

# ***Town of Kingfield***

# ***Wellhead Protection Ordinance***

*Accepted 3-1-03*

*Sandra Jean Cibetno 3/1/03*

*Town Clerk*

*Town of Kingfield*  
Wellhead Protection Ordinance

Article I. General Provisions

**SECTION 1. TITLE**

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

**SECTION 2. AUTHORITY**

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

**SECTION 3. PURPOSE**

The purpose of the Wellhead Protection Ordinance is to protect the public water supply in Kingfield from land uses which pose a threat to the quality and/or quantity of the ground water being extracted from the wells which serve the public water system.

**SECTION 4. APPLICABILITY**

This ordinance applies to all land uses located or proposed within the area delineated as Wellhead Protection Zones on the official Town of Kingfield Wellhead Protection Area Map included as Appendix I of this ordinance.

**SECTION 5. RELATIONSHIP WITH OTHER ORDINANCES**

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

**SECTION 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.

**SECTION 7. AMENDMENTS**

**A. Initiation and Procedure**

1. An amendment to this ordinance may be initiated by:
  - (1) The Planning Board, provided a majority of the Planning Board has so voted;
  - (2) Request of the municipal officers; or
  - (3) Written petition of a number of voters equal to at least ten (10) percent of the number of votes cast in the municipality by residents of the Town of Kingfield at the last gubernatorial election.

2. The Planning Board shall hold a public hearing on the proposed amendment at least fourteen (14) days prior to the meeting of the Governing Body. Notice of the hearing shall be published in a newspaper of general circulation in the area at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice shall also be sent to the Water District.

**B. Adoption of Amendment**

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

Article II. Definitions

**SECTION 1. CONSTRUCTION OF LANGUAGE**

In this Ordinance, certain terms or words should be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", and the word "dwelling" includes the word "residence. In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.
- B. Terms not defined shall have the customary dictionary meaning.

**SECTION 2. DEFINITIONS**

In this Ordinance, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

**Agriculture**

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

**Aquifer**

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

**Best Management Practice**

Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity.

**Board**

Refers to the Town of Kingfield Planning Board.

**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**

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

**Commercial**

Any activity carried out for pecuniary gain.

**Conforming**

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

**Construction**

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

**Construction and Commercial Equipment & Vehicle Storage**

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

**Construction/Demolition**

Construction or demolition of facilities, buildings, etc., associated with the land uses or activities; not including normal maintenance and repair of existing structures.

**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.

**Dump (see landfill)****Excavation (see construction)****Fill (see construction)****Floor Drain**

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

**Fuel Oil Distributor, Fuel Oil Storage**

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

**Gas Station, Service Station**

Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

**Groundwater**

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

**Hazardous Material**

Any gaseous, liquid or solid materials, or substances designated as hazardous by the Environmental Protection Agency and/or the Maine Department of Environmental Protection; but not including wastes resulting from personal residential household activities.

**Hazardous Waste**

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

**Horticulture (see agriculture)****Industrial**

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

**Industrial Waste**

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

**Inert Fill**

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

**Intensive Open Space Uses**

Uses of open space which have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly the groundwater quality and quantity.

**Landfill**

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

**Mining or Mineral Extraction**

The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic ores, rock, peat, or other like material from its natural location and transportation of the product removed away from the extraction site.

**Nursery (see agriculture)**

**Open Space**

Land that is free of buildings and other permanent structures.

**Park**

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

**Paving (see construction)****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.

**Road**

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

**Salt or Sand/Salt Piles (covered)**

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

**Salt or Sand/Salt Piles (uncovered)**

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

**Silviculture (see agriculture)****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.

**Subdivision**

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

**Subsurface Injection (see subsurface wastewater disposal)****Subsurface Wastewater 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 wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA section 413, Subsection 1-A, or any public sewer, sewerage system, or wastewater treatment plant.

**Timber Harvesting**

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

**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. re-use.

**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.

**Waste Disposal, Industrial/Commercial -- see Industrial waste****Wastewater**

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

**Wastewater Treatment Plant**

Any arrangement of devices and structures used for treating wastewater.

**Watershed**

Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

**Wellhead**

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

**Wellhead Protection Area**

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

**Well, Abandoned**

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

**Well, Existing or New**

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

**Zone of Contribution**

The area from which groundwater flows to a pumping well.

**Article III. Administration, Enforcement, Appeals, and Penalties****SECTION 1. ADMINISTERING BODIES AND AGENTS****A. Code Enforcement Officer**

The Code Enforcement Officer of the Town of Kingfield shall administer and enforce this ordinance. In addition, the Code Enforcement Officer shall refer permit applications requiring Planning Board review to the Planning Board.

**B. Planning Board**

The Planning Board of the Town of Kingfield shall be responsible for reviewing and acting upon permit applications under this ordinance.

**C. Board of Appeals**

The Board of Appeals of the Town of Kingfield shall hear and act on appeals in accordance with the provisions of this ordinance and state law.



#### **D. Water District**

The Kingfield Water District shall assist the Town with the administration and enforcement of this Ordinance upon request of the CEO, Planning Board, or Selectmen. The Town shall notify the Water District of all pending applications; the time, date, and place of Planning Board, CEO, LPI, Board of Appeals, or other local consideration of the application; and give the Water District a chance to review and comment on the proposal. The Water District or its designee may present evidence and comment before or during public hearings or meetings concerning development or activity in the Wellhead Protection Area. A copy of correspondence relative to the proposal, such as complete application determinations, approvals, and plans, shall be sent to the Water District.

