee, the CEO shall notify the applicant in writing, either that the application is sufficient for initial Planning Board review or, if the application is insufficient, that specified additional material is needed to make the application sufficient. The CEO shall also notify the Water Department upon receipt of a sufficient application. Once the application is sufficient, the CEO shall forward a copy of same to the Water Department and applicable department heads requesting that they provide comments on the proposal. The CEO shall then place the application on the next available Planning Board agenda, allowing for a fifteen (15) day processing and notification period. The CEO shall forward the application to the Board along with any written comments and recommendations from the Water Department and applicable department heads

Once the Planning Board has determined that a complete application has been received, the Board shall approve or deny the application, in writing, within sixty (60) days of receipt of the complete application, or within thirty (30) days of a public hearing if one is held. The Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the application. The Board

shall provide the applicant a dated receipt of the application at the Board meeting where the application is first presented and heard by the Board. The Board shall determine whether to hold a public hearing on the application.

Abutting property owners shall be notified by certified mail, by the Town, at least fifteen (15) days prior to initial Planning Board consideration of a pending application for review. This notice shall indicate the time, date and place of Board consideration of the application.

If the Planning Board decides to hold a public hearing, it shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least fifteen (15) days prior to the hearing.

Applications shall be approved if the proposed use or structure is found to be in conformance with the provisions of this Ordinance. Approvals may be made subject to reasonable conditions to ensure conformity with provisions of this Ordinance. If an application is either denied or approved with conditions, the reasons shall be stated in writing.

When a proposed use in a Wellhead Protection Area requires Planning Board approval under Article III, Section 2 of this Ordinance, the Board, may, as a condition of its approval, require the applicant to (1) grant the municipality of the Water Department permission to install and maintain groundwater monitoring wells on the applicant's property; or (2) install monitoring wells and implement a groundwater testing and monitoring program approved by the Board, at the applicant's expense. The Board may attach additional reasonable conditions to the approval to ensure conformity with the standards and criteria of this Ordinance.

SECTION 6. APPLICATION FEE

An application fee of $50.00 must be submitted with an application.

SECTION 7. INDEPENDENT REVIEW AND ADVICE

A. Professional Services

The Planning Board may require an attorney or consultant to review one or more aspects of an application for compliance or noncompliance with this Ordinance and to advise the Board. The attorney or consultant shall first estimate the cost of such review and

the applicant shall deposit, with the Town the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment. If escrowed funds are insufficient, the applicant shall deposit additional funds with the Town, based on attorney or consultant estimate, sufficient for completion. The attorney or consultant shall be fully qualified to provide the required information and shall be mutually acceptable to the Town and the applicant.

B. Additional Studies

The Planning Board may require the applicant to undertake any study that it deems reasonable and necessary to determine whether a proposed activity meets the requirements of this ordinance. The costs of such studies shall be borne by the applicant.

SECTION 8. 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 may be 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 Board.

SECTION 9. EXPIRATION OF APPROVAL

All application approvals shall expire within one (1) year of the date of issuance unless work thereunder is commenced. If work is not completed within two (2) years from the date of approval issuance, a new application must be filed.

All approved plans which expire are subject to any subsequent changes in requirements under Town Ordinances or State/Federal laws when reapplication is made.

SECTION 10. ENFORCEMENT AND PENALTIES

A. Inspections and Complaints

The CEO shall investigate all complaints of alleged violations of this Ordinance, pursuant to Title 30-A M.R.S. § 4452. The CEO may seek technical advice from a representative of the Water Department when investigating complaints.

The CEO may also conduct site inspections to ensure compliance with this Ordinance, pursuant to Title 30-A M.S.R. § 4452. During investigations, the CEO may be accompanied by a representative of the Water Department.

B. Notice of Violations

It shall be the duty of the CEO to enforce this Ordinance, in accordance with the provisions of this Ordinance and State laws. If the CEO finds that any provision is being violated, the CEO shall notify in writing the person responsible for such violation. The notice shall state the nature of the violation, the Ordinance provision or permit condition violated, and the action necessary to correct the violation. The notice shall inform the recipient of their right to appeal as to the facts supporting the notice by the CEO, pursuant to Article II, Section 12 of this Ordinance. A copy of the notice shall be provided to the Planning Board, Water Department, and Board of Selectmen.

C. Recordkeeping

The CEO shall keep a complete record of all transactions relating to the administration and enforcement of this Ordinance, and shall maintain a permanent record of those transactions at the Town Office. Copies of all applications and approvals shall be provided to the Water Department.

D. Legal Action

When a person does not correct a violation after receiving notice to do so, the CEO shall notify the Board of Selectmen and the Water Department. The Selectmen, or their authorized agent, may institute all legal and equitable actions necessary to correct the violation and recover fines and costs.

E. Penalties

Any person who continues to violate a provision of this Ordinance or condition of a permit after receiving written notice to correct the situation shall be subject to penalties as provided in Title 30-A M.R.S. §

4452.

SECTION 11. APPEALS

A. Time for Appeal

Any party aggrieved by a decision or order of the CEO or Planning Board under this Ordinance may appeal the decision or order concerned within thirty (30) days to the Board of Appeals. Appeals shall be filed on forms to be provided by the Code Office for this purpose. There is a $50.00 fee assessed with each appeal application form.

B. Parties

For purposes of this section, the term "party" shall be limited to:

1. An applicant whose application is denied or granted with conditions.
2. An applicant whose approval is suspended or revoked by the CEO or PB.
3. A person owning property within a Wellhead Protection Area designated in Appendix I of this Ordinance, who is adversely affected by a decision or order of the Code Enforcement Officer or Planning Board with respect to any property located in the same Wellhead Protection Area.
4. A person whose use of groundwater as a domestic water supply is adversely affected by a decision or order of the CEO or PB under this Ordinance.
5. The Town of Farmington, through its municipal officers.
6. The Farmington Water Department.

