Town of Island Falls

Island Falls Water Department

Wellhead Protection Ordinance

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Exhibit 1 Wellhead Protection Zone Map

Town of Island Falls
Island Falls Water Department
Wellhead Protection Ordinance

Section 1. Purpose

A. To manage the groundwater recharge areas of the bedrock aquifer in order to maintain the present rate of recharge and where possible, to enhance recharge – thus ensuring a dependable water supply to the Town for the future

B. To protect the aquifer from contaminants which can reasonably be expected to accompany certain uses of land or activities, thereby maintaining the aquifer's high-water quality. The water quality for the municipal water supply will require efforts by all residents in the Town of Island Falls to ensure degradation of the quality of the supply does not occur.

Section 2. Findings

A. The Town of Island Falls is fortunate in that it has access to a water supply that is of excellent quality. From the aquifer, the Town of Island Falls Water Department draws water to serve roughly 200 customers in Island Falls. The total demand from customers is 800,000 gallons of water per month, a rate is relatively consistent throughout the year. The demand is met by series of four (4) bedrock wells which are protected under the Ordinance.

B. Rainfall replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach groundwater) which decreases the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.

C. The most likely sources of toxic waste pollution are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops. Other pollutions result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.

D. A report on the aquifer done in the fall of 1994 by Emery & Garrett Groundwater Inc. entitled "Ground Water Supply Exploration, New Source Approval Report" states that "The Town of Island of ground water resource requires adequate protection to ensure a safe, reliable supply for the Departments consumers. The cost of replacing or treating this supply should be enough to convince everyone of the importance of wellhead protection".

E. Changes in the Federal Drinking Water Standards related to the Safe Drinking Water Act require utilities now using surface water supplies to undertake additional treatment

processes, which could entail significant future costs. Maintaining the high quality of underground water sources such as the Dyer Brook, Bedrock Aquifer, wtill give the Island Falls Water Department flexibility in the future when considering options for the efficient delivery of clean drinking water as well as protect the investment which the Department has already put forth for the well supply.

Section 3. Definitions

Definitions from Island Falls Shoreland Zoning Ordinance and other applicable ordinances shall apply unless the definitions below are more restrictive.

Accessory Uses: A use or structure which is incidental or subordinate to the principal use or structure. Accessory uses, when aggregates, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agriculture: The Cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one (1) acre. The term shall also include tree plant and shrub nurseries and versions thereof.

Animal Husbandry: Keeping of more than five (5) animal units (one (1) animal unit represents 1,000 pounds of live animal weight).

Aquifer: A saturated body of soil or rock that will yield economically significant qualities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered "high yield" aquifers. The estimated yield of the Dyer Brook Aquifer is 50 gallons per minute and over.

Automobile Graveyard: As defined by 30-A M.R.S.A. Section 3752.

Campground: Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Car Wash: A commercial facility for cleaning of automobiles.

Cemetery: An area for more than 10 graves.
Commercial Animal Feedlots: A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

Commercial Use: A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is considered as an

accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

Cone Of Depression (or Drawdown Cone): A depression that is created a well in the potentiometric surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being drawn.

Contained Salt, Sand/Salt Storage Piles: Salt and Sand/salt mixtures stored under cover with a runoff/leachate collection system.

Demolition/Stump Dump: An area used for the disposal of construction/demolition debris (as defined in CMR Chapter 400.1.X) or wood waste including stumps, roots, etc.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leachate materials in or on any land or water.

Drawdown: The difference between the elevation or static water elevation and of the water table at that point when the well is being pumped.

Dry Cleaning Establishment: Commercial establishment for dry cleaning clothes.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suits.

Engineered Subsurface Disposal System: A system or a combination of individually or jointly owned systems which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings and individual systems shall not be included.

Forestry/Timber Harvesting: The Cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land exclusively for approved construction or the construction or creation of roads.

Full Hydrogeological Study: A study done by Maine certified geologist or hydrogeologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, and assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

Furniture Stripping: Commercial or industrial establishment involved in the stripping and refinishing of furniture.