#### **SECTION 2. PERMITS REQUIRED**

After the effective date of this Ordinance, no person shall engage in or expand any structure or land use activity which requires a permit without first obtaining a permit for such structure or activity, or expansion thereof. Article IV, Section 2 lists land uses which require a permit.

#### **SECTION 3. PERMIT APPLICATION**

- A. Permit applicants shall submit a written application to the appropriate official as indicated in Article IV, Section 2. Applications to the Planning Board shall be submitted at a regularly scheduled Planning Board meeting.
- B. All applications shall be signed by the owner(s) of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter of authorization from the owner or lessee.
- C. All applications shall be dated, and the CEO or Planning Board, as appropriate, shall note on each application the date and time of its receipt. Copies shall be sent to the Water District.

#### **SECTION 4. PROCEDURE FOR ADMINISTERING PERMITS**

- A. Within 35 days of receipt of the written application, the Planning Board or CEO, as appropriate (indicated in Article IV, Section 2), shall notify the applicant in writing either that the application is complete, or, if incomplete, the specific additional material needed to make it complete.
- B. The Planning Board or CEO, as appropriate, shall issue a dated receipt to the applicant upon determination of a complete application.

#### **C. CEO Applications**

For applications which are the duty of the CEO, the CEO shall approve, approve with conditions, or deny the application in writing within 30 days of receipt of a completed application. The CEO shall consult with the Water District before issuing a decision.

#### **D. Planning Board Applications**

1. Upon acceptance of a complete application, the Planning Board (shall begin review either by scheduling a public hearing for the purpose of reviewing public input concerning the proposal or determining that no public hearing is necessary.
2. If a public hearing is required, it shall be held by the Board within 30 days following receipt of a complete application. At least 20 days before the public hearing is held, the applicant shall notify the abutters and the Water District of the public hearing by registered or certified mail on a form provided by the Planning Board. If no public hearing is held, the Planning Board shall consult with the Water District before issuing a decision.
3. Notice of the date, time, place, and subject matter of the hearing must also be published by the Board in a newspaper having general circulation in the Town, the date of the publication to be at least ten (10) days before the hearing.
4. Within 60 days after the determination of a complete application, within 30 days after a public hearing, or within a time mutually agreed to by the applicant and the Planning Board, the Board shall take one of the following actions:
  - a. approve the plan;
  - b. approve the plan with conditions;
  - c. disapprove the plan.

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

#### **E. Burden of Proof**

The burden of proof that a proposed land use activity is in conformity with the purposes and provisions of this ordinance lies with the applicant.

### **SECTION 5. APPLICATION FEE**

An application fee of \$ 20.00 payable to the Town of Kingfield must be submitted with a permit application. If the proposal is subject to other Town review fees, this application fee may be waived by the Planning Board.

### **SECTION 6. INDEPENDENT REVIEW AND ADVICE**

#### **A. Professional Services**

Applicants shall be responsible for the cost of professional services rendered to the Planning Board in reviewing the application. The Planning Board may require an attorney or consultant to review one or more aspects of an application for compliance or noncompliance with this ordinance and to advise the Planning 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 Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of the ordinance are met. The costs of such studies shall be borne by the applicant.

### **SECTION 7. PERFORMANCE GUARANTEES**

The Planning Board may require the applicant to provide performance guarantees for an amount adequate to cover the total construction costs of all required improvements. Performance guarantees may be made by certified check, payable to the Town, or a savings account naming the Town as owner, for the establishment of an escrow account; by an irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or by a performance bond, payable to the Town, issued by a surety company and acceptable to the Town. The form, time periods, conditions, and amount of performance guarantees shall be determined by the Planning Board.

### **SECTION 8. EXPIRATION OF PERMIT**

Following the issuance of a permit, if no substantial start is made in construction, or in use of the property for which such permit has been issued, within one 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 if no material change in the proposed use or requirements has occurred with no additional fee. Thereafter, any application shall be considered and handled as a new application.

### **SECTION 9. INSTALLATION OF PUBLIC UTILITY SERVICE**

No public utility, water district, sanitary district or any other utility company may install, or connect services to, any new use or structure requiring a permit under this ordinance, unless written authorization attesting to the validity and currency of all permits required under this ordinance has been issued by the appropriate Town official(s). Following installation of service, the company or district shall forward a copy of the written authorization to the Town official(s) and indicate that installation has been completed.

### **SECTION 10. ENFORCEMENT AND PENALTIES**

#### **A. Inspections and Complaints**

The CEO shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The CEO shall also investigate all complaints of alleged violations of this Ordinance. The CEO may be accompanied by a representative of the Water District including a consultant employed by it.

**B. Violations**

It shall be the duty of the Town of Kingfield Code Enforcement Officer (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, he/she shall notify in writing the person responsible for such violation. The notice shall include the nature of the violation and the action necessary to correct the situation. A copy of the notice shall be provided to the Planning Board, Water District, 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 records and transactions shall be provided to the Planning Board and Water District.

