

TOWN OF BROWNVILLE
WELLHEAD PROTECTION OVERLAY ZONING ORDINANCE

Section I. GENERAL PROVISIONS

1. Purpose

The purpose of this Ordinance is to protect the public water supply in the Town of Brownville from land uses which pose a threat to the quality of the groundwater being extracted from the sand and gravel aquifer which serves the public water systems. The Town of Brownville recognizes that many residents rely on groundwater for their safe drinking water supply, and that certain land uses can rapidly contaminate groundwater particularly in sand and gravel aquifers. To ensure the protection of this drinking water supply, this Ordinance establishes a wellhead protection zone to be known as the Wellhead Protection Overlay District.

The District is superimposed on current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/uses allowed in a portion of one of the underlying zoning districts which fall within the Wellhead Protection Overlay District must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Wellhead Protection Overlay District.

2. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII-A, Part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A, MRSA Section 3001 (Home Rule), Title 22 MRSA 2642 (Protection of Drinking Water Supplies), and the State's Growth Management Law, Title 30-A MRSA, Sections 4311 et. Seq: as may be amended.

3. Applicability

This Ordinance applies to all land areas within the Wellhead Protection Overlay District.

4. Effective Date

This Ordinance shall take effect and be in force from the date of its adoption. Enacted: 3-16-2020

5. Availability

A certified copy of this Ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

6. 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.

7. Conflict with Other Laws

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other Ordinance, regulation, or statute, the provision imposing the greater restriction upon the use of land, buildings, or structures shall control.

8. Separability

Should any section or part of a section or any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

9. Amendments

a. Initiation and Procedure

A proposal for an amendment to this Ordinance may be initiated by:

(1) The Select Board; (2) the Selectmen; or (3) an individual, through the petition process for placing articles on the warrant for town meeting.

Amendments proposed by the Select Board under paragraph (1) above shall be forwarded to the Selectmen to be included in a future town meeting warrant. Amendments proposed by the Selectmen under paragraph (2) above shall be forwarded to the Select Board for advisory review and comment prior to being placed on a town meeting warrant. In both cases, the Selectmen shall have final authority to determine whether to present the amendment to the town meeting for approval.

b. Public Hearing and Water Department Notification

The Select Board shall hold a Public Hearing on any proposed amendment, including amendments proposed by petition, at least fourteen (14) days prior to the Town Meeting vote. The Select Board's hearing on proposed amendments shall be informational and advisory only. Notification of the public hearing and Water Department notification shall follow the requirements pursuant to Title 30-A MSRA Section 4352.

c. Enactment

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

Section II. ADMINISTRATION, ENFORCEMENT AND PENALTIES, APPEALS

1. Administering Bodies and Agents

This Ordinance shall be administered by the Select Board or the Code Enforcement Officer, as indicated within, and shall be enforced by the Code Enforcement Officer.

a. Code Enforcement Officer

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

b. Select Board

The Select Board (SB) of the Town of Brownville shall review and act upon applications as designated under this Ordinance.

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 Section IV without filing application and obtaining approval under this Ordinance.

3. Permit Application

An Applicant for a permit under this Ordinance shall submit an application in writing to the CEO for preliminary review and the final review and permitting authority shall reside with the Select Board, as designated in the Wellhead Protection Overlay District Land Use Table (Section IV). All applications shall be dated and signed by the owner(s) or lessee(s) of the property or another person with a letter of authorization from the owner(s) or lessee(s). Such signature(s) shall certify that the information in the application is complete and correct.

4. Select Board Permit Hearing

Within forty-five (45) days of the date of receiving a written application, the Select Board or CEO shall notify the applicant in writing, either that the application is a complete application or, if the application is incomplete, that specified additional material is needed to make the application complete. The Select Board or CEO shall also notify the Water Department. Once the proposal complete the Select Board may ask the Department to provide comments on the proposal.

Once a complete application has been received, the Select Board shall approve or deny the application, in writing, within forty-five (45) days. However, if the Select Board has a waiting

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list of applications, such approval or denial shall occur within forty-five (45) days of the first available opening on the Select Board's agenda or, within forty-five (45) days of the public hearing(s), if a hearing(s) are held.

