

**TOWN OF RINDGE  
NEW HAMPSHIRE  
2021**

**AQUIFER PROTECTION  
DISTRICT ORDINANCE**

**ADOPTED**     March 12, 1991  
**AMENDED:**   March 10, 1992  
                  March 9, 1993  
                  March 11, 2014

## **TOWN OF RINDGE**

### **AQUIFER PROTECTION DISTRICT ORDINANCE**

#### **SECTION 1. PURPOSE AND AUTHORITY**

Pursuant to the authority granted under RSA-674:16, especially RSA 674: 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 of 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 at or above 2000 Transmissivity in the Town of Rindge Water Resources Base Map, the most recent version of the Aquifer Overlay Sheet, compiled by the Southwest Regional Planning Commission in 2003 and as that map may be amended from time to time. 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 provided that uses allowed in the underlying district shall be allowed.
- B. When the boundary of the Aquifer Protection District is disputed by the applicant, an affected abutter, the Code Enforcement Officer or the Conservation Commission, a written appeal shall be made to the Planning Board. Any appeal must address the entire area of the lot that is affected or potentially affected by the Aquifer Protection District. Upon receipt of an appeal, with well-founded evidence, the Planning Board may then engage a qualified professional with experience in hydrogeology, to prepare a detailed map of the site under review that shows the location and extent of the aquifer and recharge area, resulting from on-site investigations. The map shall be supported with a report that includes data from –onsite investigation and a narrative explanation, with other pertinent site information, including but not limited to the following:

1. A topographic site plan of the lot having a contour interval of two feet or less.
2. A Site Specific Soil Map of the entire lot area under review, prepared by a New Hampshire Certified Soil Scientist.
- 3.--Published or unpublished map information available from the U.S. Geologic Survey, New Hampshire state agencies and boards or the Town of Rindge that is/are pertinent to the site under review.
4. Deep soil observation holes and/or soil borings in sufficient number and location to confirm the proposed adjusted boundary of the aquifer recharge area to the satisfaction of the Rindge Planning Board.
5. A detailed map showing the proposed adjustment of the aquifer recharge area with the location of soil observation holes and borings, relative to the current, established Aquifer Protection District boundary.
6. If the appeal includes or involves a dispute regarding the location, capacity or capability of an aquifer itself, then data from a sufficient number of pumping tests and ground water monitoring wells shall also be required.

At the discretion of the Rindge Planning Board, a peer review of the reports and maps presented in an appeal may be requested. If the appeal to the Planning Board is granted, the Planning Board will adjust the boundary of the Aquifer Protection District based upon the map and supporting information presented during the appeal process.

The cost of all studies, reviews, reports, mapping and other information required for the appeal shall be borne by the applicant. Costs for adjusting the Town of Rindge Aquifer Protection District reference map shall be borne by the applicant.

### **SECTION 3 PROHIBITED USES**

The following uses shall not be permitted within 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.
- I. All on site handling, disposal, storage, processing or recycling of hazardous or toxic materials.
- J. Automotive service and repair shops, junk and salvage yards.
- K. Any use that will render over 20% of the land included in the aquifer district and within 50 feet of the aquifer boundary as best determined by available maps 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 the same size or smaller tank. An operation and maintenance plan shall be required before a conditional use permit is granted.

5. Surface storage of petroleum products, petroleum by-products and distillates and other Hazardous Materials shall be contained in a tank pit of sufficient size to hold the entire contents of the storage vessel. An operation and maintenance plan shall be required before a Conditional Use Permit is granted.

6. Non-contact cooling water that has not been chemically treated in any way.

#### 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 onsite storage or disposal of toxic or hazardous material as herein defined;
4. Best Management Practices will be used to maximize infiltration, and 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, Superior Court, under the provisions of RSA 676:5, III.

## **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. Aquifer Recharge Area: The area immediately overlying or adjacent to the aquifer. The boundary of the aquifer 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 Material: A product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive or infectious characteristics may reasonably pose a significant, actual, or potential hazard to human health, safety, welfare or the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous Materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as "toxic" or "hazardous" under EPA list found in 40 CFR Ch. 1 Section 302.4.
- H. Impervious Surface: Any constructed or modified surface made of concrete, asphalt, brick, plastic or any other material, base or lining that cannot effectively absorb or infiltrate water. Impervious materials seal surfaces, repel water and prevent precipitation from infiltrating soils and recharging ground water. Examples of impervious surfaces include, but are not limited to, exposed bedrock, roofs, sidewalks, roads, patios, driveways, parking areas, and walkways covered by impenetrable materials such as asphalt, concrete, brick, stone, or soil that has been compacted by vehicular traffic or other means.
- 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. Pervious Surface: Any walkway, patio, driveway, parking lot or storage areas that are specifically designed to retain the runoff characteristics of the original landscape. Their purpose is to preserve pre-development infiltration and runoff patterns, allowing rainfall to infiltrate through the surface and substrata in order to replenish ground water. Pervious Surfaces include, but are not limited to porous asphalt, pervious concrete, permeable pavers, porous flexible paving systems, porous turf, paving blocks, soft porous surfacing and coarse gravel or crushed stone (greater than 1/1/2 inch diameter) surfaces. Wood decking elevated at least two inches above the ground surface shall be considered pervious, provided that the ground surface beneath the decking is

not impervious. Open grid pavers when installed in a sand or gravel base, without a liner are not considered impervious. Any plans that propose Pervious Surface technology must be accompanied by supporting data that proves their effectiveness. All pervious technology must be installed according to the manufacturers recommendations or otherwise insure maximum infiltration of precipitation.

- M. Process Water: Wastewater from an industrial process.
- N. Saturated Zone: The zone beneath the land surfaced in which all open spaces are filled with water.
- O. Sludge: Residual materials produced by water and sewage treatment processes and domestic septic tanks.\_
- P. 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.
- Q. Stratified Drift: Unconsolidated, sorted sediment composed of layer of sand and gravel deposited by melt water from glaciers.\_
- R. Stratified-Drift Aquifers: Stratified-drift deposits that are capable of yielding usable amounts of water.
- S. Transmissivity: The rate which groundwater flows horizontally through an aquifer.