**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 District. The Selectmen, or their authorized agent, may institute all legal and equitable actions to correct the violation and recover fines and costs.

**E. Penalties**

Any person who continues to violate a provision of this ordinance or condition of a permit after receiving written notice to correct the situation shall be subject to penalties as outlined at 30-A MRSA Section 4452. Each day of violation constitutes a separate violation.

**SECTION 11. APPEALS**

An appeal of a decision of the CEO and/or the Planning Board shall be taken to the Town of Kingfield Board of Appeals within thirty (30) days of the decision. An appeal of a decision of the Board of Appeals may be taken to Superior Court in accordance with Maine Law.

## Article IV. Land Use Requirements

### **SECTION 1. ESTABLISHMENT OF ZONES**

The Wellhead Protection Area consists of two (2) zones which are listed below and are shown on the official Town of Kingfield Wellhead Protection Area Map (Appendix I).

All distances from public or privately owned roads or streets shall be measured from the edge of the right of way.

#### **A. Zone 1: Immediate Recharge Area**

Zone 1 includes the area immediately recharging the water supply, as shown on the Wellhead Protection Area Map.

Zone 1 includes the following lots on the Kingfield Property Maps (as of January, 2003):

Lots in their entirety: 69-3, 70-3, 72, 73, 74, 76, 81;  
That portion of Lot 69-2 within 200 feet of the West Kingfield Road;  
That portion of Lot 70-4 west of and within 600 feet of the Kingfield Water District well and also within 200 feet of the West Kingfield Road;  
That portion of Lot 75 within 200 feet of the West Kingfield Road;  
That portion of Lot 78 within 200 feet of the West Kingfield Road;  
That portion of Lot 87 within 100 feet of Lot 88;  
That portion of Lot 88 within 100 feet of the Christian Road and within 200 feet of Lot 87.

#### **B. Zone 2: Primary Recharge Area**

Zone 2 includes the primary recharge area shown on the Wellhead Protection Area Map.

Zone 2 includes the following lots on the Kingfield Property Maps (as of January, 2003):

Lots in their entirety: 71, 79, 80, 89, 90, 91, 93, 95, 95-1, 95-2, 95-3, 97, 98;  
Lots in their entirety except that portion in Zone 1: 75, 88;  
That portion of Lot 70-4 within 600 feet of the Kingfield Water District well and that portion of said lot 70-4 west of said well and within 400 feet of the West Kingfield Road excluding that portion within Zone 1;  
That portion of Lot 87 within 100 feet of lot 92 excluding that portion within Zone 1;  
That portion of Lot 92 north and east of a straight line from the common corner lot lots 86, 87, and 92 to the intersection of the boundary of lot 92 and lot 102 with the West Kingfield Road.

## SECTION 2. LAND USES

### A. Wellhead Protection Area Land Use Table

- KEY: Y = permitted  
 N = not permitted  
 PB = permitted subject to Planning Board Review and use of Best Management Practices  
 CEO = permitted subject to Code Enforcement Officer Review and use of Best Management Practices

### Wellhead Protection Area Land Use Table

Uses	Zone 1	Zone 2
1. Commercial agriculture, horticulture, silviculture <sup>1</sup>	N	PB
2. Animal burial, husbandry, grazing or feeding area, slaughter or meat packing, kennels	PB	PB
3. Construction or demolition	CEO	CEO
4. Gas station, service station, engine, repair, or body shop	N	N
5. Use, storage, or manufacture of hazardous materials or waste	N	N
6. Intensive open space uses	N	PB
7. Overnight storage or parking of vehicles and equipment containing over 50 gallons of fuel	N	CEO
8. Maintenance and refueling of commercial vehicles and equipment	N	PB
9. Use or storage of petroleum products over 600 gallons per parcel of land	N	N
10. Home heating fuel tanks, fuel storage (under 600 gallons)	CEO	CEO
11. Sand and gravel mining, other mining	N	PB
12. New subsurface wastewater disposal or sewage systems <sup>2</sup>	PB	CEO
13. Replacement or expansion of subsurface wastewater disposal or sewage systems	PB	CEO
14. Discharge of commercial or industrial wastewater or washwater to a septic system <sup>2</sup>	N	PB
15. Impoundment of wastewater and stormwater	N	N
16. Storage, handling, and processing of solid waste, including sludge and ash utilization	N	N
17. Disposal of solid waste, sludge, and ash	N	N
18. Bulk storage of leachable material, including but not limited to concrete, asphalt, tar, coal, and salt	N	N
19. Timber harvesting	PB	CEO
20. Utility corridors	N	PB
21. Wells, abandoned, existing but not in use, or new	PB	CEO
22. Uses similar to uses requiring Planning Board review	PB	PB
23. Uses similar to uses requiring CEO review	CEO	CEO

<sup>1</sup> Non-commercial agriculture, horticulture, and silviculture are allowed subject to Best Management Practices.

<sup>2</sup> Includes any discharge which could enter the ground.

**Note: All land uses and activities may be subject to requirements of other Town ordinances and State rules and regulations.**

**B. Exemptions**

1. The review portions of this ordinance shall not apply to use and storage of normal quantities of household products. However, best management practices shall apply, and care shall be taken that chemicals and nutrients do not get into the groundwater.
2. The review portions of this ordinance shall not apply to essential operations of the Water District or other official safety or utility entity. However, these entities shall use best management practices and whatever means practical to insure that pollutants do not get into the groundwater.