Permits shall be approved if the proposed use or structure is found to be in conformance with the provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with provisions of this Ordinance. If a permit is either denied or approved with conditions, the reasons shall be stated in writing.

When a proposed use in a Wellhead Protection Overlay District requires Select Board approval under Section IV of this Ordinance, the Select 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 Select Board, at the applicant's expense.

5. Application Fee

An application fee of \$25.00 must be submitted with a permit application.

6. Independent Review and Advice

a. Professional Services

The Select 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 Select 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.

b. Additional Studies

The Select 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.

7. Performance Guarantees

The Select 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 maybe 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 Select Board.

8. Expiration of Permit

Following the issuance of a permit, if construction or use does not commence within one (1) year of the date of the permit, the permit shall lapse and become void. However, the permit may be renewed within six (6) months of the date of expiration, upon application to SB/CEO and the applicant demonstrates that there are no substantial changes in the proposed structure or use and there are no changes to the Ordinance.

9. Enforcement and Penalties

a. Inspections and Complaints

The CEO shall investigate all complaints of alleged violations of this Ordinance, pursuant to 30-A MRSR Section 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 30-A MSRA Section 4452. During investigations, the Code Enforcement Officer 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 Select Board, Water Department, and 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 permits 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 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

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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 30-A MRSA Section 4452.

10. Appeals

a. Time for Appeal

Any party aggrieved by a decision or order of the Code Enforcement Officer or Select 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 Board of Appeals for this purpose.

b. Parties

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

- 1) A permit applicant whose application is denied or granted with conditions.
- 2) A permit holder whose permit is suspended or revoked by the CEO or SB.
- 3) A person owning property within a Wellhead Protection Overlay District designated in Section IV of this Ordinance, who is adversely affected by a decision or order of the Code Enforcement Officer or Select Board with respect to any property located in the same Wellhead Protection Overlay District.
- 4) A person whose use of groundwater as a domestic water supply is adversely affected by a decision or order of the Code Enforcement Officer or Select Board under this Ordinance.
- 5) The Town of Brownville, through its municipal officers.
- 6) The Brownville 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 concerned is based on an error of law or mis-interpretation 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 Select 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.

e. Board's Procedure

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All appeals under this section shall be reviewed and decided by the Board of Appeals within sixty (60) days after receipt of a completed appeals form, unless all parties to the appeal agree to an extension of this time. The Board of Appeals shall conduct a public hearing on any appeal files, at which all parties for that appeal shall be permitted to present written or oral argument and to otherwise express their views. Following close of the public hearing and its deliberations, the Board of Appeals shall vote to grant or deny the appeal. The Board of Appeals shall issue its decision as to any appeal in writing. The Board of Appeals shall have authority to remand the matter to the Code Enforcement Officer or Select Board in appropriate cases. The Board of Appeals may reconsider its decision within thirty (30) days after the original decision date, if a request for reconsideration is received from any party to the appeal in writing within fourteen (14) days after the original decision date. All parties to the appeal shall be afforded a reasonable opportunity to express their views on any reconsideration request. In reviewing a request for reconsideration, the Board of Appeal 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 Piscataquis County Superior Court, in accordance with 30-A MRSA Section 2691 (3)(6) and Rule 80B, Maine Rules of Civil Procedure.

Section III. 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 section.

1. Transfer of Ownership

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

2. Repair and Maintenance

This Ordinance shall allow, with building 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.

3. Non-Conforming Structures

a. Expansion.

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

- 1) 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.
- 2) 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 Select Board, basing its decision on the criteria specified below in subsection ii (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.
- 3) No structure which is less than the required setback from the property line shall be expanded toward the property line.

b. 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

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requirements to the greatest practical extent as determined by the Select 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 Select 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 onsite soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

1) 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 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 Select 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.

c. Change of a Use of a Non-Conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Select 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 e below.

d. 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 Select Board regardless of whether the required changes are to be performed at the same time as other expansions, relocations, reconstruction or replacement of

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the non-conforming structure. The Select 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.

e. 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 Select Board shall also require written documentation from the applicant regarding the probable effects on public health and safety, 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.