C. Decision or Order

The purposes of this section, the term "decision or order" shall not include failure by the Code Enforcement Officer to take enforcement action with respect to a particular person, property or alleged violation, when the enforcement action has been requested by persons or organizations other than the municipal officers.

D. Type of Review

An appeal from a decision or order may be taken to the Board of

Appeals under this section only where it is alleged that the decision or order concern is based on an error of law or misinterpretation of this Ordinance. All appeals to the Board of Appeals under this section shall be reviewed by the Board of Appeals as purely appellate matters, based on the administrative record made by the Code Enforcement Officer or Planning Board. No new evidence shall be received or considered by the Board of Appeals as to any matter appealed to the Board of Appeals under this section. No variance applications may be made to the Board of Appeals under the Wellhead Protection Ordinance.

E. Board's Procedure

The Board of Appeals, within twenty (20) days from receipt of an administrative appeal filing, shall determine a meeting date and advertise notice of appeal application in a newspaper of general circulation in the town, identifying the property involved, the nature of the appeal, and the time and place of the Board meeting on the matter. The meeting shall not be held earlier than ten (10) days after the publication date of such notice.

Within three (3) business days after the date of publication of the public hearing notice, the Board of Appeals shall mail by certified mail, return receipt requested, a copy of the notice of appeal to each of the property owners whose property physically abuts the property listed in the appeal. In addition, the Board shall mail the same notice, by first class mail, to the other property owners whose property is located within five hundred (500) feet of the subject property in rural areas (Tax Maps labeled "R"), and within two hundred and fifty (250) feet of the subject property in urban areas (Tax Maps labeled "U"). The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a properly mailed notice of public hearing shall not necessitate another hearing and shall not invalidate any action of the Board.

All appeals under this section shall be reviewed and decided by the Board of Appeals within thirty (30) days following the Board's hearing on the application. The Board shall issue its decision as to any appeal in writing. The Board shall have authority to remand the matter to the Code Enforcement Officer or Planning Board in appropriate cases. The Board may reconsider its decision within thirty (30) days after the original decision date. , In reviewing a request for reconsideration, the Board shall not receive or consider any new evidence.

F. Appeals

Any party who is aggrieved by a decision of the Board of Appeals may appeal that decision to the Franklin County Superior Court, in accordance with Title 30-A M.R.S. § 2691 (3)(6) and Rule 80B, Maine Rules of Civil Procedure. By statute, Title 30-A M.R.S. § 2691 (3) (6), any appeal must be taken within 45 days of the vote on the original decision by the Board of Appeals. A decision on reconsideration does not extend this appeals period. The date of the Board's vote, and not the date of the written decision, starts the 45 day clock.

ARTICLE III. LAND USE REQUIREMENTS

SECTION 1. ESTABLISHMENT OF ZONES

The Wellhead Protection Zone consists of two (2) zones that are shown on the official Town of Farmington Wellhead Protection Area Map, or other official map. The two zones are defined:

A. Zone 1: Primary Recharge Area

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

Zone 1 is delineated, as the area extending from the well(s) to the 2,500 day time of travel boundary.

B. Zone 2: Secondary Recharge Area

Zone 2 includes the primary recharge area shown on the official Town of Farmington Wellhead Protection Area Map, or other official map.

Zone 2 is delineated, as the area extending from the outer boundary of the Primary Recharge Area to the watershed's groundwater divide or Zone of Contribution, if delineated using technical studies.

SECTION 2. LAND USE TABLE

The following Wellhead Protection Zone Table supplements the existing ordinances in the Town of Farmington. Where a land use is permitted in the existing ordinances, the Wellhead Protection Zone table shall control. 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. All land uses and activities may be subject to requirements of other Town ordinances and State rules and regulations

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Aboveground Oil Storage[4]	N	PB	Chemical Storage Chemical Use
Agricultural chemical spreading or spraying	N	PB	Chemical Storage Chemical Use

Land Use	Zone 1	Zone 2	Applicable Performance Standards
			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 graveyard[4]	N	N	Chemical Storage Chemical Use Vehicular Use and Storage
Auto parts/supply	N	PB	Chemical Storage
Auto recycling business[4]	N	N	Chemical Use Chemical Storage Vehicular Use and Storage
Auto repair/body shop[4]	N	N	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 hazardous waste facility[4]	N	N	Chemical Use Chemical Storage Chemical Spreading/Spraying
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[4]	N	N	Chemical Storage Chemical Use
Essential operations of the Water department	Y	Y	

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Furniture stripper	N	PB	Chemical Storage Chemical use
Golf course	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
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
Metal finishing or plating[4]	N	N	Chemical Use Chemical Storage Chemical Spreading/Spraying
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

Land Use	Zone 1	Zone 2	Applicable Performance Standards
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 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 or Replacement < 1,000 gallons	CEO[3]	PB	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
Underground Oil Storage[4]	N	N	Chemical use Chemical storage
Utility Transmission Lines	PB	PB	Chemical Spreading/Spraying
Wastewater treatment plant, discharge	N	PB	Wastewater and solid waste

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Notes	[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. [2] – Unless a greater public health concern warrants pesticide application. For example, Browntail Moth control. [3] – With notification made to the Water Department. [4] – Restrictions within Maine Revised Statute Title 38, Chapter 13-D: WELLHEAD PROTECTION		

Land use key
Y= permitted
N= not permitted
PB= permitted subject to Planning Board Review and use of Best Management
CEO= permitted subject to CEO Review and use of Best Management Practices

SECTION 3. LOT SPECIFICATIONS

A. Minimum Lot Size
Areas not served by public sewer:

Zone	Land Area per Dwelling Unit
1	120,000 sq. ft.
2	80,000 sq. ft.