**SECTION 3. LOT SPECIFICATIONS**

**A. Maximum Lot Coverage**

The percentage of the lot that lies in the Wellhead Protection Area which can be covered by impermeable surfaces, including parking areas, shall be limited as presented in the following table.

<u>Zone</u>	<u>Maximum Lot Coverage</u>
1	30%
2	50%

**B. Minimum Lot Size**

<u>Zone</u>	<u>Minimum Lot Size</u>
1	120, 000 square feet
2	40,000 square feet

**C. Nonconforming Lots of Record**

1. A vacant nonconforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of the Ordinance except lot size can be met.
2. A nonconforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions:
  - a. The structure may be repaired, maintained, or improved, and may be enlarged if it conforms with all requirements of this Ordinance except for lot size.
  - b. Any improvement or enlargement must meet the Performance Standards and Best Management Practices of this Ordinance.

**D. Restoration of Unsafe Property**

Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building declared unsafe by the Code Enforcement Officer.

## SECTION 4. APPLICATION REQUIREMENTS

The Planning Board shall 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 and would not affect or conflict with the purposes of this ordinance.

### A. All Applications

#### 1. **Written information:**

- Location of the proposed use; tax map and lot numbers
- Owner and applicant's names and addresses; name and addresses of person who prepared the application and/or plan
- Name and address to which correspondence should be sent
- Description of the exact nature of the proposed use
- List of chemicals and nutrients to be used or stored
- List of equipment to be used, parked, or stored
- Construction schedule and landscaping plan, if applicable
- Groundwater protection and pollution prevention provisions, and provisions to follow best management practices (including long-term maintenance provisions)
- Spill prevention plans and personnel training, if applicable
- Proposed method of performance guarantee, if applicable
- Any restrictions, conditions, covenants and easements

#### 2. **Plan information:**

- Scale drawing of the lot with the locations of any existing or proposed buildings, structures, natural features, waterbodies and drainageways, test pits, driveways, and parking areas , where applicable

### B. Additional Application Requirements for Review for Certain Activities Within the Wellhead Protection Area

More than one of the categories listed below may apply to a particular use. Applicants should review the Best Management Practices in Article IV, Section 6, and request assistance from the Planning Board should there be questions as to which categories apply.

#### 1. **Construction/Demolition**

- Provisions for solid waste, waste materials, and chemical handling, storage and disposal
- Provisions for sanitary facility
- provisions for fuel storage and refueling
- provisions for storage of any liquid chemicals used in the construction process
- provisions for storage of any bulk chemicals used in the construction process
- spill clean up plans, personnel responsible for inspections and clean-up, spill clean up materials available on-site

#### 2. **Hazardous Materials, Petroleum Products, and Other Chemicals: Handling and Storage**

- Type of volume of chemical compounds handled and/or stored.
- Site plan showing all storage, handling and use areas for raw materials and wastes



- 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 insure that there are no cross connections
  - statement of emergency measures which can be implemented for surface drainage systems
- For inside areas, details to contain spills including the:
  - design of dikes around rooms
  - the location of floor drains and floor drain 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 waters and other wastes
  - liquids to insure that inappropriate wastes are discharged and that wastes are discharged to appropriate sewers or treatment systems
- 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 (Town/Water District/EPA/DEP/local fire officials) with phone numbers
  - an inspection schedule
- A report by an industrial engineer or other competent professional detailing:
  - steps which have been taken to reduce the use of hazardous materials
  - 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. Stormwater Management

Engineering calculations and plans which provide:

- Design and capacity of subsurface collection facilities
- Location and design of culverts, drains and other storm water control structures, existing and proposed
- Surface drainage plan
- Design of dry wells, storage, retention or detention facilities and other surface water impoundments
- Stormwater system outlets
- Delineation of post development drainage areas
- Plans for ice control, use of road salt, and snow removal

### 4. Other Impoundments

Engineering calculations and plans which provide:

- Design and capacity of subsurface collection facilities
- Design of dry wells, storage, retention or detention facilities and other surface water impoundments
- Stormwater system outlets
- Delineation of post development drainage areas
- Plans for ice control, use of road salt, and snow removal

- Description of source of water, use of water and final water quality (water quality parameters to be specified by applicant)
- Amount of consumptive water use

**5. Subsurface Wastewater Disposal, Sewage Disposal and Subsurface Injection**

- Provisions for sewage disposal including:
  - soil evaluator's report and septic system design
  - Location of test pits keyed to site evaluator's or soil scientist's report
  - For sites/uses producing more than 1,000 gallons of sewage, a hydrogeologic analysis of nitrate concentrations at the property line
  - Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent
- Provisions and designs for all floor drains, grease traps, and holding tanks

**6. Installation of Monitoring Wells**

- Location and construction specifications
- Intended purpose
- Sampling schedule and responsible parties
- Provisions for informing appropriate Town body and Water District of sampling results

**C. Additional Submissions**

The applicant shall provide information and materials as will enable the Planning Board and/or CEO to determine that standards for approval have been met, including appropriate hydrogeological assessments, if applicable. The burden for providing the information upon which the Planning Board and/or CEO bases its findings and decision shall be the applicant's.