Gas Station: Establishment involved in the storage or dispensing of petroleum fuels.

Hazardous Material: This term shall mean any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Home Occupation: An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.
Examples of Home Occupations include:

1. Beauty shops
2. Office of physician or dentist
3. Daycare center
4. Woodworking

The term does not include auto repair or auto body shops.

Impervious Surface: Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic or metal.

Industrial Use: A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

In-Law Apartment: A separate living quarter assed to an existing single-family residence for use by parent, grandparents, or dependents. As in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure take place to accommodate the apartment.

Junkyards: As defined by 30-A M.R.S.A Section 3752.

Kennels: Commercial facility involved in the raising or housing of five or more pets such as cats, dogs, etc.

Leachate Material: Liquid from solid materials that are capable of releasing harmful contaminants.

Manufacturing: An industrial/commercial establishment which mass produces objects or materials (goods)

Metal Plating: An industrial/commercial establishment involved in the plating of metals.

Multifamily Home: A structure that houses three (3) or more dwelling units as defined

Non-domestic Waste Stream: Waste products not typically associated with residential use.

Open Space: Undeveloped area kept free of trees, brush and shrubs such as hayfields or meadows.

Petroleum: Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

Photo Processors: Commercial establishment involved in the business of developing film.

Primary Recharge Area: The area contributing most directly to the groundwater source. For the purpose of this ordinance, the primary recharge area is that within the Town of Island Falls identified in the Emery & Garrett Ground Water report as "Recommended Zone II." The primary recharge area also includes the 300' fixed radius Zone I around each well. The primary recharge area is defined as Zone 1 and 2 on the Wellhead Protection map.

Public Utilities: Any person, firm, corporation, municipal department, board or commission authorized to furnish electricity, communication facilities, transportation or water to the public.

Recharge Area: The area of land or water that contributes water to an aquifer. For the purpose of this ordinance, the recharge area of the Dyer Brook aquifer is comprised of a primary and secondary recharge area.

Residential: Land use which is for permanent, seasonal or temporary dwellings.

Safe Yield: The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low-quality water, contravention of water rights and others, such as depletions of stream flow and land subsidence.

Sand & Gravel Extraction: Moving, removing or uncovering of natural resources such as sand & gravel and other materials over an area greater than 5 acres in size. Site preparation for approved construction or road building does not constitute sand & gravel extraction.

Sawmills or Wood Processing Plant: An industrial/commercial facility involved in the processing of raw wood.

Secondary Recharge Area: The area contributing less directly than the primary recharge area but which may constitute a significant percentage of total recharge to the aquifer. For the purpose of this ordinance, the secondary recharge area shall consist of the drainage area of the Dyer Brook in

Island Falls and surrounding communities as established by topographical high points, excluding the area defined as the primary recharge area.

Service & Repair, Boats and Motor Vehicle: Commercial facility involved in the repair of boats and motor vehicles.

Single-family Home: A dwelling designed for or occupied exclusively be one (1) family

Sludge: Residual materials produced by water or sewage treatment processes and by septic tanks.

Solid Waste: 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, and refuse.

Subdivision: As defined by MSRA Title 30.

Truck Terminal: Commercial facility providing maintenance, storage and/or fueling facilities for commercially registered trucks.

Two-family Home: A dwelling designed for or occupied exclusively by two (2) families.

Uncontained Salt, Sand/Salt Storage Piles: Salt or sand/salt mixtures stored in the open without an approved cover and runoff/leachate collection system.

Waste Water: Any liquid waste containing animal matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other sources of water-carried wastes of human origin. The term does not include industrial, hazardous or toxic waste streams.

Waste Water Disposal System: Any system designed to dispose of waste or waste water on or in the surface of the earth or in surface water bodies.

Watershed: The area of contribution to a surface water body. It is defined by topographic high points.

Section 4. Wellhead Protection Zone Boundaries

A. For the purpose of this ordinance, and in order to carry out its regulations, the Dyer Brook Wellhead Protection Area shall be delineated on a map titled "Wellhead Protection Areas, Island Falls Water Department".