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:

Zone	Maximum Lot Coverage
1	30%
2	50%

Notwithstanding other provisions of this 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 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.

SECTION 4. 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 contain the following information.

(1) Written Information

i. Name of development; municipality; tax map and lot numbers.

ii. Location of Property: book and page (from Registry of Deeds)

iii. Location of Property: map and lot (from Assessor's Office)

iv. Owner and applicant's names and addresses; name and addresses of person who prepared the application and/or plan.

v. Name and address to which correspondence should be sent.

vi. 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.

vii. Copy of recorded deed for property; verification of ownership of legal interest.

viii. Interest the applicant has in any property abutting the parcel to be developed.

ix. State whether the development covers the entire or contiguous holdings of applicant.

x. On-site sewage disposal report from licensed site evaluator or information from local sewer district indicating capacity.

xi. Special reports:

a. Soils assessment.
b. Engineering design.
c. Erosion and sediment control plan.
d. Stormwater management plan.
e. Long term maintenance provisions.
f. Traffic and parking assessment.
g. Hydrogeological assessment.
h. Necessary State and/or federal permits and date of application and approval (please list).
i. List of construction items, cost estimates.
j. Construction schedules.
k. Proposed method of performance guarantee.
l. Restrictions, conditions, covenants and easements.

(2) Plan Information

i. Existing and proposed streets.

ii. Outline of development and remaining portion of property scale; written and graphic date; north point.

iii. Perimeter survey (bearings and distances; surveyor's seal; number of acres; existing and proposed monuments; abutters names).

iv. Lot lines, numbers and sizes; building setback lines.

v. Existing water bodies, watercourses, wetlands, and other significant natural features.

vi. Public and private rights-of-way and easements.

vii. Zoning boundaries.

viii. Location of test pits keyed to site evaluator's or soil scientist's report.

ix. Base flood elevation, if applicable.

x. Written request for waivers or variances.

xi. Contours of 5 feet or other interval; refer to USGS bench if within 500 feet.

xii. Location and design of culverts, drains and other storm water control structures, existing and proposed.

xiii. Location and design of proposed sewers and water lines.
xiv. Typical engineering plan, profiles, and cross-sections.
xv. Medium intensity or high intensity soils maps.
xvi. Location of parking, open space, conservation and/or recreation areas.
xvii. Landscaping plan and details.
xviii. Surface drainage plan.
xix. Soil erosion and sedimentation control features.
xx. Locations, dimensions and profiles of underground utilities.
xxi. Profile and typical cross-sections of streets and other public works.
xxii. Location/identification of buffers, lots or areas to be restricted or dedicated for common or public use.

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

The following sections include categories which apply to land uses which may be potential sources of contamination. More than one of the categories listed below may apply to a particular use. Applicant should request assistance from the Planning Board should there be questions as to which categories apply.

(1) Non-agricultural chemical use, storage and handling, (including petroleum products, fuels, solvents and lubricants)
   i. Type and volume of chemical compounds handled and/or stored.
   ii. Site plan showing all storage, handling and use areas for raw materials and wastes.
   iii. For outside areas, details to contain spills including:
      a. 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;
      b. Provisions to contain and collect chemicals should they enter the drainage system;
      c. Provisions to segregate underground systems to insure that there are no cross connections;
      d. Provisions to prevent accidental containment breach by collisions;
      e. Statement of emergency measures which can

be implemented for surface drainage systems;

iv. For inside areas, details to contain spill including the:
   a. Design of dikes around rooms;
   b. The location of floor drains and floor drain outlets;
   c. the location of separators, holding tanks and/or drain outlets;
   d. the specific location and design of underground storage structures;
   e. the location and design of piping systems for wash waters and other waste liquids are discharged and that wastes are discharged to appropriate sewers or treatment systems.

v. A spill prevention and control and countermeasure (SPCC) plan detailing:
   a. materials and equipment to be available;
   b. a training plan and schedule;
   c. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
   d. the inventory recording method and an inspection schedule.

vi. A containment system design for the bulk storage tanks prepared by a Professional Engineer registered in the State of Maine.

vii. A hydrogeological report. The report will vary in scope depending on the general nature of the geology, the size and design of the facility and the need for groundwater monitoring. At a minimum, the report should characterize the geology, determine the groundwater gradients, and analyze the potential for groundwater depredation from the activity. The analysis should contain a list of potential threats and recommend methods of controlling those threats.

viii. A report by an industrial engineer or other competent professional detailing:
   a. Steps which have been taken to reduce the use of hazardous material;
   b. actions which have been taken to control the amount of wastes generated;
   c. any reports to provide information on the design theory or methodology for the above features.

(2) Agricultural chemical use, storage and handling, (including

petroleum products, fuels, solvents and lubricants)

i. Type and volume of chemical compounds handled and/or stored.
ii. Intended use.
iii. An Integrated Pest Management Plan.
iv. An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.
v. Plans for control of surface water run-ff and erosion in areas where chemicals will be applied.
vi. Detailed report on type of chemical applied and rate of application.
vii. Site plan showing all storage, handling and use areas for raw materials and wastes.
viii. For outside storage, details to contain spills including:
    a. Drainage and contour information to prevent the flow of runoff from entering;
    b. The storage area and which keep leaks or spills from flowing off site;
    c. Provisions to collect chemicals should they enter the drainage system;
    d. Provisions to segregate underground systems to insure that there are no cross connections;
    e. provisions to prevent accidental containment breach by collisions;
    f. statement of emergency measures which can be implemented for surface drainage systems.
ix. For inside storage, details to contain spill including the:
    a. Design of dikes around rooms;
    b. The location of floor drains and floor drain outlets;
    c. The location of separators, holding tanks and/or drain outlets;
    d. The specific location and design of underground storage structures;
    e. The location and design of piping systems for wash water and other liquid wastes are discharged and that wastes are discharged to appropriate sewers or treatment systems.
x. A spill prevention and control and countermeasure (SPCC) plan detailing:
    a. Materials and equipment to be available;
    b. A training plan and schedule;
    c. A list of contracts (EPA/DEP/local fire

officials) with phone numbers;

d. An inspection schedule.