**SECTION 5. CONTROL OF EXISTING THREATS**

**A. Inspection**

The Code Enforcement Officer shall have the right to enter and inspect all premises which carry on the uses listed in the Wellhead Protection Area Land Use Table (Article IV, Section 2) and/or described in the Best Management Practices Section of this ordinance (Article IV, Section 6). Such inspections shall be conducted at reasonable times with the permission of the landowner and be based on a reasonable belief that a threat or potential threat to the water supply exists or be part of a comprehensive schedule of inspections. The Code Enforcement Officer may be accompanied by a representative of the Water District including a consultant employed by it.

**B. Monitoring**

When the Planning Board finds that a reasonable threat to the public water supply exists and that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats as listed in the Wellhead Protection Area Land Use Table (Article IV, Section 2), the applicant shall, as a condition of permit approval, either: (1) grant the municipality and the Water District the right to install groundwater monitoring wells and maintain the right to sample such wells on the applicant's property; or (2) install

monitoring wells and implement a groundwater monitoring program approved by the Planning Board.

Further, the Code Enforcement Officer or the Water District representative shall have the right, upon reasonable advance notice, to conduct such testing as the municipality may deem appropriate to determine that Best Management Practices and groundwater pollution control devices are in good condition and are working properly. Such testing shall be at the municipality's or Water District's expense. If such testing indicates that the groundwater has been contaminated above the State Primary or Secondary Drinking Water Standards, then further testing shall be at the expense of the existing owner of the land in question, and the owner shall reimburse the municipality and/or department for expenses incurred in the initial well installation and testing.

**C. Best Management Practices Required**

Uses listed in the Wellhead Protection Area Land Use Table (Article IV, Section 2) shall implement Best Management Practices required in Article IV, Section 6 of this ordinance. Uses listed in Article IV, Section 6 below that do not require a permit shall implement applicable Best Management Practices in Article IV, Section 6.

**SECTION 6. BEST MANAGEMENT PRACTICES FOR WELLHEAD PROTECTION AREA**

**A. General Provisions**

All development located within the Wellhead Protection Area shall comply with Best Management Practices to protect the quality and quantity of the public water supply. Best Management Practices, as applied in the State of Maine, are management practices which will mitigate the impacts of the activity on water quality. In some instances, there may be more than one management practice which would accomplish the same result. In other instances, depending on the site location and on-site conditions, more than one management practice may be needed to fully mitigate the problem. Therefore, discretion is needed in determining which management practices to apply. The Planning Board and CEO shall require all development located within the Wellhead Protection Area to comply with the Best Management Practices contained in this Section and may refer to additional applicable Best Management Practices which have been published by or in conjunction with the Maine Drinking Water Program, Maine Department of Environmental Protection, or other technical experts.

**B. Agriculture/Horticulture/Landscaping/Silviculture/Open Space/Utility Corridors**

1. Soil tests and analyses shall be used to determine proper amount of nutrients, chemicals, and limestone (pH adjustment) applied.
2. Nutrients and fertilizers shall be applied only at levels required.
3. A slow release form or organic fertilizer shall be used, where possible.
4. Nutrients and chemicals shall not be applied to very shallow soils or exposed bedrock.
5. Limit applications of nutrients and fertilizers to the active growing season. Do not apply on frozen ground, or during or immediately before storm events.

6. All federal and state laws regulating pesticides, herbicides, and chemicals shall be followed.
7. Pesticides and chemicals shall be applied, handled, and disposed of in accordance with label instructions or under the direction of a licensed applicator.
8. Coordinate irrigation schedules with chemical and nutrient application to minimize the possibility of leaching.
9. Nutrients, chemicals, and fertilizers, including manure, shall be stored in properly located and constructed facilities. Storage areas shall be covered and be located on impermeable pads or floors, and designed so that failures, emergencies, or extreme storm events do not cause material to run on to the ground.
10. Secure, safe storage shall be provided for chemicals and used chemical containers and disposal of containers shall be in accordance with federal and state law. Clearly label containers, and inspect storage areas regularly.
11. Provide secondary containment for large volumes of chemicals. Design storage areas so that failures, emergencies, or extreme storm events do not cause material to run on to the ground.

**C. Animal Husbandry, Grazing and Feeding Areas, Kennels, Slaughter or Meat Packing**

1. Keep livestock and animals off exposed soils and out of waterbodies and drainage swales.
2. Food and grain storage areas shall be covered, located on impermeable pads or floors, and sealed to prevent rodent and other vector access.
3. Rodents and other vectors shall be controlled by non-chemical means wherever possible, and animals and animal products (blood, wastes, residuals) shall be disposed of outside of the wellhead protection area or in an area designed so as not to let bacteria, pathogens, viruses, wastes, or other hazards reach the well.
4. To limit nutrient and pathogen exposure, the following is guidance for determination by the Planning Board as to how many animals will be allowed. The Planning Board shall determine equivalent densities for animals not included on the list. No more than the following densities:
 

dairy cattle: 1 animal per acre	beef cattle: 3 animals per acre
horses: 3 animals per acre	pigs/swine: 4 animals per acre
sheep: 8 animals per acre	goats: 12 animals per acre
dogs: 24 animals per acre	chickens: 139 animals per acre

