

**TOWN OF RINDGE
NEW HAMPSHIRE**

**AQUIFER PROTECTION
DISTRICT ORDINANCE**

ADOPTED **March 12, 1991**
AMENDED: **March 10, 1992**
 March 9, 1993

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NEW HAMPSHIRE**

AQUIFER PROTECTION DISTRICT ORDINANCE

SECTION 1. PURPOSE AND AUTHORITY

Pursuant to the authority granted under RSA 674:14, especially RSA: 21, the Town of Rindge hereby adopts the following regulation. The purpose of this ordinance is in the interest of public health, safety and general welfare, to protect, preserve and maintain existing and potential groundwater supply and groundwater recharge areas within the known aquifer from adverse development, land use practices or depletion. This is to be accomplished by regulating the uses of land over certain known aquifers and their recharge areas so as to protect them from contamination caused by adverse or incompatible land use practices or developments. The Aquifer Protection Ordinance is intended to limit the uses of land so designated to those which will not adversely affect water quality by contamination, or water quantity by preventing recharge or the aquifer.

SECTION 2. DISTRICT LOCATION.

- A. The extent of the Aquifer Protection District shall be the outer most edge of the surficial extent of all aquifer deposits presently designated in the Aquifer map included in the Rindge Water Resource Management and Protection Plan as: Potential High Yield aquifers and Potential Medium Yield Aquifers. The Aquifer Protection District is a zoning overlay district which imposes additional requirements and restrictions to those of the underlying, base district zoning. In all cases, the more restrictive requirements (s) shall apply.

- B. Incorrectly Designated Zones: Upon any well founded information that the actual boundary of the Aquifer Protection District is incorrectly mapped, the Planning Board or the owner of any land may engage a professional geologist or hydrologist or other professional, recognized by the Planning Board as being qualified to perform such work, to determine more accurately the precise boundary of the Aquifer Protection District.

The Planning Board may, based upon appropriate findings and evidence, adjust the boundary or area designation of the Aquifer Protection District or reduce or expand the designation area to more correctly define the location and the extent of the aquifer on a site-specific, case by case basis.

SECTION 3 PROHIBITED USES

The following uses shall not be permitted the Aquifer Protection District:

- A. Disposal of solid waste. Brush and stumps are excepted only if generated from clearing land and buried on the same site. A copy of the site plan which is required to be filed with the Commissioner of the Department of Environmental Services, in accordance with RSA 149-m for on site burial of stumps, must be submitted to the Planning Board for its files.
- B. Subsurface storage of petroleum and other hazardous materials.
- C. Disposal of liquid or leachable wastes, except from single or multi-family residential subsurface disposal systems, or approved commercial or industrial systems which discharge human waste only.
- D. Industrial uses which discharge contact type process waters on site. Non-contact cooling water is permitted.
- E. Storage of road salt or salted sand.
- F. Dumping of snow containing de-icing chemicals brought from outside the Aquifer Protection District.
- G. Commercial animal feedlots.
- H. Mining except for earth excavation carried out in compliance with the Town of Rindge's Regulation Governing Earth Excavation including any subsequent amendments and a Conditional Use Permit issued under Section 5 of this Ordinance and RSA 155-E.
- J. All on site handling, disposal, storage, processing or recycling of hazardous or toxic materials.
- K. Automotive service and repair shops, junk and salvage yards.
- L. Land uses that will render over 20% of the parcel impervious to surface water infiltration.

SECTION 4. CONDITIONAL USES

A. Permit Required:

All subdivision proposals and other development proposal located within the Aquifer Protection District shall be reviewed by the Planning Board and shall

conform to the provisions of this ordinance. No conditional uses shall be conducted within an Aquifer Protection District unless a Conditional Use Permit has been issued by the Planning Board. The Planning Board is hereby authorized to attach any reasonable conditions to such permit regarding construction and operation.

Conditional uses shall include but are not limited to:

1. Industrial, commercial, institutional and governmental uses not otherwise prohibited in Section 3 of this Ordinance.
2. Multi-family residential development.
3. Sand and gravel excavation carried out in compliance with the Town of Rindge's Regulation Governing Earth Excavations including any subsequent amendments, provided that such excavation is not carried out within 8 vertical feet of the seasonal high water table and that periodic inspections are made by the Planning Board or its agent to determine compliance.
4. Replacement of underground petroleum product storage tanks.

B Standards

The planning Board may grant a Permit for a conditional use only after written findings of fact are made that all of the following are true:

1. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
2. The proposed use, either alone or on a cumulative basis, will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.
3. The proposed use will discharge no waste-water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous material as herein defined;
4. Sufficient recharge to the aquifer will not be inhibited or prevented; and
5. The proposed use complies with all other applicable section of this ordinance.

The Planning Board may require that the applicant provide data reports prepared by a professional engineer or qualified groundwater consultant to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as is required to adequately evaluate

such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs for any of the above mentioned services shall be paid by the applicant.

