

## SECTION XII

### WATER RESOURCE PROTECTION DISTRICTS BY-LAW

(also known as WRPD BY-LAW)

#### **A. PURPOSE OF DISTRICTS**

The purpose of the Water Resource Protection Districts is to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Middleborough; to preserve and protect existing and potential sources of drinking water supplies; to prevent temporary and permanent contamination of the environment; and to protect, preserve, conserve and maintain the water and natural resources of the Town and to prevent their pollution.

#### **B. SCOPE OF AUTHORITY**

The Water Resource Protection Districts shall be considered as overlying other zoning districts. Any use prohibited under existing zoning by-laws applicable to the portions of the district so overlaid shall continue to be prohibited under this WRPD By-law.

#### **C. DEFINITIONS**

For the purposes of this section, the following terms are defined below:

**Aquifer:** Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

**Groundwater:** All the water found beneath the surface to the ground. In this By-law the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

**Impervious Surface:** Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

**Natural Vegetation Area:** Area of lot kept in it's unaltered, natural, existing vegetated condition including trees, woods, brush, etc.; land having a well-established cover of native plants (grasses, ground covers, trees, mulch, etc.) Land altered or paved as a result of a previous use, may be restored to a

natural vegetation area. The purpose of said area is to provide and encourage natural drainage patterns, groundwater recharge and natural separation to groundwater tables through uneven topography, leaf litter, dense vegetation and slow rates of runoff.

**Recharge Areas:** Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as WRPD Z1, WRPD Z2 or WRPD Z3.

**Solid Wastes:** Useless, unwanted, or 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 material and landscape refuse.

**Water Resource Protection Districts:** The zoning districts defined to overlay other zoning districts in the Town of Middleborough. The Water Resource Protection Districts may include specifically designated recharge areas.

**WRPD Z1:** The 400 foot protective radius around a public water system well or wellfield which must be owned by the water supplier or controlled through a conservation restriction. WRPD Z1 is Zone I as defined in 310 CMR 22.00.

**WRPD Z2:** The area of an aquifer which contributes water to a public well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation as defined in 310 CMR 22.00. WRPD Z2 is Zone II as defined in 310 CMR 22.00. For the purposes of this By-law, WRPD Z2 also includes Interim Wellhead Protection Areas as defined by 310 CMR 22.00, where a definitive Zone II has not been approved by DEP. Unless otherwise specified by 310 CMR 22.00, an Interim Wellhead Protection Area is defined as a one-half mile radius measured from the well or well field.

**WRPD Z3:** The land area beyond the area of WRPD Z2 from which surface water and/or groundwater drain into WRPD Z2. WRPD Z3 is Zone III as defined in 310 CMR 22.00.

**WRPD Z4:** The remaining land within the Town outside of WRPD Z1, Z2 and Z3.

**Toxic or Hazardous Material:** Any substance or mixture of physical, chemical or infectious characteristics posing a significant actual or potential hazard to water supplies or other hazards to human Health if such substance or mixture were discharged to land or water of the Town of Middleborough. Toxic or hazardous materials include, without limitation, synthetic organic chemicals,

petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Mass. General Laws (MGL) Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

#### ***D. ESTABLISHMENT AND DELINEATION OF THE WATER RESOURCE PROTECTION DISTRICTS***

For the purposes of this section, there are hereby established within the Town Water Protection Districts Z1, Z2, Z3 and Z4 which are delineated on a map at a scale of 1 inch to 2,000 feet, entitled Middleborough Massachusetts Zoning Map, and dated 3/19/01. This map is hereby made part of the By-law and is on file in the office of the Town Clerk.

#### ***E. WRPD Z1 USE REGULATIONS***

1. Public water supply uses are permitted in WRPD Z1 as defined in 310 Code of Massachusetts Regulations 22.00. No other uses are allowed in this Zone.

#### ***F. WRPD Z2 USE REGULATIONS***

1. **WRPD Z2 - Permitted Uses:** The following uses are permitted within WRPD Z2, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:
  - a. Conservation of soil, water, plants and wildlife.
  - b. Foot, bicycle and/or horse paths and bridges.
  - c. Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted.
  - d. Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.
  - e. Maintenance, repair and reconstruction of any existing structure, except uses subject to Section F.2: (Prohibited Uses) or Section F.3: (Special Permit Uses);

- f. Residential development, except uses subject to Section F.2. (Prohibited Uses) or Section F.3 (Special Permit Uses).
- g. Farming, gardening, nursery, conservation, forestry, harvesting and grazing, except uses subject to Section F.2. (Prohibited Uses) or Section F.3. (Special Permit Uses).
- h. Construction, maintenance, repair and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts and tunnels. Underground storage tanks related to these activities are not categorically permitted.
- i. Storage of petroleum products within a freestanding container or above ground tank either of which must be on an impervious surface within buildings it will heat