xi. A containment system design for the bulk storage tanks prepared by a Professional Engineer registered in the State of Maine.

xii. A hydrogeological report. The report will vary in scope depending on the general nature of the geology, the size and design of the facility and the need for groundwater monitoring. At a minimum, the report should characterize the geology, determine the groundwater gradients, and analyze the potential for groundwater degradation from the activity. The analysis should contain a list of potential threats and recommend methods of controlling those threats.

xiii. A report by an industrial engineer or other competent professional detailing:

a. Steps which have been taken to reduce the use of hazardous material;

b. Actions which have been taken to control the amount of wastes generated;

c. Any reports to provide information on the design theory or methodology for the above features.

(3) Vehicular Use and Storage

i. 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)

i. 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.

ii. 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

i. Subsurface injection activities are defined as types of subsurface wastewater disposal, including septic

systems and other on-site wastewater disposal. Provisions for subsurface injection and sewage disposal include:

a. Soil evaluator's report and septic system design.
b. For sites/uses in Zone 1 producing >1,000 gallons of sewage per day, a hydrogeologic analysis of nitrate concentrations at the property line.
c. For sites/uses in Zone 2 producing more >2,000 gallons of sewage per day, a hydrogeologic analysis of nitrate concentrations at the property line
d. Provisions and designs for all floor drains, grease traps, and holding tanks.
e. Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.

(6) Stormwater Management

i. 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.
ii. Drainage plans showing all topographic features, such as buildings and other facilities, drainage ways, 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, changes to the hydrologic conditions, and new post development drainage areas delineations.
iii. Stormwater runoff calculations designed to meet the standards listed in Performance Standards for Stormwater Management.
iv. Designs, construction details and technical specifications for each stormwater management measure that will be constructed, installed or managed on the site, including, but not limited to:

a. Design and capacity of subsurface collection facilities.
b. Design of dry wells, storage, retention or detention facilities and other surface water impoundments.
c. Stormwater system outlets.
d. Ice control, road salt use, and snow removal.

(7) Utility Corridors

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

(8) Other Water Supplies

This section pertains to all surface water or groundwater supplies other than domestic wells. Other water uses, except domestic, may also be included in this category.

i. Hydrogeologic report identical to that required for State approval of new water supply.

(9) Monitoring Wells

This section pertains to all monitoring of observation wells. Other activities may also include monitoring wells.

i. Location and construction specifications.
ii. Intended purpose.

iii. Sampling schedule.
iv. Provisions for informing appropriate Town body of sampling.

SECTION 5. PERFORMANCE STANDARDS

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. Best Management Practices, as applied in the State of Maine, are management practices which will mitigate the impacts of the activity on water quality. In some instances, there may be more than one management practice which would accomplish the same result. In other instances, depending on the site location and on-site conditions, more than one management practice may be needed to fully mitigate the problem. Therefore, discretion is needed in determining which management practices to apply.

The Planning Board may adopt, by reference, as part of this section, additional Best Management Practices which have been published by or in conjunction with the Maine Department of Environmental Protection.

In doing so, the Planning Board shall hold a public hearing which shall be posted in the Town Office and advertised in a paper of general circulation at least twice with the first notice being at least seven days prior to the date of the hearing.

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 Department'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.

C. Performance Standards for Chemical Storage

(1) New installation of underground storage tanks are prohibited within the Wellhead Protection Area.
(2) All chemicals must be stored under cover and on an impervious surface, without floor drains.
(3) Secondary containment of liquid chemicals equaling 110% of the stored product must be provided.
(4) Tanks for liquid chemical storage must be equipped with automatic shut-off valves and high level alarms.
(5) Any above-ground piping must be designed to prevent line breakage due to collision.
(6) All containers and piping must be constructed of corrosion resistant materials.
(7) All containers must be clearly labeled with the chemical name and date of purchase.
(8) A Spill Prevention, Control and Countermeasures Plan (SPCC) must be submitted to the CEO, Farmington Fire Rescue, and the Water Department.

D. Performance Standards Chemical Spreading/Spraying

(1) Pesticide and herbicide application should be the option of last resort. Any activity requiring the use of herbicides or pesticides must develop an Integrated Pest Management Plan that details the conditions under which agricultural chemicals are to be used. All pesticides shall be applied in accordance with label directions and the regulations of the Maine Board of Pesticides Control.
(2) Herbicides and pesticides must be applied only by certified

applicators, who must be informed regarding the delineated area of wellhead protection.

(3) A Nutrient Management Plan must be provided for all agricultural activities within the WHPA.

(4) All agricultural fertilizers shall be applied in accordance with label directions, and must be applied in accordance with an approved Nutrient Management Plan

(5) Fertilizer applications are to be tailored to the specific needs of the crop, as determined by soil suitability analyses. Use of slow-release fertilizers is preferred.

(6) Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching. Do not apply to frozen ground, or immediately before storm events.

(7) Notice of intent to apply agricultural chemicals shall be given to the CEO and public water supplier prior to application.

(8) Only Class “A” composted residuals may be used within WHPA. These residuals must have an approved Program License from the Maine Department of Environmental Protection, and must be used in strict accordance with all license provisions. Any non-composted residual or a residual not meeting the Class “A” pathogen reduction standard should not be spread within the WHPA.