B. A copy of said map will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided a State certified geologist, warrants that it be changed.

C. The Wellhead Protection Area included three (3) zones:

Zone 1 consists of land that is within 300-foot radius centered around each well.

Zone 2 which consist of the area depicted between Zone 1 and the area which contributes recharge to the wells based on average annual recharge estimates and topography.

Zone 3 which consists of the watershed of the Dyer Brook within the Town of Island Falls and surrounding communities as determined by U.S.G.S. maps, exclusive of Zone 2. This also constitutes a secondary recharge area. Zone 3 is not shown on the wellhead protection area map.

D. Revision of Map

1. Where the bounds of Wellhead Protection Zone, or the position of a site in relation to the Zone, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in question to show where they should be properly located.
2. No changes to the Wellhead Protection Zone Map shall be made until the Planning Board holds a public hearing, notice of which shall be at least 10 days prior to such hearing in a newspaper of general circulation in the Town of Island Falls and surrounding communities and to all abutters of affected property. At said hearing the Planning Board shall hear the evidence demonstrating why the boundary of the Wellhead Protection Zone or subdistrict shall be changed. Evidence shall include a report from a geologist certified in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Island Falls Water Department of the hearing at least 14 days prior to the date of the hearing. Within 30 days of the hearing, the Planning Board shall decide whether to recommend to the Selectmen that the proposed Wellhead Protection Map amendment be placed on the next Town Meeting or special town meeting warrant.
3. Any time the Wellhead Protection Map is revised, the date of adoption of the revised map by the town meeting and signature of the Town Clerk certifying the revision shall be noted on the map.

E. Communities within the Wellhead Protection Zones

Portions of several abutting communities are located within Zone 3 of the Wellhead Protection Area. These communities play a part in the protection of Dyer Brook basin area. Water is a valuable commodity; one which requires protection. It will take the efforts of the Town of Island Falls and all communities listed below to ensure safe, potable water in the basin for the years ahead.

The following are communities which are located within Zone 3 of the Wellhead Protection area:

1. Town of Dyer Brook
2. Town of Merrill

These communities, although not affected by the ordinance, should be asked to notify the Island Falls Water Department in writing on any structures or new facilities within or abutting the shoreland zoning areas of that town. These areas shall also be part of the drainage basin for Dyer Brook.

Section 5. Department Use and Space Standards

A. Uses of Land within Zone

Land Use	Zone 1	Zone 2
1. Residential		
Accessory Uses	X	P
Single-family homes	X	P
Home occupations	X	Pr
Two-family homes	X	P
Multi-family homes	X	Pr
In-law apartment	X	P
Subdivisions	X	Pr
2. Commercial		
Agriculture	X	P
Animal husbandry other than commercial animal feed lots	X	P
Boats and motor vehicle service & repair	X	Pr
Campgrounds	X	Pr
Car Washes	X	Pr
Commercial uses with non-domestic waste streams	X	Pr
Dry Cleaning establishments	X	Pr
Forestry/timber harvesting	X	Pr
Furniture stripping	X	Pr
Gas stations	X	Pr
Kennels	X	Pr
Photo processors	X	Pr
Truck terminals	X	Pr
3. Industrial	X	Pr
Sand and gravel extraction	X	Pr
Junkyard/automobile graveyard	X	Pr
Manufacturing	X	Pr
Metal plating	X	Pr
Sawmills or wood processing plant	X	Pr
Other industrial uses with non-domestic waste streams	X	Pr