f. 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 CEO or Select 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 Select 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 Select Board. The Select 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:

- i. That the proposed use is of the same character or less noxious than the current nonconforming use;
- ii. That the proposed use will not create a traffic hazard nor increase an existing traffic hazard;
- v. 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 any other Town of Brownville Ordinance., Site Review Ordinance, and the

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Off-Street Parking and Loading Performance Standard in the Zoning Ordinance;

- vi. That the extent of noise odors, vibrations, some, dust, and air discharges of the proposed use shall be equal to or less than the present use;
- vii. That the rate of surface water run-off from the site will not be increased;
- viii. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;
- ix. That the proposed use will have no greater adverse impact on surrounding properties; and,
- x. 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.

Section IV. ESTABLISHMENT OF WELLHEAD PROTECTION OVERLAY DISTRICT

1. District

For the purposes of this Ordinance, Brownville is hereby divided into the following Wellhead Protection Overlay District. The Wellhead Protection Overlay District consists of two (2) zones that are shown on the official Town of Brownville Zoning Map or official Wellhead Protection Zones Map. The two zones are defined as:

- a. Zone 1 - Primary Recharge Area. This area is delineated by the 2,500-day time of travel boundary developed by the Maine Geological Survey. Groundwater within the Primary Recharge Area is expected to appear at the District wells within 2,500 days. This boundary was developed through data gathered on site and computer modeling and is consistent with Maine Drinking Water Program policy.
- b. Zone 2 - Watershed Recharge Area. This area is shown on the official Town of Brownville Wellhead Protection Zones Map. The Watershed Recharge Area 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.

2. Boundaries

Where uncertainty as to the boundaries of districts as shown on the Official Brownville Zoning Map or Wellhead Protection Zones Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.
- b. Boundaries indicated as approximately platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following Town limits shall be construed as following such limits.
- d. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- e. Sources for the exact delineation of the Wellhead Protection Zones shall be the State of Maine Geological Survey study and the State of Maine Drinking Water Program.
- f. Boundaries indicated parallel to or extension of features indicated in 2.a. through 2.e, above, shall be construed as being parallel to or extensions of such features. Distances not

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specifically indicated on the Official Wellhead Protection Zones Map shall be determined by the scale of the map.

- g. This District includes sand and gravel aquifers, as identified on the Maine DEP Sand and Gravel Aquifer map No. 77, latest edition, as well as, a 500' buffer drawn around the known boundaries of these aquifers (buffers shall be updated as the aquifer mapping is updated).
- h. Where land abutting a water body is not covered by the town's Shoreland Zoning Ordinance or other applicable local, state, or federal regulation equal to or less restrictive in standards to this Section, an untilled agricultural buffer strip of 50 feet wide shall be retained between the tilled area and the normal high line of the waterbody or tributary stream.
- i. Where physical or cultural features existing on the ground are at variance with those shown on the Official Wellhead Protection Overlay Zones Map, or other circumstances, the Board of Appeals and the Brownville Water Department shall interpret the district boundaries.
- j. When a lot of record is divided by either the Zone 1 or Zone 2 boundary, the following rules shall apply:
 - 1) On lots of two (2) acres or less in area, the lot shall be used as if the entire lot is in the Zone which comprises the larger portion.
 - 2) On lots larger than two (2) acres, the Zone regulation shall be followed in each portion.

3. Land Use Table

The land uses listed below are commonly integrated within other types of uses. For example, use or storage of petroleum products can occur at auto repair shops as well as gas stations. Any proposed land use which incorporates the following in their primary use is subject to the requirements of this section.

Any land use not listed in this section is not subject to the requirements of this section.