**2. WRPD Z2 - Prohibited Uses** - The following uses are prohibited in WRPD Z2:

- a. Landfills and open dumps as defined in 310 CMR 19.006-*Solid Waste Management* and disposal of solid wastes as defined herein.
- b. Landfills receiving wastewater residuals and/or septage (wastewater residuals "monofills") pursuant to MGL c. 21 s26-53-*Hazardous Waste*; MGL c. 111 s 17-*Public Health*; and, MGL c. 83 s 6-7-*Sewers, Drains and Sidewalks* and regulations promulgated thereunder.
- c. The removal of soil, loam, sand, gravel or any other mineral substance to within four (4') feet of historical, high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, or by Title V Soil Evaluation, defined by 310 CMR 15.00, witnessed by the Middleborough Health Department, except for excavations necessary for building foundations or utility works.
- d. Facilities that generate, treat, store or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000-*Hazardous Waste Regulations* as amended, except for:
  - i. very small quantity generators as defined under 310 CMR 30.000-*Hazardous Waste Regulations*;
  - ii. household hazardous waste centers and events under 310 CMR 30.390- *Hazardous Waste Regulations*;
  - iii. waste oil retention facilities required by MGL Chapter 21, Section 52A-*Hazardous Waste*;

- iv. water remediation treatment works approved by DEP in accordance with 314 CMR 5.00-*Ground Water Discharge Permits* for treatment of contaminated ground or surface waters.
  - e. Automobile graveyards, junkyards and salvage yards, as defined in MGL Chapter 140B, Section 1-*Control of Certain Junkyards*.
  - f. Stockpiling and disposal of snow or ice removed from highways and streets outside of WRPD Z2 that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.
  - g. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design.
  - h. Petroleum, fuel oil and heating oil bulk stations and terminals such as gas stations, including but not limited to those listed under Standard Industrial Codes 5171 and 5983.
  - i. All lots in WRPD Z2 not connected to the Town's sewer system, shall have an area not less than 60,000 square feet.
3. **WRPD Z2 - Special Permit Uses** – Except as specified in Sections F.1 and F.2, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z2 upon issuance of a Special Permit by the Special Permit Granting Authority (SPGA). The following uses and activities are prohibited in WRPD Z2 but may be allowed only upon the issuance of a Special Permit by the SPGA in conformance with the requirements stated below and under such other conditions as the SPGA may require:
- a. Enlargement or alteration of existing uses and structures that do not conform to the Water Resource Protection District provided the enlargement or alteration of all uses and structures with the exception of single and two family uses and structures does not increase the non-conformity or create a new non-conformity. Enlargement of existing structures shall not be permitted by a Special Permit if a variance from Title V of the State Sanitary Code is necessary.

- b. Storage of sludge and septage, as defined by 310 CMR 32.05-*Land Application of Sludge and Sewage*, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
- c. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- d. Storage of animal manure, unless such storage is covered or contained in accordance with the specifications of the Natural Resources Conservation Service.
- e. Storage of commercial fertilizers, as defined in MGL Chapter 128, Section 64-*Agriculture*, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate.
- f. Storage of liquid hazardous materials, as defined in MGL Chapter 21E, or storage of liquid petroleum products except that specified in F.1(i) above, unless such storage is above ground level and on an impervious surface; and either in:
  - i. a free standing container or above ground tank(s) within a building, or
  - ii. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.
- g. Treatment or disposal works subject to 310 CMR 5.00-*Ground Water Discharge Permits* for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under Standard Industrial Classification (SIC) Codes set forth in 314 CMR 15.004(6) (Title V). The following uses only may be permitted with the issuance of a Special Permit from the SPGA:
  - i. the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
  - ii. treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water and operated in compliance with 314 CMR 5.05(3) or 5.05(13);
  - iii. publicly owned treatment works.

h. Automobile service and repair shops including those accessory to new and used car dealerships.

i. Any building, structure, excavation or other land disturbing activities within one hundred (100) feet of a "fresh water wetland" as defined by MGL Ch. 131, Section 40 – Massachusetts Wetlands Protection Act or as a "wetland" as defined by 33CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this By-law ; However, buildings, structures, excavation or other land disturbing activities that are necessary for:

