

**Town of Greenfield**  
**Planning Board**  
**GROUNDWATER PROTECTION ORDINANCE**  
**CONDITIONAL USE PERMIT APPLICATION**

To the Applicant:

This constitutes the application form for a Conditional Use Permit for purposes identified in Article VIII Regulated Uses of the Groundwater Protection Ordinance, Section XIII, of the Greenfield Zoning Ordinance. All questions related to this application should be directed to the Planning Board chairman.

Once completed, the application, together with the required fee, must be submitted to the Planning Board at least ten (10) days prior to the next meeting of the Conservation Commission (the 4<sup>th</sup> Wednesday of the month).

The Planning Board will not grant a Conditional Use Permit prior to receipt of a recommendation from the Conservation Commission.

A final application that is not complete may be rejected by the Planning Board at a regular meeting. To be complete, an application must contain:

1. \_\_\_\_ Three (3) copies of the application form
2. \_\_\_\_ Seven (7) paper copies of a sketch of the proposal, with the Groundwater Protection District delineated. (If not previously submitted with a Site or Subdivision Plan)
3. \_\_\_\_ Three (3) copies of any construction plans.
4. \_\_\_\_ Sufficient legible copies of the preliminary plan reduced to no more than 11x17 inches: (one copy for each abutter. (If not previously submitted with a Site or Subdivision Plan)
5. \_\_\_\_ Complete and accurate abutters list as well as the names and addresses of any professionals whose seals appear on the plan.
6. \_\_\_\_ A narrative which explains how this proposal meets the specific requirements of the Groundwater Protection Ordinance (Articles VIII, IX, X). (See attached)
7. \_\_\_\_ The appropriate filing fee (Additional fees may apply if submitted with a Site Plan Review or Subdivision application).

\$ \_\_\_\_ Application Fee \$50.00  
\$ \_\_\_\_ Abutter Fee (\$10 per abutter)  
\$ \_\_\_\_ Total (excluding any other applications)

*Adopted by vote of the Planning Board April 9, 2012*



*From the Zoning Ordinance, Section XIII, Groundwater Protection Ordinance*

VIII. REGULATED USES

The following uses may be permitted in the Groundwater Protection District subject to certain conditions. Regulated uses require the granting of a Conditional Use Permit by the Planning Board/designee and are subject to a greater standard of protection than those uses that are otherwise permitted within the underlying district.

A. Regulated uses must:

1. Be a use that is permitted in the underlying district either by right or by Special Exception
2. Be a use that is not listed as a Prohibited Use in Section VII of this Ordinance
3. Use and/or install best management practices (BMPs) as required under state administrative rule, Best Management Practices for Groundwater Protection, Env-Wq 401.

B. Regulated uses include:

1. Any use that is a Permitted Use in Section VI of this ordinance which has (or will have upon completion of construction) a total impervious surface area of 2,500 square feet or greater, or which results in an impervious area of 15% or greater of the parcel's area.
2. Any use which involves the storage, handling, and use of regulated substances in quantities exceeding 100 gallons of liquid or 800 pounds of dry weight at any one time. This shall include an approved Spill Prevention, Control, and Countermeasure (SPCC) plan in accordance with Article X of these regulations.

C. The applicant shall submit a completed Conditional Use Permit application to the Planning Board certifying that all applicable requirements specified within Articles IX and X, have been met prior to the issuance of the Building Permit. In the event that a Building Permit is not required for the regulated use, the applicant shall submit a Conditional Use Permit application to the Planning Board or its designee for review and approval.

IX. PERFORMANCE STANDARDS

A. No floor drains, dry wells (except those permitted by state regulations), or other infiltration devices that discharge waste water into the ground shall be installed.

B. Storage of Regulated Substances shall be as follows:

1. Regulated substances shall be stored in an enclosed structure or under a roof which minimizes storm water entry.
2. All structures used to store regulated substances shall be protected from storm water run-off and groundwater intrusion and must be at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside of the sanitary protective radius of wells used by public water systems. The floor of the area in which the material is being stored shall be coated to protect the surface of the floor from deterioration due to spillage of any such materials.
3. Regulated substances shall be stored in an area that is secured against intrusion from unauthorized people or animals.
4. Regulated substances shall be stored in their original containers with proper labels including contents and warnings. In the event that the original container is not available, or if the regulated substance is a waste product, an alternate container may be used but shall be properly labeled with information that would otherwise be included on the original container.
5. Outdoor storage is permitted if all of the above conditions are met (with the exception of IX.1) and if stored in a secondary containment with a storage capacity of 110% containment.