4. **Miscellaneous**		
Cemetery	X	Pr
Disposal or storage of solid waste, hazardous materials or leachate materials (unless specifically permitted within the zone)	X	Pr
"Engineered" (wastewater disposal) system when accompanied by a full hydrogeological study and meeting the performance standards herein	X	Pr
Open space	P	P
Outdoor recreation, except those which disrupt the surface of hillsides or other watershed areas	P	P
Foot bridge and bicycle paths	P	P
Uncontained salt, sand/salt storage piles	X	Pr
Wastewater disposal system	X	P
Use of off-road vehicles	X	P
Public utilities	Pr	Pr
Contained salt, sand/salt storage piles	X	Pr
roads and parking areas	X	P
Application of chemical fertilizer, herbicides or pesticides on more than three (3) acres of land	X	Pr
Application of chemical fertilizer, herbicides or pesticides on more than five (5) acres of land	X	Pr
Demolition/stump dump	X	Pr
Subsurface storage of petroleum and other refines petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with Volume 2 of the Code of Maine rules, 4th Printing, DEP Bureau of Oil and Hazardous Materials, Chapter 691 Regulations for …Underground storage facilities	X	Pr
Petroleum storage for commercial or industrial use	X	Pr
Land application of manure in conformance with the handbook "Maine Guidelines for Manure Disposal on Land" published by the Maine Soil and Water Conservation Comm., July, 1972	X	Pr
Non-residential pipelines for transmission of oil, gas or hazardous materials	X	Pr
Aerial spraying of herbicides, pesticides	X	Pr
Operations and maintenance activities of the Island Falls Water Department consistent with the purposes of this ordinance and Provisions of a safe and adequate water supply, including but Not limited to water exploration and well development; water System flushing and treatment: construction and maintenance of Transmission and distribution lines, structures and access roads; Operation of vehicles and equipment; installation of fencing and Signage; and activities necessary to comply with State and Federal regulations.	P	P

X - Not Permitted
P - Permitted (provided that performance standards contained in Section 8 of this Ordinance are met)
Pr – Requiring Planning Board review

Section 6 Administration and Enforcement

A. No activity or land use may be conducted in Zone 1 or 2 except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this ordinance.

B. The Island Falls Water Department shall be notified in writing prior to any decisions made on activity in Zone 1 or Zone 2 by the CEO or the Planning Board. All activities within the Shoreland Zone of Dyer Brook and its tributaries in the Town of Island Falls shall require Planning Board approval. The Department shall be notified in writing of the activity and the date of the planning board meeting where the activity will be presented. The CEO will be responsible for notifying the Department of these impending activities.

C. Abutting Towns and Townships: The CEO or Planning Board members are requested to provide the Water Department with notice of activities within or abutting the shoreland zoning areas of the Dyer Brook and its tributaries. The CEO reserves the right in each town to notify the Water Department of any impending activities which are within Zone 3 boundaries which may present future contamination of the Dyer Brook basin and ultimately the Department's source of supply.

D. For areas within Wellhead Protection Zones that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.

E. If any portion of a lot in Zone 1 or Zone 2, all the land located on Zone 1 shall be governed by the regulations for Zone 1, and the land located in Zone 2 shall be governed by regulations for Zone 2.

F. Individuals proposing uses listed as permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the Town of Island Falls Code Enforcement Officer (hereafter referred to as the "CEO") with a building permit application. The CEO shall review this information to determine whether the proposes use or dwelling meets the requirements of the Wellhead Protection Zone, including performance standards for subsurface waste disposal systems, petroleum storage, lot coverage, any other applicable standards. A building permit shall not be issued until the applicant demonstrates that the proposed use or dwelling meets all requirements of the Wellhead Protection Zone. The CEO shall notify the Chairman of the Planning Board and the Chairman of the Island Falls Water Department Trustees of any applications for uses

proposed in the Wellhead Protection Zone within seven (7) days of receiving the application.

G. The Planning Board (hereafter referred to as "the Board") shall review all other proposed uses requiring review listed in Section 5.

1. The Planning Board may consult other local board or groups regarding uses or development in the Wellhead Protection Zone such as the Conservation Commission.

2. The Board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.

3. The Board shall notify the Water Department of any applications for uses proposed in the Wellhead Protection Zone. The Board shall request Water Department review of the development or use as a condition of its approval.

4. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant. The Board shall decide whether a public hearing is warranted.