- i. limited projects as defined by 310 CMR 10.53 (3);
- ii. creation of wetland replacement or flood storage mitigation;
- iii. installation of drainage structures such as detention/retention basins, berms, water quality swales, where no practical alternative is available, and disturbs less than 15% of the 100 foot area;
- iv. maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams;
- v. a primary use or use necessary but incidental thereto, provided that the majority of the disturbed area, is located outside of the 100' area and there are no reasonable alternatives and disturbs less than 15% of the 100' area within that portion of any lot

may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section J. below. No part of a subsurface sewerage disposal system shall be located within one hundred (100) feet of any wetland as defined herein. There shall be no building, structure or land disturbing activity within twenty-five (25) feet of the wetland as defined herein except that necessary for the following with the issuance of a Special Permit by the SPGA:

- vi limited projects as defined by 310 CMR 10.53 (3);
- vii. creation of wetland replacement or flood storage mitigation;
- viii. installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;
- ix. maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams.

For the purposes of Section XII only, a lot shall be deemed to be that lot described by deed or shown on a plan duly recorded at Plymouth

County Registry of Deeds at the time that any such land disturbing activity shall first occur after May 1, 1992. The SPGA shall determine to its satisfaction that any land disturbing activity or activities shall be in compliance with this provision and to that end may reasonably require any of the following:

- x. determination of Applicability by the Conservation Commission;
  - xi. a plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above, the area which is within twenty-five (25) feet of the wetland, the total area and location of that portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones.
- j. Any use that will render impervious more than 15% but not more than 25% of any lot provided that a system for groundwater recharge is provided to recharge the amount of water that was naturally recharged prior to development from the land area made impervious greater than 15% and which does not degrade groundwater quality. Pre-development runoff rates from a lot shall not exceed post-development runoff rates for storms up to and including the 100-year storm. Except for single or two (2) family residential uses, all parking areas shall be impervious and be equipped with oil, grease, and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structures or drainage outfalls. Stormwater from parking areas required to be recharged shall be via infiltration basins or similar systems covered with natural vegetation and dry wells/leaching structures shall be used only where other methods are infeasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 50% of any lot area shall be maintained as a Natural Vegetation Area.

## **G. WRPD Z3 USE REGULATIONS**

1. **WRPD Z3 - Permitted Uses:** Except as specified in G.2 and G.3 below, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z3.
2. **WRPD Z3 - Prohibited Uses** - The following uses are prohibited in WRPD Z3:
  - a. Landfills and open dumps as defined in 310 CMR 19.006-Solid Waste Management and disposal of solid wastes as defined herein.

- b. Landfills receiving wastewater residuals and/or septage (wastewater residuals "monofills") pursuant to MGL c. 21 s26-53-*Hazardous Waste*; MGL c. 111 s 17-*Public Health*; and,; MGL c. 83 s 6-7-*Sewers, Drains and Sidewalks* and regulations promulgated thereunder.
- c. The removal of soil, loam, sand, gravel or any other mineral substance to within two (2') feet of historical, high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, or by Title V Soil Evaluation, defined by 310 CMR 15.00, witnessed by the Middleborough Health Department, except for excavations necessary for building foundations, utility works, agricultural uses or repairs allowed under Title V, 310 CMR 15.00.
- d. Facilities that generate, treat, store or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000 -*Hazardous Waste Regulations* as amended, except for:
  - i. very small quantity generators as defined under 310 CMR 30.000-*Hazardous Waste Regulations*;
  - ii. household hazardous waste centers and events under 310 CMR 30.390-*Hazardous Waste Regulations*;
  - iii. waste oil retention facilities required by MGL Chapter 21, Section 52A-*Hazardous Waste*;
  - vi. water remediation treatment works approved by DEP in accordance with 314 CMR 5.00 -*Ground Water Discharge Permits* for treatment of contaminated ground or surface waters.
- e. Automobile graveyards, junkyards and salvage yards, as defined in MGL Chapter 140B, Section 1-*Control of Certain Junkyards*.
- f. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design
- g. Stockpiling and disposal of snow or ice removed from highways and streets outside of WRPD Z3 that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.
- h. All lots in WRPD Z3 not connected to the Town's sewer system, shall have an area not less than 20,000 square feet.