C. Storage of Fertilizers, Compost, and Animal Manure shall be stored in accordance with Best Management Practices for Agriculture in New Hampshire, NH Dept. of Agriculture, Markets, and Food, July 2008, and any subsequent revisions.

D. All inactive wells on the property (those wells that are not in use or properly maintained at the time the plan is submitted) shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.

E. Excavation and blasting activities must be conducted in a manner that minimizes groundwater contamination, adverse impacts to hydrology, and the dewatering of drinking water supply wells. The use of best management practices must be included in these activities (see Env-wq 401 Best Management Practices for Groundwater Protection).

F. The refueling, washing, and maintenance of motor vehicles used as part of any permitted/regulated activities shall be conducted out of the groundwater protection area wherever possible. Otherwise, such refueling or maintenance shall be conducted on an impervious surface with appropriate containment area. Spill response material shall be readily available and easily accessible.

G. In addition to the above standards, the following performance standards are required and must be submitted for all activities involving Regulated Uses:

**Storm Water Management Plan** that meets the minimum requirements set forth in the most current New Hampshire Storm Water Manual, and/or uses accepted innovative practices for the treatment and control of storm water. The plan must identify

- a. Location of storage or transfer of regulated substances and/or other potential sources of pollution, as well as structural pollution control methods or non-structural practices that minimize the release of regulated substances into the storm water or discharge to the ground.
- b. Storm water discharge setbacks between public and private water supply wells and storm water practices that meet setbacks in the Innovative Land Use Planning Techniques, Section 2.1 Permanent Storm Water Management.
- c. A stipulation that expansion or redevelopment activities shall require an amended storm water plan and may not infiltrate storm water through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05 (American Society of Testing and Materials-Environmental Assessment)
- d. Must maintain at least four feet vertical distance between the bottom of the storm water practice and the average seasonal high water table as determined by a qualified professional.

#### X. SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN (SPCC)

In addition to the requirements set forth in Section IX Performance Standards, any Regulated Use that includes the use of regulated substances shall submit a Spill Prevention, Control and Countermeasure Plan to the Planning Board/designee. SPCC plans completed to meet state or federal requirements may be submitted provided they reflect the application before the Planning Board. The Planning Board /designee shall then make a determination as to the effectiveness of the plan to prevent, contain, or mitigate releases of regulated substances into the environment in the event of a catastrophic occurrence. The Planning Board/designee may retain the services of a third-party consultant to assist in reviewing any plan presented, the cost of which the applicant will reimburse. The plan shall include the following:

A. A detailed description of the facility, storage area of regulated substances, and type and amount of each regulated substance shall be submitted. A map acceptable to the Planning Board/designee showing the layout of the facility and storage area as well as nearby surface water and wellhead protection areas must be included.

B. A list of facility contact information, including phone numbers, for all those who will be accountable for emergency response, and all appropriate federal, state and local agencies that must be notified in the event of a catastrophic occurrence.

C. A prediction of the direction of the flow of any regulated substance and potential quantity that could be released into the environment. A description of the proposed materials and equipment that would be used to divert, capture or absorb any regulated substance must be also submitted.

## **Summary of BMP for Groundwater Protection Rules**

### **Storage**

- Store regulated substances on an impervious surface.
- Secure storage areas against unauthorized entry.
- Label regulated containers\* clearly and visibly.
- Inspect storage areas weekly.
- Cover regulated containers in outside storage areas.
- Keep regulated containers that are stored outside more than 50 feet from surface water and storm drains, 75 feet from private wells, and up to 400 feet from public wells.
- Secondary containment is required for regulated containers stored outside, except for on-premise use heating fuel tanks, or aboveground or underground storage tanks otherwise regulated.

### **Handling**

- Keep regulated containers closed and sealed.
- Place drip pans under spigots, valves, and pumps.
- Have spill control and containment equipment readily available in all work areas.
- Use funnels and drip pans when transferring regulated substances; perform transfers over impervious surface.

### **Release Response Information**

- Post information on what to do in the event of a spill.

### **Floor Drains and Work Sinks**

- Cannot discharge into or onto the ground.

\*Regulated container means any device in which a regulated substance is stored, transported, treated, disposed of, or otherwise handled, with a capacity of five gallons or more. The term does not include fuel tanks attached to and supplying fuel to a motor vehicle.