Land Use	Zone 1 Primary Recharge Area	Zone 2 Watershed Recharge Area	Applicable Performance Standards
Aboveground Oil Storage	N	SB	Chemical Storage Chemical Use
Septic system – new or replacement <1,000 gallons	N	SB	Wastewater Solid Waste
Non-agricultural chemical use, storage and handling (including petroleum products)			
a) Dry cleaner	N	SB	Chemical Storage Chemical Use
b) Small engine repair shop	N	SB	
c) Automobile graveyard	N	N	
d) Automobile repair/body shop	N	SB	
e) Automobile parts/supply	N	SB	
f) Car wash	N	SB	
g) Automobile service station/gas station	N	SB	
h) Storage of petroleum products > 275 gallons	N	SB	
i) Fertilizer dealers	N	SB	

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j) Laundromat	N	SB	
k) Boat yards/builders	N	SB	
l) Photo developers	N	SB	
m) Mortuary/funeral home	N	SB	Chemical Spraying
n) Cemetery	N	SB	Chemical Spreading
Agricultural chemical use, storage and handling			
a) Pesticides application	N	SB	Chemical Storage
b) Petroleum based fertilizer application	N	SB	Chemical Use
c) Manure spreading	N	SB	Chemical Spreading
d) Beneficial use of residuals	N	SB	Chemical Spraying
Animal husbandry	N	SB	Chemical Storage Wastewater Solid Waste (manure)
Storage, handling and processing of solid waste			
a) Transfer Station/landfill	N	N	Solid Waste
b) Wood waste/agricultural cull piles	N	N	
Vehicular storage,			
a) Commercial overnight storage or parking; maintenance and refueling of vehicles and equipment	N	SB	Vehicular Use and Storage
b) Retail or wholesale vehicles included	N	SB	
c) Storage of fuels in gravel pits or rock mining areas	N	SB	
Bulk storage of leachable material, including, but not limited to concrete, asphalt, tar, coal and salt	N	N	Chemical Storage Chemical Use
Mining			
a) Sand and Gravel Mining	N	SB	Mining
b) Rock	N	SB	
c) Metallic ore	N	N	
Subsurface injection			
a) New subsurface wastewater disposal systems > 1,000 gals.	N	SB	Wastewater
b) Replacement or expansion of subsurface domestic wastewater disposal systems	N	SB	
c) Discharge of commercial or industrial wastewater or wash water to a septic system (including car wash, Laundromat, etc.)	N	N	
Stormwater management			
a) New impervious area	SB	SB	Stormwater
b) Detention	SB	SB	
c) Retention	SB	SB	
d) Infiltration	SB	SB	

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Utility Corridors	SB	SB	Chemical Spreading Chemical Spraying
Essential Operations of the Water Department or other official safety or utility entity	Y	Y	

Land use key

Y= permitted N=not permitted

SB=permitted subject to Select Board Review and use of Best Management Practices

4. Lot Specifications

- 1) Minimum lot size for lots not served by public sewer system.
 - 1) Zone 1 Primary Recharge Area 120,000 square feet per dwelling unit.
 - 2) Zone 2 Watershed Recharge Area 80,000 square feet per dwelling unit.

- 2) Maximum lot coverage by an impermeable surface, including parking lots.
 - 1) Zone 1 Primary Recharge Area 10%
 - 2) Zone 2 Watershed Recharge Area 20%

Notwithstanding other provisions of this Ordinance, lot coverage that exists as of the date of adoption of this Ordinance that equals or exceeds the applicable percentage limitation may be continued and may be expanded with Select Board approval.

5. Application Requirements

The Select 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. Owner and applicant's names and addresses; name and addresses of person who prepared the application and/or plan.
 - iii. Name and address to which correspondence should be sent.
 - iv. 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.
 - v. Copy of recorded deed for property; verification of ownership of legal interest.
 - vi. Interest the applicant has in any property abutting the parcel to be developed.
 - vii. State whether the development covers the entire or contiguous holdings of applicant.
 - viii. On-site sewage disposal report from licensed site evaluator or information from local sewer Department indicating capacity.

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- ix. Special reports:
 - Necessary state and/or federal permits and date of application and approval (please list).
 - List of construction items, cost estimates.
 - Construction schedules.
 - Proposed method of performance guarantee.
 - 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 Select Board Review for certain activities within the Wellhead Protection Overlay District.

More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Select Board should there be questions as to which categories apply.