**D. Chemicals, Hazardous Materials, Petroleum Products and Waste Handling on Construction Sites**

1. Collect and store in closed, clearly marked water tight containers, in an area that will contain leaks.

2. Containers shall be removed regularly for disposal to prevent spills and leaks which can occur due to corrosion of containers. A schedule for removal shall be prepared and implemented.
3. A spill clean-up plan shall be prepared and updated as needed. The plan shall: insure adequate materials and equipment are available; insure that personnel are trained; insure that the local fire department is knowledgeable of clean-up procedures; provide that all spills be promptly reported to the DEP, the Town, and the Water District. Copies shall be sent to the CEO, Water District, and Fire Department.
4. Litter, construction debris, and construction chemicals exposed to stormwater must be prevented from becoming a pollutant source.
5. Landscaping chemicals such as fertilizers, herbicides and pesticides shall be applied following appropriate Best Management Practices (see Section 6. B. above)

**E. Chemical, Hazardous Material, and Petroleum Product Handling and Storage**

1. Nonhazardous chemicals shall be substituted for hazardous varieties whenever possible.
2. Provisions shall be made to clean up all spills immediately with an absorbent material or other methods and to dispose of the materials properly. Emergency diking and spill clean-up materials shall be readily available, and personnel well trained in their use. All spills shall be promptly reported to the DEP, the Town, and the Water District.
3. Chemicals and materials shall be stored in secure, corrosion resistant containers.
4. A detailed inventory and tracking system shall be prepared and maintained. Spill control and leak detection programs shall be developed, implemented, and updated annually. Copies shall be sent to the CEO, Water District, and Fire Department.
5. Bulk Storage  
Bulk storage shall be in above-ground, corrosion resistant tanks or containers.
  - a. A diked or containment area shall be provided around tanks or containers to contain spills. The volume of containment area shall equal 110% of the volume of product stored.
  - b. A roof shall be provided over containment and loading areas.
  - c. Drains shall not be installed in containment areas
6. Non-bulk storage of chemicals  
Non-bulk storage of chemicals shall be indoors. Such storage areas shall comply with the following:
  - a. Floor drains shall not be used, unless required by fire regulations. If required by fire regulations, floor drains shall be discharged to a holding tank, equipped with gauges to determine capacity, and maintained regularly.
  - b. Storage and handling areas shall have waterproof dikes around perimeter or other containment structure so as to contain spills. The volume of containment area shall equal 110% of the volume of product stored.

7. All floors shall be concrete or an impermeable, hardened material.
8. Tanks shall be equipped with automatic shutoffs or high level alarms. Personnel shall be trained to respond properly to shutoffs and alarms.
9. Spill and leak detection programs shall be maintained and reviewed annually and updated as necessary. Copies shall be sent to the CEO, Water District, and Fire Department.
10. Oil and water separators shall not be used to remove dissolved compounds or oil and greases which had been subjected to detergents.
11. Concrete or other impermeable pads shall be provided under transfer and handling areas.
12. Exterior transfer and handling areas shall be graded and sloped so as to prevent runoff from other areas from entering the handling area.
13. Procedures shall be established to catch and store chemicals spilled at loading and other transfer areas.
14. The facility and equipment shall be designed to prevent tank overflows; and prevent line breakage due to collision.

**F. Commercial Maintenance, Repair Operations, Storage Facilities**

1. An inventory of chemicals used and stored and a plan detailing the reuse, recycling, or proper disposal of waste chemicals shall be prepared, maintained and updated as needed. The plan shall include provisions for implementing the plan and training personnel. Copies shall be sent to the CEO, Water District, and Fire Department.
2. Buildings, rooms and areas where potential pollutants are used, handled or stored shall be designed to contain spills or leaks.
  - a. Floor drains shall not be used except as required by fire regulations.
  - b. A waterproof dike or other containment structure shall be placed around areas to contain accidental spills. The dike or containment structure shall have an equivalent volume to 110% (125%) of the amount of material stored or used in the room.
3. Spill/leakage prevention and detection programs shall be maintained and updated. Copies shall be sent to the CEO, Water District, and Fire Department.
  - a. Plans shall insure the regular collection and transport of chemicals;
  - b. Plans shall provide for inspection of containers and storage areas on a regular basis.
4. A spill clean-up plan shall be maintained and reviewed annually and updated as needed.

The plan shall:

  - a. Insure adequate materials and equipment are available;
  - b. Insure that personnel are trained;
  - c. Insure that the local fire department is knowledgeable of clean-up procedures.

- d. Provide that all spills be promptly reported to the DEP, the Town, and the Water District.
  - e. Copies shall be sent to the CEO, Water District, and Fire Department.
5. Wash waters and other dilute wastes shall be adequately treated consistent with State law and the current pretreatment ordinances.
    - a. Wastes shall be discharged to sewer systems/treatment plants where possible;
    - b. Grease traps and oil separators shall be installed where necessary and shall be maintained on a regular basis.
  6. Facilities with stored hazardous materials, chemicals, fuels, and other potential pollutants shall work with the Fire Department to develop a plan to prevent the discharge of pollutants to waterbodies in the event of a fire or emergency. A copy of the plan shall be sent to the CEO and the Water District.
  7. Fluids shall be drained from all equipment and junk being stored outside for a period of over three months.