(9) Manures must be composted to Class "A" standards. Manure may be used within the WHPA, and must be applied in accordance with the nutrient management plan.

(10) Residuals and manures shall not be applied over very shallow soils (less than 1 foot) or exposed bedrock.

(11) Residuals and manure shall not be applied on frozen ground, or immediately before storm events.

E. Performance Standards for Vehicular Use and Storage

(1) When draining oils or fluids from vehicles, precautionary measures such as portable drip pans, must be taken to ensure that no spills occur.

(2) All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminant must have secondary containment equal to 110% of the liquid volume stored.

(3) No vehicle washing may occur.

(4) Refueling vehicles must be equipped with a shovel, an impermeable container with a volume of no less than 35

gallons and a tight fitting lid, and at least two absorbent pads or pillows. An absorbent pad or portable drip catch must be in place beneath the fill tube at all times during the refueling operation.

(5) Refueling must occur on a concrete pad or other impermeable surface.

F. Performance Standards for Mining (Sand, Gravel and Rock)

(1) Separation must be maintained between any excavation and any public drinking water source as follows: (1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet; (2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet; (3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and (4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, the separation must be 1,000 feet

(2) Excavation may not extend below 5 feet above the seasonal high water table without the submission of detailed findings of the depth of the water table.

(3) No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith must be removed within 30 days following completion of active extraction operations.

(4) Within 6 months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades must be established in accordance with the approved plans.

(5) All debris, stumps, boulders, and similar materials must be removed or disposed of in an approved location or buried and covered with a minimum of two feet of soil.

(6) The extent and type of fill must be appropriate to the use intended. The applicant must specify the type and amount of fill to be used.

(7) At least 4 inches of topsoil or loam must be retained or obtained to cover all disturbed areas, which must be reseeded and property restored to a stable condition adequate to meet the provisions of the "Erosion and Sediment Control, Best Management Practices," published by the Maine Department of Environmental Protection.

(8) Disused gravel pits within the Wellhead Protection District shall be reclaimed according to plans submitted to the

Municipality.

(9) Gravel mining activities in Wellhead Protection District must have a spill prevention plan that is regularly maintained and updated as well as emergency spill response plans.

(10) Haul roads shall be watered to control dust. Salting and oiling of roads is prohibited.

(11) Storage of fuels is prohibited within WHPA's.

(12) Rock crushers are prohibited within WHPA's.

(13) There shall be no overnight storage of vehicles within the WHPA's, unless parked over a secondary containment area.

G. Performance Standards for Wastewater and Solid Waste

(1) Municipal wastewater disposal facilities, chemical waste disposal sites of any kind, spreading of biosolids and incinerator ash except Class "A" residuals as described in Performance Standards for Chemical Spreading/Spraying of this document, solid waste landfills, log storage yards and lumber yards, and other direct discharges shall be prohibited in WHPA's.

(2) Waste disposal areas shall be set back 75 feet from wetlands as defined in the Maine Natural Resources Protection Act (NRPA). Wastes shall be placed a minimum of 2 feet above the seasonal high groundwater table. Provide documentation from a laboratory that wastes are inert.

(3) All new and replacement subsurface wastewater disposal systems shall submit evidence of site suitability prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and for the systems producing > 1,000 gallons per day of sewage, a hydrogeologic analysis of nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5mg/L at the property line.

(4) Sewer pipes shall be internally lined when buried within WHPS's.

(5) Sewers and drainage systems should be designed to insure that stormwater does not enter sanitary sewers.

(6) Construction of sewers and septic systems shall be carefully inspected to insure proper installation.

(7) Provide provisions to maintain sewer and septic systems.

H. Performance Standards for Stormwater Management

(1) Stormwater management system must include treatment measures that will mitigate for the increased frequency and

duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater and mitigate potential temperature impacts. This shall be achieved by using one or more of the methods listed in this section to control runoff from no less than 95% of the impervious area and no less than 80% of the developed area associated with a project that is impervious or landscaped. The Planning Board may, on a case-by-case basis, consider alternate treatment measures to those described in this section. An alternate treatment measure must provide at least as much pollutant removal as the measures described in this section and, unless otherwise approved by the Planning Board, as much channel protection and temperature control.

i. *Wetpond with detention above the permanent pool*. A stormwater management system using detention to control runoff must detain, above a wetpond's permanent pool, a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's landscaped area. The detained runoff must be discharged solely through an underdrained vegetated gravel filter having a single outlet having a diameter no greater than eight inches. A wetpond must have a storage volume below the permanent pool elevation at least equal to 1.5 inches times the subcatchment's impervious area plus 0.6 inch times the subcatchment's non-impervious developed area, a mean depth of at least three feet, and a length to width ratio of 2:1 or greater.

ii. *Filter*. A detention structure using filters to control runoff must detain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped and discharge it solely through an underlined vegetated soil filter having a single outlet with a diameter no greater than eight inches, or through a proprietary filter system approved by the Planning Board.

iii. *Infiltration*. A stormwater management system using infiltration to control runoff must retain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped and infiltrate this volume into the ground. Pre-treatment of stormwater must occur prior to discharge to the infiltration area.

The infiltration area must minimize discharge of soluble pollutants to groundwater, and must be maintained to assure that its capacity for infiltration and pollutant removal is unimpaired.

iv. *Buffers*. A stormwater management system using buffers to control runoff must meet the design criteria listed in the Maine Department of Environmental Protection Stormwater Rules, 06-96 CMR 500, as amended.

(2) Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure they function properly.

(3) Chemicals and wastes shall be stored in such a manner to prevent rainfall from contacting them.

(4) Runoff and snowmelt from parking lots should be diverted to stormwater drains where possible.

(5) Parking lot cracks should be repaired on an annual basis.