- 1) Non-agricultural chemical use, storage and handling, (including petroleum products)
 - 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:

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- 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;
 - provisions to collect chemicals should they enter the drainage system;
 - provisions to segregate underground systems to insure that there are no cross connections;
 - provisions to prevent accidental containment breach by collisions;
 - statement of emergency measures which can be implemented for surface drainage systems.
- iv. For inside areas, details to contain spill including the:
- design of dikes around rooms;
 - the location of floor drains and floor drains outlets;
 - the location of separators, holding tanks and/or drain outlets;
 - the specific location and design of underground storage structures;
 - the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- v. A spill prevention and control and countermeasure (SPCC) plan detailing:
- materials and equipment to be available;
 - a training plan and schedule;
 - a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - an inspection schedule.
- vi. A report by an industrial engineer or other competent professional detailing:
- steps which have been taken to reduce the use of hazardous material;
 - actions which have been taken to control the amount of wastes generated;
 - any reports to provide information on the design theory or methodology for the above features.
- 2) Agricultural chemical use, storage and handling
- 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-off 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:
- 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;
 - provisions to collect chemicals should they enter the drainage system;
 - provisions to segregate underground systems to insure that there are no cross connections;
 - provisions to prevent accidental containment breach by collisions;
 - statement of emergency measures which can be implemented for surface drainage systems.
- ix. For inside storage, details to contain spills including the:
- design of dikes around rooms;

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- the location of floor drains and floor drains outlets;
 - the location of separators, holding tanks and/or drain outlets;
 - the specific location and design of underground storage structures;
 - the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- x. spill prevention and control and countermeasure (SPCC) plan detailing:
- materials and equipment to be available;
 - a training plan and schedule;
 - a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - an inspection schedule.
- xi. A report by an industrial engineer or other competent professional detailing:
- steps which have been taken to reduce the use of hazardous material;
 - actions which have been taken to control the amount of wastes generated;
 - 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) Sand and Gravel Mining – (borrow pits)
- 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 licensed hydrogeologist attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.
- 5) Subsurface injection
- i. Subsurface Wastewater Disposal
- Soil evaluator's report and septic system design.
 - For sites/uses producing >1,000 gallons of sewage, a hydrogeologic analysis of nitrate concentrations at the property line.
- ii. Sewage Disposal
- Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.
- iii. Subsurface Injection
- Provisions and designs for all floor drains, grease traps, and holding tanks.
- 6) Stormwater Management
- i. Engineering calculations and plans which provide:
- Design of dry wells, storage, retention or detention facilities and other surface water;
 - Impoundments;
 - Stormwater system outlets;

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- Delineation of post development drainage areas;
- Plans for ice control, use of road salt, and snow removal.

7) Commercial Water Production Wells

- i. Location and construction specifications.
- ii. A report from a licensed hydrogeologist on the safe yield and impact upon adjacent public water supply wells.

8) Utility Corridors

- 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:
 - 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;
 - provisions to collect chemicals should they enter the drainage system;
 - provisions to segregate underground systems to ensure that there are no cross connections;
 - provisions to prevent accidental containment breach by collisions;
 - statement of emergency measures which can be implemented for surface drainage systems;
- iv. For inside areas, details to contain spill including the:
 - design of dikes around rooms;
 - the location of floor drains and floor drains outlets;
 - the location of separators, holding tanks and/or drain outlets;
 - the specific location and design of underground storage structures;
 - the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- v. A spill prevention and control and countermeasure (SPCC) plan detailing:
 - materials and equipment to be available;
 - a training plan and schedule;
 - a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - an inspection schedule.
- vi. A report by an industrial engineer or other competent professional detailing:
 - steps which have been taken to reduce the use of hazardous material;
 - actions which have been taken to control the amount of wastes generated;
 - any reports to provide information on the design theory or methodology for the above features.

6. Performance Standards

a. General Provisions

All development located within the Wellhead Protection Overlay District 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 Select 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 Select 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. The following standards shall apply to all uses, both permitted and those requiring Site Design Review, as appropriate in the various Districts.

