

SECTION 9

TOWN OF CHARLESTOWN, NEW HAMPSHIRE DRINKING WATER PROTECTION DISTRICT ORDINANCE

9.1 AUTHORITY AND PURPOSE

Pursuant to RSA 674:16-21, the Town of Charlestown hereby adopts a Drinking Water Protection District Ordinance and accompanying regulations, in order to protect, preserve and maintain existing municipal groundwater supplies of drinking water within the Town.

9.2 DEFINITIONS

Definitions shall be as contained in section 2 of the Town of Charlestown Book of Ordinances.

9.3 DISTRICT BOUNDARIES

A. Location

The Drinking water Protection District is defined as the area shown on the map entitled "Drinking Water Protection District", and is hereby adopted as part of the Town's Official Zoning Map. The Drinking Water Protection District is a portion of the areas delineated by the groundwater mapping studies entitled Geohydrology and Water Quality of Stratified-Drift Aquifers in the Lower Connecticut River Basin Southwestern New Hampshire, by Moore, Johnson and Douglas, 1994 (USGS WRIR 92-4013, 68 page report, two sheets (plates) 1:48,000, also available at 1:24,000). The wellhead protection areas were further delineated in the Large Production Wells for Community Water Systems/Large Groundwater Withdrawal Final Application Report: Charlestown, NH by VHB, Inc. June 2, 2015 and by the New Hampshire Department of Environmental Services; Wagner, Heindel and Noyes; and the United States Environmental Protection Agency. The Drinking Water Protection District is an overlay district which imposes additional requirements and restrictions to those of the underlying district. In all cases, the more restrictive requirement(s) shall apply.

B. Appeals

Where the bounds of a Drinking Water Protection District, as delineated, are in doubt or in dispute, any landowner aggrieved by such delineation may appeal the boundary location to the Planning Board. Upon receipt of a written appeal, the Planning Board shall suspend further action on development plans related to the area under appeal and shall engage, at the

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landowner's expense, a qualified hydrologist to prepare a report determining the proper location and extent of the Drinking Water Protection District relative to the property in question.

9.4 USE REGULATIONS

A. Minimum Lot Size

The minimum lot size shall be the same as allowed in the underlying zoning district.

B. Water Quality/Quantity Requirements

Within the Drinking Water Protection District, to the extent feasible, all runoff from impervious surfaces shall not degrade water quality and shall be recharged to the aquifer. Recharge impoundments shall have vegetative cover for surface treatment and infiltration, utilizing methods to include, but not limited to, detention ponds, dry wells and vegetated swales, provided that the following performance standards are met and the plans are approved by the Planning Board.

The developer shall submit a storm-water drainage plan, designed by a New Hampshire licensed professional engineer. Such a plan shall provide for the retention and percolation, within the aquifer, of all development generated storm-water runoff from a ten (10) year storm event, such that the post-development discharge volume to the aquifer is, at a minimum, equal to the pre-development discharge to the aquifer. Furthermore, the storm-water drainage plan shall provide for the removal of oil and gasoline from parking lot runoff by the use of treatment swales, oil/gas separators or other devices, prior to retention and percolation of the runoff.

C. Prohibited Uses

The following uses are prohibited within the Drinking Water Protection District:

- 1) On-site disposal, discharge or recycling of toxic or hazardous materials or wastes;
- 2) Single-walled, underground fuel storage tanks;
- 3) Dumping of snow carried from off-site;
- 4) Industrial uses which discharge contact type wastes on site, such as photo-chemicals, radio-active wastes, etc.;
- 5) Landfills and open dumps.