5. The Board shall, approve, deny or approve with conditions an application if it makes a positive finding, based on this information presented, that:

a. The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws;
b. The proposed use meets all applicable performance standards;
c. The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone 1;
d. Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;
e. The use will not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this Department:
f. Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.

H. The C.E.O Shall enforce the provisions of the Wellhead Protections Zone. The C.E.O and/or a representative of the Water Department may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for compliance with the provisions of this Department.

I. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant, actual or potential, source of pollution.

1. The number, location and depth of the monitoring wells shall be determined by a licensed engineer or geologist chosen or approved by the Town in accordance with current acceptable practices.
2. Results from monitoring well samples shall be submitted to the Water Department with evidence showing that contaminate concentrations do not exceed ½ of any federal, state or local drinking water quality standards.

J. For subdivisions located in the Wellhead Protection Zone, the Board shall apply the purpose, terms and criteria of this Zone to its review. The Board may require submission of a hydrogeological study, prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivision's impact on groundwater quality.

K. The CEO is authorized to issue a cease-and-desist order whenever he becomes aware of violations of this ordinance. Any person, firm or corporation being the owner of or having contract for use of any building or premises who violates this cease-and-desist order, or is found guilty of violating any other provisions of this ordinance, commits a civil violation and is subject to a fine of not less than $100 and not more than $2500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense.

L. Existing and future activities of the Island Falls Water Department are exempt from regulation under this ordinance. This exemption is necessary to allow the Water Department to carry out its purpose of supplying high quality water to the residents in Island Falls.

Section 7. Subsection Requirements

A. Applications for permission to carry out any activity in Zone 1 or Zone 2 shall be accompanied by and the following information.

1. Site Plan drawn to a scale no smaller than 1-inch equals 100 feet showing:
   a. Aquifer Protection Department boundaries if they cross the parcel.
   b. Boundaries of the property and abutting streets.
   c. Outlines of all buildings.
   d. Layout and location of access drives, parking areas and vehicular maneuvering areas.
   e. Location of all petroleum storage tanks.
   f. Location of buffers, landscaping, and existing vegetation which may be retained.
   g. Location and description of storage areas and types of materials to be stored.
   h. Location of wastewater disposal systems or public sewer facilities.

i. Location of all public and private water supplies on the property and abutting properties.

B. A description of the manner in which the applicant shall meet all applicable Performance Standards.

C. Where Applicable

1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills.

2. For animal husbandry operations, a Conservation Plan, approved by local Soil and Water Conservation District.

3. For dwellings with subsurface waste disposal systems, a complete site evaluation form (HHE-200)

D. If required by the Planning Board

1. A map showing groundwater contours of the seasonal high-water table.
2. A hydrogeological study of the proposed use's impact on groundwater quality.
3. Water quality data from on-site monitoring wells.
4. Any other information needed to prove that the use will not adversely affect groundwater quality.

Section 8. Performance Standards

All site plan and subdivision proposal and other proposals for structures, uses and activities within the Wellhead Protection Zone shall conform to use standards contained in the Ordinance and the following minimum levels of performance.

A. General Standards

1. All such proposals shall be consistent with the need to protect the quality and quantity of Island Falls groundwater supply

2. in case where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.

3. Whenever possible, streets, roads and parking areas shall be designed and constructed so that reduced application of roads salt can occur without creating winter safety problems

and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

B. Erosion and Sedimentation Control

1. Erosion and sedimentation shall be minimized by adherence to erosion control management practices contained in the Maine Erosion and Sedimentation Control Handbook for Construction, Best Management Practices, March, 1991.

2. For residential subdivisions, commercial and industrial developments and other major subdivisions, a sedimentation and erosion plan prepared according to the specification of the Aroostook County Soil and Water Conservation District shall be submitted by the applicant.

D. Manure Storage

Agriculture operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year's production and must be covered.

E. Preservation of Landscape

The landscape shall be preserved in its natural site, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

F. Runoff

1. For residential subdivisions, commercial and industrial developments and other major subdivisions, the developer shall submit a stormwater runoff plan, showing calculations for per-development and post-development runoff for the site for 25-year, 24-hour frequency storm, and planned runoff control measures to accommodate this storm event.