These Performance Standards are intended to clarify plan requirements and provide guidance. In reviewing a proposed development, the CEO or Select Board, whomever conducts the review, shall review the application for conformance to the applicable standards and make findings of fact for each prior to approval of the final plan. The burden of proof of conformance to an applicable standard is with the applicant, who shall provide clear and convincing evidence that the final plan meets the standard.

b. Animal Husbandry

Where permitted animal husbandry shall meet the following standards:

- 1) Uncovered manure shall be kept 1,000 feet from any well, other than the applicant's well, and from any body of water.
- 2) All paddocks, pastures, barnyards, or other enclosures must be adequately fenced to contain livestock, animals, or fowl.
- 3) Manure storage on land shall not exceed an area of 400 square feet and manure storage shall be on an impermeable surface equipped with leachate containment berm.

c. Non-agricultural chemical use, storage and handling (including petroleum products)

- 1) New installation of underground storage tanks are prohibited within Zone 1 of the Wellhead Protection Overlay District.
- 2) All chemicals must be stored under cover and on an impervious surface, without floor drains.

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- 3) Secondary containment of liquid chemicals equaling 110% of the stored product must be provided the containment must be covered.
- 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, Containment and Countermeasures Plan (SPCC) must be submitted to the CEO or Select Board, Fire Department and the Water Department.
- 9) 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 10% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water act, as amended.
- 10) 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.
- 11) Permit applications must be on an annual basis.
- 12) 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.
- 13) Permit applications 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.
- 14) 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 or Select Board annually.

d. Agricultural chemical use, storage, and handling

- 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 10% 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 and shall include application materials and rates.
- 3) Land application of pesticides with low leachability by Maine licensed applicators is allowed. An on-site soils classification to assess the nutrient holding capacity of the soils is required prior to the initial application of pesticide. Provisions shall be made for control of surface run-off and erosion in areas where pesticides are being applied.
- 4) Permit applications shall be submitted on an annual basis to the CEO and shall include copies of the pesticide labels and materials safety data sheets and the proposed rate of application.

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- 5) Integrated Pesticide Management Plan certified by a groundwater hydrogeologist as having no unreasonable adverse effects on groundwater.
- 6) Spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture, Food and Rural Resources dated November 1, 2001.

e. Performance Standards for 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.
- 2) All pesticides shall be applied in accordance with label directions and the regulations of the Maine Board of Pesticides Control.
- 3) Herbicides and pesticides must be applied only by certified applicators, who must be informed regarding the delineated area of wellhead protection.
- 4) A Nutrient Management Plan must be provided for all agricultural activities within the Wellhead Protection Overlay District.
- 5) All agricultural fertilizers shall be applied in accordance with label directions and must be applied in accordance with an approved Nutrient Management Plan.
- 6) 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.
- 7) Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching.
- 8) Where manure and agricultural fertilizers are used, there shall be no tilling of soil within 50 feet of the normal high-water line of any water body.
- 9) Notice of intent to apply agricultural chemicals shall be given to the CEO and the Brownville Water Department prior to application.
- 10) Only Class "A" composted residuals may be used within the Wellhead Protection Overlay District. 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 Wellhead Protection Overlay District.
- 11) Manures must be composted to Class "A" standards. Manure may be used within the Wellhead Protection Overlay District and must be applied in accordance with the nutrient management plan.
- 12) Residuals and manures shall not be applied over very shallow soils (less than 1 foot) or exposed bedrock.
- 13) Residuals and manure shall not be applied on frozen ground, or immediately before storm events.
- 14) All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture, Food and Rural Resources published November 11, 2001 or subsequent revisions thereof.

f. Performance Standards for Vehicular Use and Storage

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- 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 contaminants 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.
- g. Performance Standards for Mining (Sand, Gravel, and Rock)
- 1) Separation of 1,000 feet must be maintained between any excavation and any public drinking water source.
 - 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 re-seeded 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 Overlay District shall be reclaimed according to plans submitted to the municipality.
 - 9) Gravel mining activities in Wellhead Protection Overlay District must have a spill prevention plan that is regularly maintained and updated as well as emergency spill response plans.
 - 10) Storage of fuels is prohibited within Zone 1 of the Wellhead Protection Overlay District.
 - 11) Rock crushers are prohibited within Zone 1 of the Wellhead Protection Overlay District.
 - 12) There shall be no overnight storage of vehicles within Zone 1 of the Wellhead Protection Overlay District, unless parked over a secondary containment area.
- h. 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

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waste landfills, log storage yards and lumber yards, and other direct discharges shall be prohibited in the Wellhead Protection Overlay District.