3. **WRPD Z3 - Special Permit Uses** - -The following uses and activities are prohibited in WRPD Z3 but may be allowed only upon the issuance of a Special Permit by the SPGA in conformance with the requirements stated below and under such other conditions as the SPGA may require:
- a. Enlargement or alteration of existing uses and structures that do not conform to the Water Resource Protection District provided the enlargement or alteration does not increase the existing non-conformity or create a new non-conformity with the exception of single and two family uses and structures. Enlargement of existing structure shall not be permitted by Special Permit if a variance from Title V of the State Sanitary Code is necessary.
  - b. Storage of sludge and septage, as defined by 310 CMR 32.05-*Land Application of Sludge and Sewage*, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
  - c. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
  - d. Storage of commercial fertilizers, as defined in MGL Chapter 128, Section 64-*Agriculture*, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate.
  - e. Automobile service and repair shops including those accessory to new and used car dealerships.
  - f. Petroleum, fuel oil and heating oil bulk stations and terminals such as gas stations, including but not limited to those listed under Standard Industrial Codes 5171 and 5983.
  - g. Storage of liquid hazardous materials, as defined in MGL Chapter 21E, or storage of liquid petroleum products except that specified in G.1(i) above, unless such storage is above ground level; and on an impervious surface; and either in
    - i. a free standing container or above ground tank(s) within a building, or
    - ii. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all

containers, or 110% of the largest container's storage capacity, whichever is greater.

Storage of petroleum products within a freestanding container or above ground tank within buildings it will heat is a permitted use and does not require the issuance of a Special Permit.

- h. Treatment or disposal works subject to 314 CMR 5.00-*Ground Water Discharge Permits* for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under Standard Industrial Classification (SIC) Codes set forth in 314 CMR 15.004(6) (Title V). The following uses only may be permitted with the issuance of a Special Permit from the SPGA:
- i. the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
  - ii. treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water and operated in compliance with 314 CMR 5.05(3) or 5.05(13);
  - iii. publicly owned treatment works.
- i. There shall be no building, structure or land disturbing activity within twenty-five (25) feet of a "fresh water wetland" as defined by MGL Ch. 131, Section 40 – Massachusetts Wetlands Protection Act or as a "wetland" as defined by 33CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this By-law except that necessary for:
- i. limited projects as defined by 310 CMR 10.53 (3);
  - ii. creation of wetland replacement or flood storage mitigation;
  - iii. installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;
  - iv. maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams
- may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section J. below. The SPGA shall determine to its satisfaction that any land disturbing activity or

activities shall be in compliance with this provision and to that end may reasonably require any of the following:

v. determination of Applicability by the Conservation Commission;  
vi. a plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above and the area which is within twenty-five (25) feet of the wetland.

- j. Any use that will render more than 40 % of any lot impervious. Special Permits may be issued for alterations resulting in less than 40% impervious area provided that pre-development runoff rates from a lot shall not exceed post-development runoff rates for storms up to and including the 100-year storm. Except for single or two (2) family residential uses, all parking areas shall be impervious and be equipped with oil, grease, and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structure or drainage outfalls. Stormwater from parking areas, if recharged, shall be via infiltration basins or similar systems covered with natural vegetation and dry wells/leaching structures shall be used only where other methods are infeasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 50% of any lot area shall be maintained as a Natural Vegetation Area. This provision does not apply to lots within the Downtown Business District.

#### **H. WRPD Z4 USE REGULATIONS**

1. **WRPD Z4 - Permitted Uses:** Except as specified in H.2 and H.3 below, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z4.
2. **WRPD Z4 - Prohibited Uses:** The following are prohibited in WRPD Z4:
  - a. Facilities that do not generate but treat, store or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000-*Hazardous Waste Regulations* as amended, except for:
    - i. very small quantity generators as defined under 310 CMR 30.000-*Hazardous Waste Regulations*;
    - ii. household hazardous waste centers and events under 310 CMR 30.390-*Hazardous Waste Regulations*;
    - iii. waste oil retention facilities required by MGL Chapter 21, Section 52A-*Hazardous Waste*;
    - iv. water remediation treatment works approved by DEP for treatment of contaminated ground or surface waters.

b. Landfills and open dumps as defined in 310 CMR 19.006- Solid Waste Management except as provided in Section H.3.c below.

3. **WRPD Z4 - Special Permit Uses** - The following uses and activities are prohibited in WRPD Z4 but may be permitted upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) in conformance with the requirements stated below and under such conditions as they may require:

a. Landfilling of sludge or septage as defined in 310 CMR 32.05 - *Land Application of Sludge and Sewage* unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31-*Land Application of Sludge and Sewage*.

b. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31-*Land Application of Sludge and Sewage*.

c. Municipal Sanitary Landfill.

d. There shall be no building, structure or land disturbing activity within twenty-five (25) feet of a "fresh water wetland" as defined by MGL Ch. 131, Section 40 - Massachusetts Wetlands Protection Act or as a "wetland" as defined by 33CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this By-law except that necessary for:

i. limited projects as defined by 310 CMR 10.53 (3);

ii. creation of wetland replacement or flood storage mitigation;

iii. installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation and hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;

iv. maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams.