2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increases beyond that in the undeveloped state.

G. Subsurface Waste Disposal System

1. On-site waste disposal system shall be designed and located so as to avoid or minimize groundwater contamination.

2. Disposal of hazardous or toxic materials to subsurface waste disposal systems including organic solvents designed for cleaning septic systems is prohibited.

3. Engineered Systems in Zone 2 shall be reviewed and approved by the Department of Human Serves, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydrogeological study of the proposed engineered system.

The study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking water standards adopted by the State of Maine, Department of Human Services.

H. Sand and Gravel Extraction

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high-water table.

2. Petroleum products shall not be stores in sand and gravel pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on soil.

4. No hazardous materials shall be used, stored or deposited within the excavation area.

5. Access roads into and around the pit shall not be oiled, salted or paved.

6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.

7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operation is finished, all vehicular entrances shall be made impassable.

8. Structures and subsurface waste disposal systems shall be sited a minimum 75 feet from the gravel pit slopes in excess of 40%.

9. Reclamation projects shall, in addition to loaming and seeding for stabilization, include revegetation of exposed areas with trees.

Section 9. Non-conformance

A. Structures, uses and lots which were legally existing as of _____ (the effective date of this ordinance) but which do not conform to the requirements of this ordinance shall be treated as nonconforming and may continue and be maintained, repaired and improved.

B. All expansions of structures (outside the Shoreland Zone) shall be permitted as long as they meet the other standards of this ordinance)

C. Expansions of nonresidential structures/facilities that are nonconforming because the use carried out within the structure or facility is prohibited by this Ordinance, shall not be permitted. In cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than 15% of the gross floor area of the existing structure, as long as this expansion meets the other standards of this ordinance.

Section 10. Appeals

A. 1. If the Planning Board or Code Enforcement Officer disapproves an application for a building permit, septic or subsurface sanitary disposal system permit, or any other use permit issued under the authority of this ordinance or grants any of these permits subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provision of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, town officials, or other parties aggrieved may appeal the decision of the Planning Board or C.E.O. in writing to the Board of Appeals, within 30 days of the Planning Board's or C.E.O.'s decision. The Board of Appeals may reverse the Planning Board's or the C.E.O.'s decision after holding a public hearing if a finding is made that the decision was clearly contrary to the provisions of the ordinance or was unsupported by substantial evidence. Public hearings shall be held in accordance with the provisions of Title 30-A M.R.S.A. Section 2691 as amended. Administrative appeals shall be administered according to the provisions of the Island Falls Shoreland Zoning Ordinance.

2. If the Planning Board disapproves an application for subdivision approval which is subject to the provision of this ordinance, or approves an application for subdivision approval subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, an appeal from the order of decision of the Planning Board may be taken by the applicant, an abutting landowner, town officials, or any aggrieved party to Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

B. **Variances**

1. In certain instances where a literal application of the standards of this ordinance would cause the imposition of anu undue hardship, as defined in M.R.S.A Title 30-A Section 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provisions of the Island Falls Shoreland Zoning Ordinance.

Section 11. Legal Provisions

A. Authority

This ordinance has been prepared in accordance with the provisions of Revised Statutes of Maine, as amended.

B. Title

This ordinance shall be known and cited as the Wellhead Protection Ordinance for the Island Falls Water Department.

C. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

D. Conflict within this Ordinance or with other Ordinances

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

E. Separability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decisions shall not invalidate any other section or provision of this ordinance.

F. Effective Date

The effective date of this ordinance is July 26, 2023.