I. Performance Standards for Road Maintenance

(1) Cover all sand and salt piles.

(2) Minimize use of salt in all cases. Sand/salt mixtures with the lowest effective proportion of salt should be used.

(3) Prohibit snow dumps or storage in areas of contribution.

J. Performance Standards for Fill

(1) Use only inert material (loam, sand, gravel, clay, rocks, bricks or concrete).

(2) Use only clean fill (non non-natural odors, no staining, and not originating at a known spill site).

(3) Implement erosion and sedimentation control measures.

SECTION 6. CONTROL OF EXISTING THREATS

A. Inspections

The CEO shall also have the right to inspect any property located in a Wellhead Protection Area, except building interior, at reasonable hours, without landowner permission, as provided in 30-A MRS § 4452, for the purpose of determining compliance with this Ordinance or any permit issued hereunder. The CEO may be accompanied by a representative of the Water Department. In the event the landowner denies or prevents access for this purpose, the CEO shall be authorized to apply for an administrative site inspection warrant pursuant to Rule

80E, Maine Rules of Civil Procedure.

B. Monitoring

Whenever the CEO finds that a use existing as of the date of adoption of this Ordinance, including but not limited to uses of the types identified in Article III, Section 2 of this ordinance, is located within a Wellhead Protection Area designated by this ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the Planning Board may order the property owner to grant permission for installation, or to install, groundwater monitoring wells and to conduct testing when the municipality or district can clearly show that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats as outlined in this Ordinance. Installation of monitoring wells and testing and monitoring of groundwater in such cases shall be at the sole cost of the municipality or the Water Department, provided that if such testing indicates that the use is found to cause or contribute to reduction of eighty percent (80%) or more of the State Primary or Secondary Drinking Water standards at the Water Department property line, the property owner shall reimburse the municipality or Water Department for all expenses incurred for installation, testing and monitoring.

C. Enforcement

If any use causes or contributes to a reduction of eighty percent (80%) or more of the State Primary or Secondary Water standards at the Water Department property line, the CEO may require the owner of the property on which the contaminating use occurs to cease activity, install or construct mechanisms, or enact appropriate procedures to reduce the contamination.

ARTICLE IV. DEFINITIONS

Agriculture

The cultivation of soil, producing or raising crops, including gardening, horticulture, and silviculture, as a commercial operation. The term shall also include greenhouse, orchards, nurseries, and versions thereof, but shall not include home gardens.

Airport Fire Fighter Training Area

Area in which airport fire fighting training exercises take place, and where foams and often fire fighting chemicals are sprayed during such exercises.

Airport Fueling Area

Area in which aircraft refueling occurs and in which aircraft fuel is stored.

Aquifer

A permeable geologic formation, either rock or sediment, that is capable of transporting water through the formation.

Auto Chemical Supplies Wholesaler

A commercial establishment which sells chemicals used for automobile operation, repair, or maintenance to retailers; an establishment where such chemicals are stored in bulk quantities.

Auto Repair Shop

A business establishment engaged in general repair, engine rebuilding, parts replacement. Automotive repair shall not mean body, frame, or fender straightening and repair of painting and undercoating, nor the sale of gasoline, other motor fuels or motor oil.

Best Management Practice

Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine departments of Agriculture, Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J.

Board

Refers to the Town of Farmington Planning Board.

Body Shop

A business establishment engaged in body, frame, or fender straightening and repair or painting and undercoating of automobiles and other vehicles.

Chemical Bulk Storage

Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

Chemical Reclamation

Commercial processing or storage of used chemicals intended for re-use.

Code Enforcement Officer

A person appointed by the municipal officers to administer and enforce this Ordinance.

Commercial

Any activity carried out for pecuniary gain.

Conforming

A building, structure, activity or land use which complies with the provisions of this Ordinance.

Construction

Includes building, erecting, moving or any physical operations on the premises which are required for construction. Excavating, filling, paving and the like shall be considered part of construction.

Construction and Commercial Equipment & Vehicle Storage

Storage of construction equipment or other commercial vehicles in excess of thirty (30) consecutive days in which the equipment is not used.

Construction/Demolition of Uses Listed in This Table

Construction or demolition of facilities, buildings, etc. associated with the land uses or activities listed in the Wellhead Protection Zone Table by a contractor or commercial operation.

Developed Area

"Disturbed area" (see definition below) excluding areas that are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. An area is not considered developed if planting to restore the previous cover type and restoration of any altered drainage patterns occur within one calendar year of the disturbance.

Disturbed Area

All land areas that are stripped, graded, grubbed, filled or excavated at any time during the site preparation or removing vegetation for, or construction of, a project. Disturbed area does not include routine maintenance, but does include re-development and new impervious area.

Drinking Water Standards, Primary and Secondary

Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Human Services.

District

A specified portion of the municipality, delineated on a map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dump (see landfill)

Floor Drain

An opening in the floor that leads to the ground and/or is not permitted under other State, federal, or local regulations. Work sinks which lead to such drains are included.

Food Processor

A commercial establishment which processes, treats, bottles, cans or otherwise modifies food in preparation for wholesale.

Fuel Oil Distributor; Fuel Oil Storage

The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

Furniture Stripper

A commercial operation which strips and/or refinishes furniture.

Gas Station, Service Station

Any place of business at which gasoline, other motor fuel or motor oil are sold to the public for use in a motor vehicle, regardless of

any other business on the premises.

Golf Course

An area developed and maintained specifically for playing golf including 9-hole and 18-hold laid-out courses and driving ranges, but excluding miniature golf courses in which no fertilizers, herbicides, pesticides, or other chemicals are used or stored.

Groundwater

The water contained within the interconnected pores, cracks or fractures located below the water table or a confined or unconfined aquifer.