- 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 >1000 gallons per day of sewage, a hydrogeologic analysis of nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5 mg/L as the property line.
 - 4) Sewer pipes shall be internally lined when buried within the Wellhead Protection Overlay District.
 - 5) Sewers and drainage systems should be designed to ensure that stormwater does not enter sanitary sewers.
 - 6) Construction of sewers and septic systems shall be carefully inspected to ensure proper installation.
 - 7) Provide provisions to maintain sewer and septic systems.
- i. 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 Select 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 Select 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 non-impervious developed area, a mean depth of at least 3.0 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 systems approved by the Select Board.

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- 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 time 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 ensure 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 ensure 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.
- j. Performance Standards for Road Maintenance
- 1) Cover all sand and salt piles.
 - 2) Minimize use of salt in all cases. Sand/salt mixture with the lowest effective proportion of salt should be used.
 - 3) Prohibit snow dumps or storage in areas of contribution.
- k. Performance Standards for Fill
- 1) Use only inert material (loam, sand, gravel, clay, rocks, bricks or concrete).
 - 2) Use only clean fill (no non-natural odors, no staining, and not originating at a known contaminant spill site).
 - 3) Implement erosion and sedimentation control measures.

7. Control of Existing Threats

a. Inspection

The CEO shall have the right to inspect any property located in the Wellhead Protection Overlay District, except building interior, at reasonable hours, without landowner permission, as provided in 30-A MRS Section 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 Brownville 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. All legal costs encumbered by the Town shall be incurred by the landowner.

b. Monitoring

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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 Section IV of this Ordinance, is located within a Wellhead Protection Overlay District designated by this Ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the Select 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 Water Department 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 the Ordinance. Installation of monitoring wells and testing and monitoring of groundwater in such cases shall be at the sole cost of the municipality or Water Department, provided that if such testing indicates that the use is found to cause or contribute to reduction of ten percent (10%) 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 the Water Department for all expenses incurred for installation, testing, and monitoring.

c. Enforcement

If any use causes or contributes to a reduction of ten percent (10%) 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.

8. Definitions

The following definitions shall apply to the *Wellhead Protection Overlay Zoning Ordinance of the Town of Brownville*. In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance, their ordinarily accepted meaning, or as defined herein. In the case of any difference of meaning or implication between the text of the Ordinance, illustration, or table, the text shall control.

Agent: Anyone having written authorization to act in behalf of a property owner, signed by the property owner.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under an Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Agricultural Products, Processing, and Storage: Establishments engaged in the manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, and storage of such products.

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Agricultural Sales and Service: The use of buildings or land for the sale of equipment or products or services to those engaged in agriculture.

Alteration: Any change, addition, repair, renovation, modification in construction, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Animal Husbandry: The keeping of any domesticated animals other than customary household pets.

Applicant: The person applying for approval under an Ordinance.

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water. (See: MDEP Aquifer Maps)

Aquifer Recharge Area: An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater. (See: MDEP Aquifer Maps)

Authorized Agent: An individual or firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner or applicant.

Automobile (Vehicle) Body Shop: A business engaged in vehicle body, frame, or fender straightening and repair and painting and undercoating.

Automobile (Vehicle) Car Wash: A structure with machine or hand-operated facilities for the washing, cleaning, polishing, or waxing of motor vehicles.

Automobile (Vehicle) Graveyard: Automobile graveyard means a yard, field or other outdoor area used to store 2 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations. "Automobile graveyard" does not include any area used for temporary storage by an establishment or place of business which is primarily engaged in doing vehicle body repair work to make repairs or render a motor vehicle serviceable.

Automobile (Vehicle) Recycling Business: The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80 percent of the business premises specified in the site plan (Title 30-A, MRSA, Section 3755-A, subsection 1, paragraph C) is used for automobile recycling business.

Automobile (Vehicle) Repair Garage: A building where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and under-coating of automobiles.

Automobile (Vehicle) Service Station: A building where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease are retailed directly to the public on the premises; including storage of unlicensed vehicles and not including body, frame or fender straightening and repair.