SECTION 5 ENFORCEMENT

It shall be the duty of the Board of Selectmen or its authorized agent to enforce the provisions of this Ordinance and to see that its requirements and restrictions are duly complied with. A Conditional -Use Permit may be withdrawn by the Board of Selectmen if the use is not conducted in accordance with the regulations of this Ordinance or the conditions of the permit.

The Board of Selectmen or its authorized agent shall institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this Ordinance.

Any non-conforming use may continue and may be maintained, repaired and improved, unless that such use is determined to be an imminent hazard to public health and safety by the Selectmen and Health Officer. No non-conforming use may be expanded, changed to another non-conforming use, or renewed after it has been discontinued for a period of 12 months or more.

SECTION 6 APPEALS

Any person who is aggrieved of an administrative decision made under the provisions of this ordinance may appeal to the Board of Adjustment, under the provisions of RSA 674:33. The Board of Adjustment shall also have the power to authorize such variance from the terms of the Ordinance as will not be contrary to the public interest, if, owing to special condition, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship so that the spirit of the Ordinance shall be preserved and substantial justice done. The Board of Adjustment shall request from the Planning Board and the Conservation Commission an advisory decision before rendering any decision on a request for a variance under this Section.

SECTION 7 VALIDITY AND SEVERABILITY

Should any provision of this Ordinance be declared by the courts to be invalid, the decision shall not invalidate any other provision of this Ordinance which can be given effect without the invalid provision and to this end the provisions of the Ordinance are severable.

SECTION 8 DEFINITIONS

The definitions contained in the Zoning Ordinance and the Subdivision Regulations shall apply to the Aquifer Protection Ordinance, where applicable.

As used in the Ordinance, the following terms shall have the meaning indicated:

A. Animal Feedlot: A commercial agricultural establishment consisting of confined feeding areas and related structures for the raising of livestock.

B. Aquifer: For the purpose of this Ordinance, aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies.

C. Aquifer Protection District: The direct recharge areas of designated aquifer. The Aquifer Protection District is shown on the Aquifer Map included in the Rindge Water Resource Management and Protection Plan.

D. Direct Recharge Area: The area immediately overlying the stratified-drift aquifer. The boundary of the direct recharge area is the contact between the stratified drift and adjacent till or bedrock.

E. Groundwater: Water in the Subsurface zone at or below the water table in which all pore spaces are filled with water.

F. Groundwater Recharge Area: That area from which water is added to the saturated zone by : 1) natural processes such as infiltration or precipitation, or by 2) artificial processes such as induced infiltration.

G. Hazardous or Toxic Materials: Material which may pose a present or potential hazard to human health or the environment when improperly stored, transported or disposed of or otherwise managed including without exception hazardous materials identified and listed in accordance with Section 3001 or the Resource Conservation and Recovery Act of 1976.*

Examples of hazardous materials include:

- 1) Toxic (poisonous)
- 2) flammable (paint, varnish remover, solvents and oils)
- 3) Reactive
- 4) Corrosive (acids)

H. Induced Infiltration: The process by which water in a stream or lake moves into an aquifer because of a hydraulic gradient from the surface water body toward a pumping well or wells.

- I. Leachable Wastes: Waste material, including solid wastes, sludge and agricultural wastes that are capable of releasing contaminants to the surrounding environment.
- J. Mining: The activities performed in the extraction of minerals including the excavation of pits, removal of mineral, removal of dimension stone, disposal of overburden and the construction of roads for the haulage of mining materials.
- K. Non-Contact Cooling Water: Water which flows through a heat exchanger providing a physical barrier between the water and the process being cooled.
- L. Potential High Yield Aquifers: Area inferred to be underlain by medium to very coarse sand or sand and gravel with sufficient saturated thickness to have high potential to yield water. Included are areas with fine grained surficial deposits, which are inferred to be underlain by medium to very coarse sand or sand and gravel.
- M. Potential Medium Yield Aquifers: Areas inferred to be underlain by relatively thin saturated sections of medium to very coarse sand or sand and gravel that have medium potential to yield water.
- N. Process Water: Wastewater from an industrial process.
- O. Saturated Zone: The zone beneath the land surfaced in which all open spaces are filled with water.
- P. Sludge: Residual materials produced by water and sewage treatment processes and domestic septic tanks.
- Q. Solid Waste: Any discarded or abandoned material including refuse, putrescible material, septage, or sludge, as defined by New Hampshire Solid Waste Rules He-P 1901.03* Solid waste includes solid, liquid, semi-solid, or contained gaseous waste material resulting from residential, industrial, commercial, mining, and agricultural operations and from community activities.
- R. Stratified Drift: Unconsolidated, sorted sediment composed of layer of sand and gravel deposited by meltwater from glaciers.
- S. Stratified-Drift Aquifers: Stratified-drift deposits that are capable of yielding usable amounts of water.