Select Board Island Falls,

James Lord

Royden Hunt

Vernon Philbrook

Rebecca Drew

Michael Mathers

Certified this day,

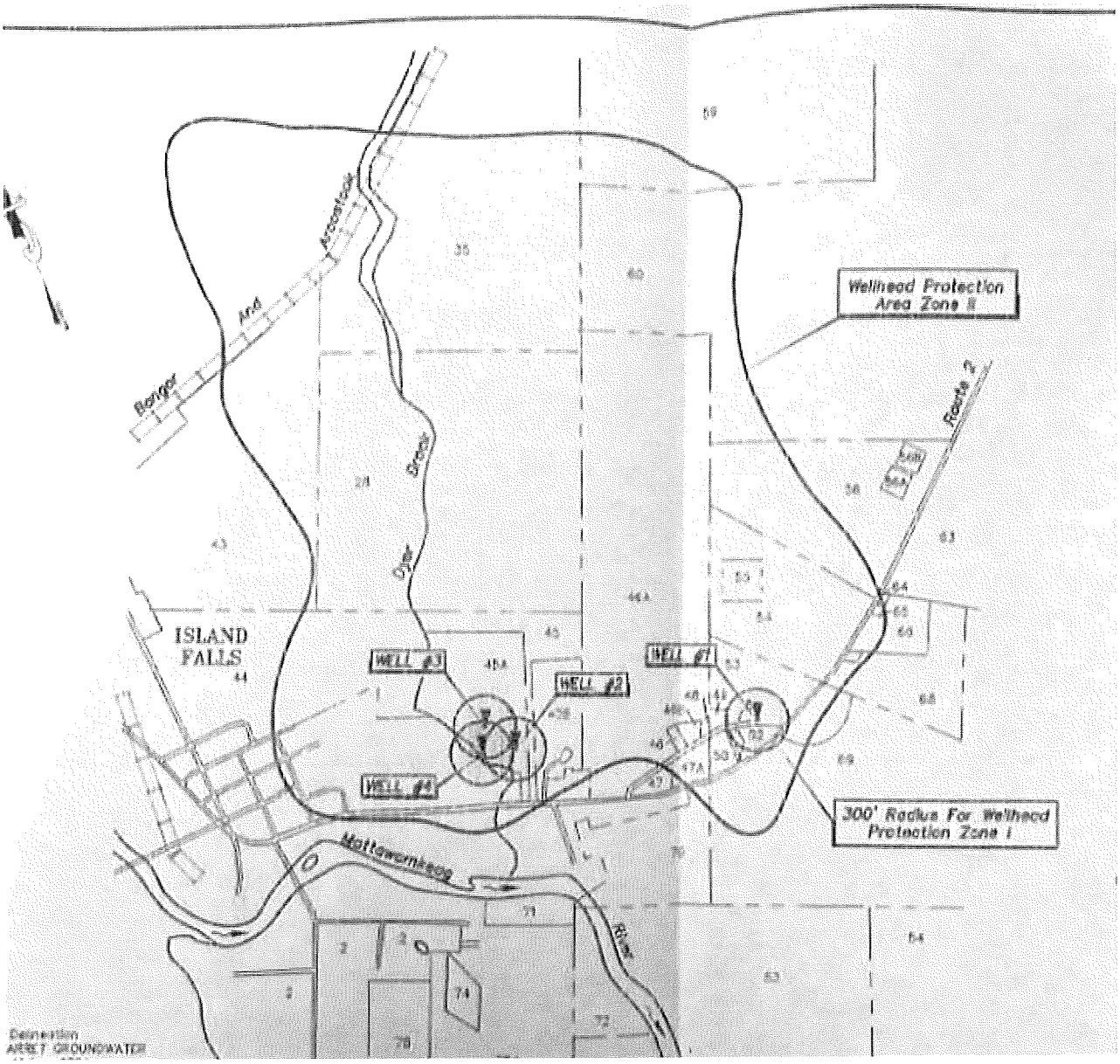


Site Location Map
Not to Scale
All Locations Are Approximate

Source: USGS 7.5 Topographic Maps
Island Falls, Maine

N

A.E. Hodsdon Engineers



Wellhead Protection Area Zone II
300' Radius For Wellhead Protection Zone I
WELL #1
WELL #2
WELL #3
WELL #4
ISLAND FALLS
Bangor And Aroostook
Dyer Brook
Route 2
Mattawamkeag
River
Delineation
ARRET GROUNDWATER