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Automobile (Vehicle) Storage: A building designed and used for the storage of vehicles, operated as a business with a service charge or fee being paid to the owner or operator for the parking of or storage of privately-owned vehicles.

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, Conservation and Forestry, Transportation and Development pursuant to 38 M.R.S.A. Section 410-J.

Buffer: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or personal property.

Cemetery: Property used for the interring of the dead.

Change of Use: A change from one category in the land use table to another or the addition of a new category of use to an existing use.

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.

Code Enforcement Officer (CEO): A person appointed by the Town Officers to administer and enforce an Ordinance. Reference to the CEO may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Commercial Composting: The processing and sale of more than 1000 cubic yards of compost per year.

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.

Complete Application: An application shall be considered complete upon submission of the required fee, a signed application, and all information required by the appropriate application, except as validly waived by the vote of the Select Board to waive the submission of required information.

Comprehensive Plan: A document or interrelated documents adopted by the Town's legislative body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Confined Animal Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas.

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Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of an appropriate Ordinance.

Construction/Demolition: Construction or demolition of facilities, buildings, etc. associated with the land uses or activities.

Demolition/Waste Disposal: A facility including a landfill operated by a public, quasi-public, or private entity which purpose is to dispose of useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including by way of an example, and not by limitation to, rubbish, garbage, scrap metals, junk, refuse, inert material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

District: A specified portion of the Town, delineated on the Official Brownville Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance of the Town of Brownville.

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.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat wastewater with characteristics significantly different from domestic wastewater.

Filling: Depositing or dumping any matter on or into the ground or water.

Floodplain: The lands adjacent to a body of water which have been or may be covered by the base flood.

Gasoline Service Station: See: Automobile Service Station

Gravel Pit: (See: Mineral Extraction)

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

Hazardous Wastes: 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.

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

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

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

Mineral Extraction: Any operation within any twelve (12) successive month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Non-Conforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the District in which it is situated or which does not meet the performance standards prescribed for it by an Ordinance, but which is allowed to remain solely because it was in lawful existence at the time an Ordinance or subsequent amendments took effect.

Ordinance: Any legislative action of the Town's legislative body which has the force of law, including but not limited to, any amendment or repeal of any Ordinance.

Overlay District: The overlay District is an area that shall be superimposed over underlying Districts and land uses that are subject to both the standards in the underlying and the overlay District.

Pesticide, Herbicide Bulk Storage: Storage of 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.

Principal Use: The primary use other than one which is wholly incidental or accessory to another use on the same premises.

Property Line: (See: Lot Line)

Public Water System: A water supply system that provides water to at least fifteen (15) service connections or services water to at least 25 individuals daily for at least thirty (30) days a year.

Quarry: A place where stone is excavated from rock.

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Salt or Sand/Sale Piles (uncovered): Storage of any amount of salt or sand/salt mix, for any purpose, without a rood or other structure capable of preventing precipitation from reaching the salt or sand/salt.

Setback from Water: The horizontal distance from the normal high-water line to the nearest part of a structure.

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Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

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 Waste: Discarded solid material with insufficient liquid content 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.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, retaining walls, satellite dishes, patio bricks, and driveways. The term includes structures temporarily or permanently located.

Subsurface Sewage Disposal System: 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 waste water on or beneath the surface of the earth. The term shall not include any waste water discharge system licensed under Title 38 MRSA §414, any surface waste water disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any public sewer. The term shall not include a waste water disposal system designed to treat waste water which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

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.

Underground Storage Facility: An underground system of tanks, pipes, pumps, vaults, fixed containers, and appurtenant structures, singly or in any combination which are used or designed to be used for the storage, transmission, or dispensing of oil or any hazardous substance. Underground

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storage facilities shall not include storage facilities housed entirely in a basement or other below grade area of a building or structure.

Use: The manner in which land or a structure is arranged, designed, or intended, or is occupied.

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.

Underground Storage Tank: As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

Variance: A variance is a relaxation of the terms of Zoning Ordinance. Variances permissible under the Zoning Ordinance are limited to dimensional and area requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

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.

Zone of Contribution: The area from which groundwater flows to a pumping well.

Attest: True Copy

3-16-2020 Kathy K. White - Town Clerk