#### **G. Floor Drains, Dry Wells**

1. The use of floor drains and dry wells is strongly discouraged, and shall occur only when absolutely necessary. Water entering floor drains and dry wells shall be prevented from picking up pollutants or treated to insure that pollutants do not enter the groundwater.
2. Existing floor drains and dry wells shall be sealed wherever possible, so that pollutants do not enter the groundwater.

#### **H. Fill**

Only clean fill (inert fill that is nonpolluting) can be used for filling depressions or raising the ground level. Fill areas shall be well setback from waterbodies and wetlands and appropriate erosion and sedimentation control measures shall be implemented. For fill other than loam, sand, gravel, clay, rocks, bricks, or cured concrete, documentation shall be obtained that the fill is inert and nonpolluting, and copies sent to the CEO and Water District.

#### **I. Home Heating Oil Tanks, Fuel Tanks**

1. Residential storage tanks for home heating fuel and fuels shall be located inside or on a stable concrete slab above the ground if outside. If outside, filters and lines shall be protected from breakage. Tanks and lines shall be inspected and tested for leaks regularly.
2. Storage shall have secondary containment whenever possible. Inside installations shall not discharge to floor drains or into the ground
3. Leaks and spills shall be cleaned up promptly and reported to the CEO and Water District.

**J. Non-stormwater Discharges**

Non-stormwater discharges, such as firefighting activity runoff, dust control runoff, vehicle and building washing runoff, and pavement washwater, shall not be discharged into waterbodies. Discharges containing pollutants shall be properly collected, contained, and treated.

**K. Parking Areas, Lots, Vehicle and Equipment Parking**

1. Use as little road salt, sand, and de-icing chemicals as possible. Salts and chemicals shall be stored away from waterbodies or drainage swales, on an impermeable surface and covered with waterproof material.
2. Ditches and Catch basins shall be inspected and maintained regularly to prevent excessive sediment build up.
3. Stormwater and runoff shall not be channeled into waterbodies. Filter strips and vegetated areas shall be installed and maintained wherever possible.
4. Do not dump or plow snow into waterbodies or drainage swales.
5. If necessary, parking areas and roads must be swept to remove accumulations of winter sand that may impede flows from parking areas or concentrate runoff to areas unable to withstand such flows.
6. Vehicles transporting or storing hazardous materials shall not park in the Wellhead Protection Area overnight, unless in a secure, contained area. The CEO, Water District, and Fire Department shall be notified of any such parking.
7. Vehicles and Equipment using chemicals and petroleum products that are parked in the Wellhead Protection Area shall be kept in good operating condition and regularly inspected for leaks, deterioration, malfunctions, and spills. Any leaks or spills shall be cleaned up promptly, and the CEO and Water District notified.

**L. Sand and Gravel Mining, Other Mining**

1. Excavation shall be limited to five (5) feet above the seasonal high water table.
2. If water supply wells are present within 500 feet of the proposed excavation, ground water level monitoring wells shall be installed and monitored regularly, & copies of the results sent to the Water District and CEO.
3. Haul roads shall be watered to control dust. Salting and oiling of roads is prohibited.
4. Petroleum products, vehicles, chemicals, and hazardous materials shall not be stored in the pit.
5. Vehicles and equipment shall be inspected frequently for leaks, damage, and malfunctions.



6. A spill prevention plan(s) for vehicles and equipment shall be maintained and updated. Staff shall be trained to follow the plan. Copies of the plan(s) shall be sent to the CEO and Water District. The plan shall require at least the following:
  - a. all spills be cleaned up immediately
  - b. all spills be promptly reported to the DEP, the Town, and the Water District
  - c. any contaminated soils be removed, stored, covered, and disposed of according to DEP requirements
  - d. an employee monitors all refueling and equipment maintenance operations
7. A spill kit shall be kept on-site capable of absorbing at least 100 gallons of material.
8. A reclamation plan shall be provided, maintained, and shall be implemented as soon as possible so that the amount of time the area is exposed is limited.

**L. Septic System, septic waste disposal, subsurface wastewater disposal**

1. Sewer/septic systems shall be designed by competent professionals using sound engineering practices. On-site sewage disposal shall be according to the State of Maine Subsurface Wastewater Disposal Rules.
2. Construction of septic systems shall be carefully inspected to insure proper installation.
3. Septic systems and related piping shall be tested for leakage and certified by the LPI that they are water tight prior to use.
4. For cluster systems, 1,000 gallon septic tank capacity shall be provided for each 300 gallons of flow. Design flows for leachfields shall be less than 2,500 gallons per day.
5. Chemicals, industrial wastes, floor drains and stormwater drains (i.e. roof drains) shall not be discharged to septic systems without treatment.
6. Provisions shall be made to maintain septic systems in good working order or replace or discontinue use of the system. Septic tanks shall be pumped out and the system inspected, and any needed repairs or replacements made, every 3-5 years.
7. Malfunctioning or failing systems, and/or problems with lines or piping shall be reported promptly to the CEO and Water District.

**M. Stormwater Impoundment or run-off area**

1. Detention basins, stormwater impoundments and ponds shall be located outside the Wellhead Protection Area whenever possible.
2. Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be inspected frequently and maintained in good working order.
3. Pollutants shall be treated before discharge into the ground.