Hazardous Material

Any gaseous, liquid or solid materials, or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Hazardous Waste

Any substance identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, and any radioactive waste material which means any solid, liquid, or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

Heat Treater, Smelter, Annealer, Descaler

Commercial metal-working establishments involved with these processes on a regular basis.

Heating Oil Storage (Consumptive Use)

Storage for heating of heating oil in excess of 660 gallons. (Tanks with capacity between 50 gallons and 660 gallons are regulated by the Oil and Solid Fuel Board.)

Identified New Well Site

A test well or test well location located in the field and/or on an map by a qualified geologist, hydrogeologist, or engineer which is deemed to have high potential for serving as a public water supply.

Impervious Area

The total area of a parcel that consist of buildings and associate constructed facilities or areas that will be covered with a low permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce permeability.

Industrial

Any activity which includes the assembling, fabrication, servicing, manufacturing, storage, packaging, processing or shipping of goods, or the extraction of minerals.

Industrial Waste

Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

Inert Fill

Material placed on or into ground as fill that will not react chemically with soil, geologic material, or groundwater.

Infiltration

Any process specifically used to meet all or part of the stormwater standard of this chapter by actively directing all or part of the stormwater into the soil. Infiltration is the process by which runoff percolates through the unsaturated overburden and fractured bedrock to the water table. For the purposes of this ordinance, infiltration does not include:

1. Incidental wetting of soil in ditches, detention basins or the equivalent;
2. Wetting of underdrained basins, dry swales or similar filtration systems;
3. Wetting of buffers meeting the performance standards of this ordinance.

Discharge of runoff to areas of the site where the water will collect and percolate into the ground is considered infiltration if the volume, rate or quality of the discharge exceeds the runoff capacity of the area, such as a stormwater treatment buffer. Underdrained swales, underdrained ponds and similar practices that discharge to surface waters or to buffer strips meeting the requirements of this ordinance are not considered infiltration systems, although these may be used to treat runoff prior to discharge to an infiltration area.

Integrated Pest Management Plan (IPM)

Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis.

Intensive Open Space Uses

Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity. Examples of intensive open space uses include, but are not limited to: automobile or all-terrain vehicle race tracks or ranges, power lines, golf courses, etc.

Junk, Salvage Yard

A yard, field, or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture.
2. Discarded, scrap and junked lumber.
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap or ferrous or non ferrous material.
4. Used tires, discarded tires, or worn-out tires which may or may not be usable now or in the future.
5. Town garbage dumps, waste dumps and sanitary fills will not be considered junkyards for the purpose of this Ordinance.

Landfill

An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

Landscaped Area

An area of land that has been disturbed and re-planted or covered with one or more of the following: Lawn or other herbaceous plants, shrubs, trees or mulch; but including area that has reverted to natural, vegetated condition.

Mining or Mineral Extraction

The removal of geologic materials such as soil, topsoil, loam,

sand, gravel, clay, metallic ores, rock, peat or other like material from its natural location and transportation of the product removed, away from the extraction site.

Mobile Home Park

An area designed or planned for the placement of two or more mobile homes or manufactured housing units.

Nonconforming Use

A building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance which does not conform to all applicable provisions of this Ordinance.

Nursery (horticultural)

Commercial establishment for cultivation of flowering plants, shrubs, trees, etc.

Open Space

Land that is free of buildings and other permanent structures.

Park

Land area set aside for public recreation, conservation, wildlife, or other similar purpose.

Pesticide, Herbicide Wholesaler or Retailer

Commercial establishment which sells pesticides and/or herbicides.

Pesticide, Herbicide Bulk Storage

Storage or herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included.

Railroad Yard

Area with multiple railroad tracks intended for transfer or storage of railroad cars or freight.

Residential Dwelling Unit

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, temporary living quarters for only one family. This term shall include mobile homes.

Residential Home (see all Residential Dwelling Unit)

A structure containing one or more residential dwelling units.

Road

A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Salt or Sand/Salt Piles (covered)

Storage of salt or sand/salt mix intended for municipal, commercial or other use except for homeowner sidewalks, steps, or driveways beneath a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.

Salt or Sand/Salt Piles (uncovered)

Storage of any amount of salt or sand/salt, for any purpose, without a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.

Silviculture

The art of cultivating a forest; forestry.

Site Plan Review

An applicant-prepared document and associated procedure for certain proposed new or expanded developments.

Sludge

Residual material produced by water or sewer treatment processes, industrial processes, or domestic septic tanks.

Sludge Utilization

The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge.

Snow Dump

A location to which snow is transported and dumped by commercial, municipal, or State snow-plowing operations.

Solid Fill

Material placed on or into the ground as fill; the material will not react chemically with soil, geologic material, or groundwater that may be present at the site.

Solid Waste

Discarded solid material with insufficient liquid contact to be free flowing. This includes but is not limited to rubbish, garbage,

scrap materials, junk, refuse, inert fill materials and landscape refuse.

SPCC Plan

Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

Stormwater Drainage

A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

Stormwater Impoundment

Any structure designed and constructed to contain stormwater runoff.

Subdivision

A subdivision shall mean the division of a tract or parcel of land as defined in Title 30A, M.R.S., § 4401 and as hereafter amended. The term subdivision shall also include such developments as mobile home parks, multiple-family dwelling(s), shopping centers, condominiums, and industrial parks where there are three or more units involved, and additional divisions and developments defined as subdivision in the Farmington Subdivision Ordinance.

Subsurface Wastewater Disposal System (Subsurface Injection)

A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S. § 414, any surface wastewater disposal system licensed under 38 MRSA section 413, Subsection 1-A, or any public sewer, sewerage system or wastewater treatment plant.

Timber Harvesting

The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery.