may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section J. below. The SPGA shall determine to its satisfaction that any land disturbing activity or

activities shall be in compliance with this provision and to that end may reasonably require any of the following:

- v. determination of Applicability by the Conservation Commission;
  - vi. a plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above and the area which is within twenty-five (25) feet of the wetland.
- e. Facilities that generate and treat, store or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000-*Hazardous Waste Regulations* as amended, except for:
- i. very small quantity generators as defined under 310 CMR 30.000;
  - ii. household hazardous waste centers and events under 310 CMR 30.390;
  - iii. waste oil retention facilities required by MGL Chapter 21, Section 52A;
  - iv. water remediation treatment works approved by DEP for treatment of contaminated ground or surface waters;
- f. Automobile service and repair shops including those accessory to new and used car dealerships.
- g. Automobile graveyards, junkyards and salvage yards, as defined in MGL Chapter 140B, Section 1 *Control of Certain Junkyards*.
- h. .
- h. Storage of liquid hazardous materials, as defined in MGL Chapter 21E, or storage of liquid petroleum products, unless such storage is above ground level; and on an impervious surface; and either in
- i. a free standing container or above ground tank(s) within a building, or
  - ii. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.
- Storage of petroleum products within a freestanding container or above ground tank within buildings it will heat is a permitted use and does not require the issuance of a Special Permit.
- i. Non-sanitary treatment works which discharge to the ground and that are subject to 314 CMR 5.00 -*Ground Water Discharge Permits*

## **I. SPECIAL PERMIT GRANTING AUTHORITY**

1. The Board of Selectmen shall be the Special Permit Granting Authority.
2. The Special Permit Granting Authority shall adopt rules and regulations relative to the issuance of special permits. Such regulations shall be consistent with the Town of Middleborough Subdivision Rules and Regulations.
3. Upon receipt of the application, including plans, related information and calculations, the SPGA shall transmit one copy of all submitted materials to the Planning Board, Health Department, Building Department, Conservation Commission, and Department of Public Works for their written recommendations. Boards, Commissions and Departments shall have 30 days to comment to the SPGA.
4. Where applicable the following information shall be submitted with every application for a Special Permit:
  - a. Site plan prepared specifically for a WRPD Special Permit stamped by both a Registered Land Surveyor and Professional Engineer including but not limited to: existing and proposed topography, the extent of impervious areas, extent and area of natural vegetated areas, existing and proposed drainage facilities, layout and design of sewerage disposal facilities.
  - b. Pre and post development drainage characteristics for surface runoff and groundwater recharge, including calculations for all drainage designs;
  - c. Location of and distance to the public supply wells effected by the subject site;
  - d. Soil characteristics underlying the site and within the area between the site and the public supply wells;
  - e. provisions and conditions designed to prevent and correct conditions detrimental to public and private water supply, health, safety and welfare
  - f. A stormwater management plan as outlined by DEP Stormwater Management Standards and any additional requirements of the Town of Middleborough.
  - g. A plan with calculations for any spill containment structures required herein;

- h. Evidence adequate to demonstrate that the project in no way, during construction or thereafter, will adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection Districts or otherwise impact the water resources of the Town;
  - i. Evidence that the project has been designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site. .
  - j. Methods to prevent against loss of recharge such as preservation of ground cover, infiltration of pollution, alternative runoff, minimization of laws, making area of natural vegetative areas.
  - k. The SPGA may require additional information including but not limited to calculations, on-site testing, groundwater monitoring, groundwater modeling, etc. necessary to evaluate impacts from the proposed project.
5. The SPGA shall not grant a Special Permit under this section unless the application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to show compliance with the requirements, purpose and intent of this By-law and information to support positive findings in relation to the standards given in this section.
6. After notice and public hearings, and after due consideration of the reports and recommendations to the town boards/departments, the Special Permit Granting Authority may grant such a Special Permit provided that the proposed use meets the standards specified in this bylaw, and any regulations or guidelines adopted by the SPGA and provided that the SPGA finds that the proposed use:
- a. Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of the Water Resource Protection Districts.
  - b. Is appropriate to the natural topography, soils and other characteristics of the site to be developed.
  - c. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas, water resources of the Town.
  - d. Will not adversely affect any existing or potential water supply.

The SPGA shall document the basis for any departures from the recommendations

of the town boards or agencies in its decision.

**J. LIMIT OF AUTHORITY**

This district does not limit the existing authority of the Conservation Commission pursuant to Section 40 of Chapter 131 of the General Laws

**K. EXEMPTIONS**

*None*

**L. SEVERABILITY**

A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.