D. Conditional Uses

1) The following uses, if allowed in the underlying zoning district, are permitted only after approval is granted by the Planning Board with the advice and consent of the Water Superintendent:

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- a) Industrial and commercial land uses not otherwise prohibited by Section 9.4.C, of this Ordinance;
- b) Multi-family residential development;
- c) Sand and gravel excavation and other mining provided that such excavation or mining is not carried out within six vertical feet of the seasonal high water table;
- d) Animal feedlots and manure storage facilities, provided that the applicant has agreed to adopt the Best Management Practices and operational guidelines of the Sullivan County Conservation District (SCCD) before such uses are established;
- e) Storage of chemicals for private or municipal water treatment;
- f) Automotive uses including: car washes, service and repair shops, junk and salvage yards;
- g) Road salt storage;
- h) Laundry and dry cleaning establishments;
- i) On-site production, bulk storage, processing, or recycling of toxic or hazardous materials or wastes;

2) The Planning Board shall grant approval for those uses listed above only after it is determined that all of the following conditions have been met.

- a) The use will not detrimentally affect groundwater quality, nor cause a significant long-term reduction in the volume of water contained in the aquifer or in the storage capacity of the aquifer.

For uses described in Section 9.4.D.1(a) and (b) the Planning Board shall make this determination by applying the performance standard outlined in Section 9.4.D, item 2 (a);

- b) the use will discharge no waste-water on-site other than to State approved waste-water disposal systems;
- c) the proposed use complies with all other applicable provisions of this section.

3) All conditional uses shall be subject to inspections by the Water Department or other agent designated by the Selectmen. The purpose of these inspections is to ensure continued compliance with the conditions under which approvals were granted.

E. Permitted Uses

The following activities may be permitted provided they are conducted in accordance within the intent of this Ordinance:

- 1) Any use permitted by the underlying district of the Zoning Ordinance, with the following exceptions:
 - a) that the provisions of Section 8.4.4 of the Zoning Ordinance, which relate to the so-called '100' rule', do not apply; and
 - b) those uses prohibited in Section 9.4.C or regulated by Section 9.4.D of this article.
- 2) Maintenance and/or repair of any existing structure, provided that the use complies with Section 9.4.B of this article.
- 3) Agricultural and forestry uses, provided that fertilizers, pesticides, manure and other leachables are applied and stored according to best management practices, as prescribed by the Sullivan County Conservation District, if applicable. All said leachables must be stored under shelter.
- 4) An applicant for any use requiring a sub-surface disposal system, in excess of the capacity required for single-family residential occupancy, must submit a professional engineering study offering conclusive evidence that the wastes will not adversely impact upon surface or groundwater water quality.
- 5) An applicant for any use which may reasonably be expected to cause a permanent increase in the volume of water drawn from within a delineated Drinking Water Protection District must submit a professional engineering study offering conclusive evidence that the proposed use will not substantially impact upon the quantity of water in the wellhead.

F. Non-Conforming Uses

Any non-conforming use within the Drinking Water Protection District shall comply with the provisions of Sections 8.4.1 and 8.4.2 of the Zoning Ordinance (Non-conforming Uses).

9.5 MISCELLANEOUS PROVISIONS

Where the premises are partially outside of the Drinking Water Protection District, potential pollution sources such as, but not limited to, on-site waste disposal systems, shall be located outside and down gradient of the Zone to the extent feasible.

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9.6 ADMINISTRATION

A. Application and Interpretation

The provisions of the Drinking Water Protection District shall be applied and interpreted by The Planning Board

B. Enforcement

The Board of Selectmen (or their duly designated agent) shall be responsible for the enforcement of the provisions and conditions of the Drinking Water Protection District.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Town of Charlestown, New Hampshire Drinking Water Protection District Ordinance, as adopted by the Planning Board at a Public Hearing duly warned and held on **January 6, 1998**, with a second hearing on **January 20, 1998**. The Ordinance was thereafter approved by the Charlestown Town Meeting held on March 10, 1998. This ordinance was thereafter amended by the Planning Board at a Public Hearing duly warned and held on January 6, 2016, with a second hearing on January 20, 2016. The amended Ordinance was thereafter approved by the Charlestown Annual Town Meeting held on Tuesday March 8, 2016.

Signed _____
Robert T. Frizzell, Planning Board Chair

Received this ____ day of March, 2016

Kelly Stoddart, Charlestown Town Clerk

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