#### **N. Timber Harvesting, Silviculture**

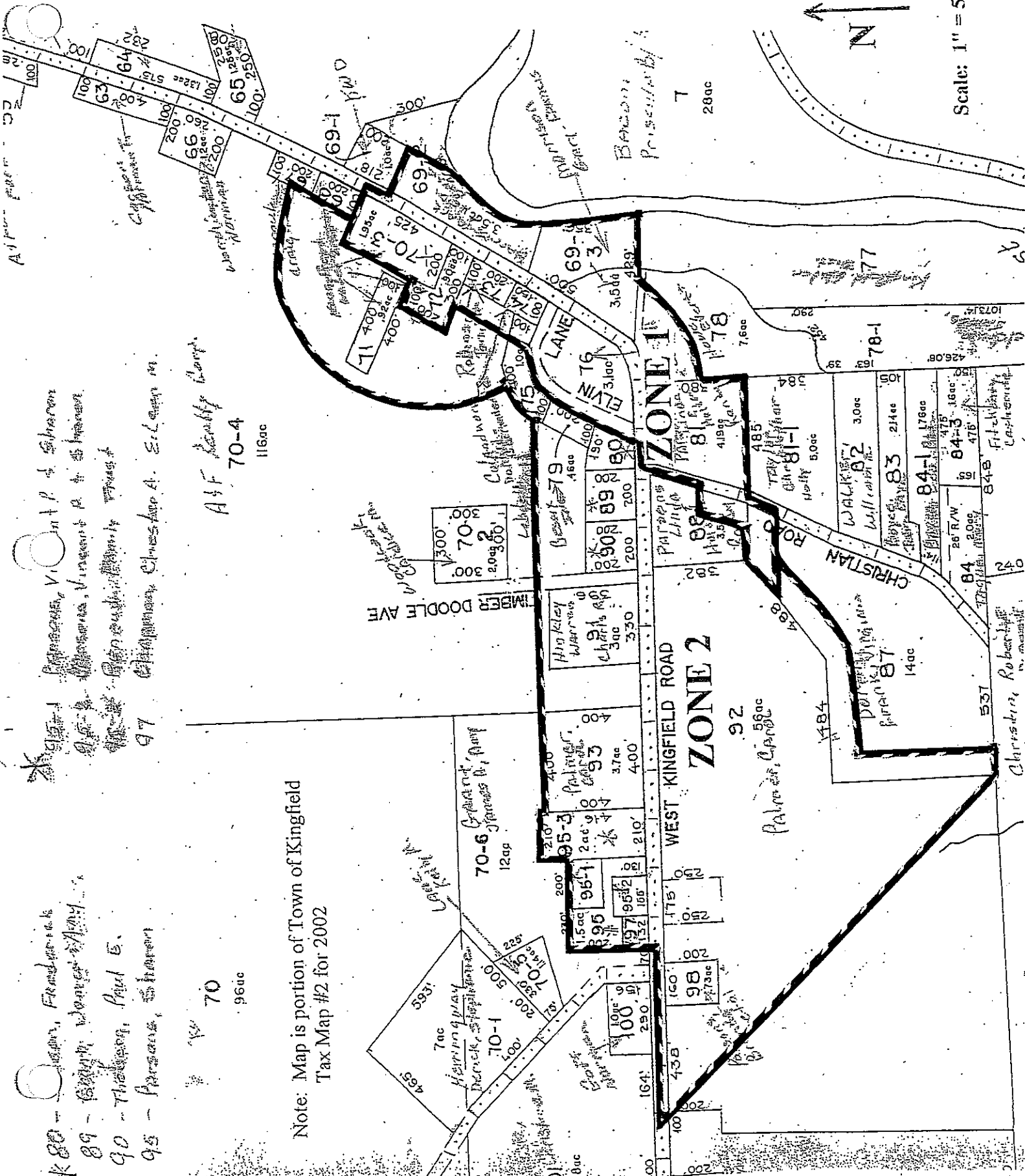
All forestry related pesticide, herbicide, and chemical use shall be performed in accordance with label directions and the rules and regulations of the Maine Board of Pesticides Control. Notice of such use shall be given to the CEO and the Water District before any application.

#### **O. Wells, Abandoned, Existing But Not In Use, Existing, and New**

1. Abandoned wells must be filled with inert, compact, natural soil materials or as stipulated by the State of Maine Well Drillers and Pump Installers Rules (144A CMR 232, as revised):
2. Wells, including monitoring wells, must be constructed and secured so that contamination cannot enter the groundwater via either the inside or outside of the well.
3. New drilled wells must be constructed according to the State of Maine Well Drillers and Pump Installers Rules (144A CMR 232, as revised). New dug wells shall be constructed with adequate casing, capping, and sealing (concrete or steel) so as not to allow contamination to enter the groundwater
4. Wells shall be inspected regularly to check for structural integrity, capping, and any needed repairs or maintenance

# Appendix I: Town of Kingfield Wellhead Protection Area Map

Scale: 1" = 500'



Note: Map is portion of Town of Kingfield Tax Map #2 for 2002

- \*80 - O'Connor, Frank
- 89 - Gentry, Walter
- 90 - Thomson, Paul E.
- 95 - Parsons, William
- 97 - [illegible]