For more information on best management practices for groundwater protection visit the DES Drinking Water Source Protection webpage at <http://des.nh.gov/organization/divisions/water/dwgb/dwspp/index.htm>, or contact the NH Department of Environmental Services at (603) 271-2947 or (603) 271-0688.

*Disclaimer: Statutory information contained in this fact sheet is current as of February 2, 2007. Statutory or regulatory changes that may occur after February 2, 2007, may cause part or all of the information to be invalid. If there are any questions concerning the status of the information, please contact DES at (603) 271-3644.*



# Ground Water Protection Ordinance

# Conditional Use Permit Checklist

Check if the Conditional Use plan complies (yes) or does not comply (no) with the requirements of the Groundwater Protection Ordinance adopted by Town Meeting vote on March 17, 2012.

## I. GENERAL:

- | Yes                      | No                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Are three (3) copies of the Conditional Use Permit Application included?   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Have all necessary permits and legal documents been applied for or granted?<br>(Examples might include: EPA Permits, NH WSPCC for septic system approval; NH DES permits; etc) |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Is the use a permitted use in the underlying district? If not, has a zoning variance been granted? Date of granting _____.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. The use is not prohibited in Section VII of the Groundwater Protection Ordinance.  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Storm Water Management Plan included (Section IX Performance Standards G, 1).  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Storm Water Pollution Prevention Plan included (Section IX Performance Standards G, 2).  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Spill Prevention, Control and Countermeasures Plan (SPCC) included (Section X)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. A complete and accurate abutters list is included.   |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Is the applicant requesting a waiver to any of the following requirements? Specify which:<br>_____, _____, _____, _____, _____.  |

## II. SUBMISSION REQUIREMENTS: Are the following included with the application?

- | Yes                      | No                       |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Location of site:  |
| <input type="checkbox"/> | <input type="checkbox"/> | Names & addresses of owners of record   |
| <input type="checkbox"/> | <input type="checkbox"/> | Names & addresses of abutting land owners   |
| <input type="checkbox"/> | <input type="checkbox"/> | Name & address of the applicant   |
| <input type="checkbox"/> | <input type="checkbox"/> | Name & address of preparer (s)  |
| <input type="checkbox"/> | <input type="checkbox"/> | Scale & North arrow   |
| <input type="checkbox"/> | <input type="checkbox"/> | Date  |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Vicinity sketch (7 copies) showing:  |
| <input type="checkbox"/> | <input type="checkbox"/> | Location of site in relation to streets   |
| <input type="checkbox"/> | <input type="checkbox"/> | Ground water Protection District and other Zoning districts, with boundaries, within 1,000' of the site |
| <input type="checkbox"/> | <input type="checkbox"/> | 100 year flood elevation line (if applicable)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Wetlands (if applicable)  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Boundary lines with description  |
| <input type="checkbox"/> | <input type="checkbox"/> | Lot area  |
| <input type="checkbox"/> | <input type="checkbox"/> | Location of building setbacks   |
| <input type="checkbox"/> | <input type="checkbox"/> | Description and location of all easements   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. A tabulation of:   |
| <input type="checkbox"/> | <input type="checkbox"/> | Total lot area  |
| <input type="checkbox"/> | <input type="checkbox"/> | Building coverage   |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed pavement coverage  |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed open space (unpaved) area  |
| <input type="checkbox"/> | <input type="checkbox"/> | Percent of impervious surface of total land area  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Use of abutting properties   |
| <input type="checkbox"/> | <input type="checkbox"/> | Approximate location of structures thereon  |
| <input type="checkbox"/> | <input type="checkbox"/> | Approximate location of access roads thereto  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Topographic contours and/or spot elevations  |
| <input type="checkbox"/> | <input type="checkbox"/> | Existing drainage system(s)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Existing structures   |
| <input type="checkbox"/> | <input type="checkbox"/> | Watercourses & water bodies   |
| <input type="checkbox"/> | <input type="checkbox"/> | Vegetation types  |
| <input type="checkbox"/> | <input type="checkbox"/> | Soil types & boundaries   |
| <input type="checkbox"/> | <input type="checkbox"/> | Contours  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Location of existing:  |
| <input type="checkbox"/> | <input type="checkbox"/> | Buildings in which regulated substances are stored  |
| <input type="checkbox"/> | <input type="checkbox"/> | Storm drains, private wells and sanitary protective radii of public water system wells                  |
| <input type="checkbox"/> | <input type="checkbox"/> | Driveways, parking lots, roads  |
| <input type="checkbox"/> | <input type="checkbox"/> | Inactive wells  |