Time of Travel Boundary

A boundary, beyond which, groundwater will take more than a set

period of time (i.e., 200 days) to travel to a given point (i.e., a pumping well). Pumping conditions for defining a time of travel boundary are defined in the Maine Wellhead Protection Program

Transfer Station; Recycling Facility

Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing.

Utility Corridor

Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities for conveying energy, communication signals, fuel, water, wastewater, etc. Municipal water supply distribution mains, operational, or maintenance facilities, are excluded from restrictions in the Wellhead Protection Table.

Underground Storage Tank

As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

Variance

A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant, and where literal enforcement of this Ordinance would result in unnecessary or undue hardship. The crucial points of variance are undue hardship and unique circumstances, applying to the property. A variance is not justified unless both elements are present in the case.

Waste Disposal, Industrial/Commercial - see Industrial Waste

Wastewater

Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present.

Wastewater Treatment Plant

Any arrangement of devices and structures used for treating wastewater.

Watershed

Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water

courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

Wellhead

The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

Wellhead Protection Area

A zone, consisting or 2 districts, delineated according to Article III, Section 1 of this Ordinance.

Well, Abandoned

A shaft, casing, tile, hole, or pipe placed, drilled or dug in the ground for extraction or monitoring of groundwater that has not been used for a period of two consecutive years.

Well, Existing or New

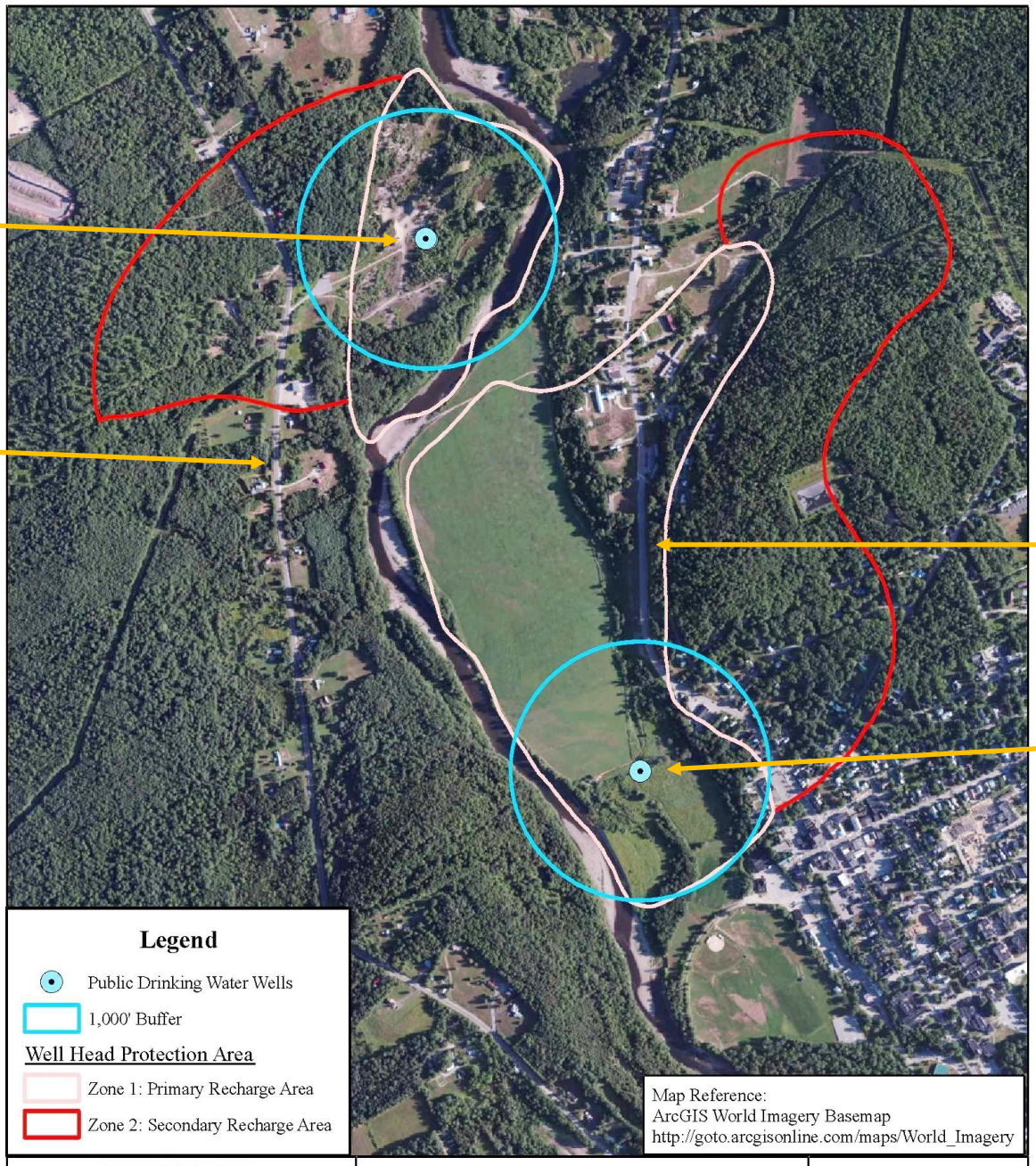
A shaft, casing, tile, hole, or pipe placed, drilled or dug in the ground for extraction or monitoring of groundwater.

Well sites, identified - see identified new well site

Zone of Contribution

The area from which groundwater flows to a pumping well.

Town of Farmington
Wellhead Protection Area Map



TATA & HOWARD
Water and Wastewater Consultants

Date: May 2013 Scale: 1" = 1,000'

Town of Farmington Wellhead Protection Area Map

Wellhead Protection Ordinance Update
Farmington, Maine
Farmington Village Corporation

Figure No.

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