

ARTICLE 19 To see if the Town will vote to amend the Plympton Zoning Bylaws, Article VIII, Special Districts, to delete §300-8.3, Groundwater Protection Districts (GPD) in its entirety and replace it with the following:

§ 300-8.3 Groundwater Protection Districts (GPD).

A. Purpose and intent.

The purpose of this district is to protect, preserve and maintain the existing and potential groundwater supply and recharge areas within the Town; to conserve natural resources in the Town of Plympton; to prevent temporary and permanent contamination of the environment; to promote the health, safety and general welfare of the community; to create overlay districts (see Groundwater Protection Overlay Districts Map) which circumscribe aquifers and aquifer recharge areas and impose conditions where such are necessary to accomplish the purpose of the Groundwater Protection Districts, and for enjoying uses of the underlying land.

B. Scope of Authority.

The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new and existing construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities and uses in a portion of one of the underlying zoning districts that fall within the Groundwater Protection District must additionally comply with the requirements of this bylaw. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

C. Definitions of districts.

(1) GPD Type I: areas identified as stratified drift expected to have transmissivities greater than 10,000 gallons per day per foot and well yields greater than 100 gallons per minute when mapped using U.S. Geological Survey methods; and/or areas where a combination of hydraulic conductivity in the saturated overburden materials and groundwater gradient will generate an expected groundwater seepage velocity in the overburden of more than 14 feet per day. GPD (Aquifer) Type I shall also include areas of the Town from which groundwater and surface water flow to major water supplies. These areas are based on the surface watershed boundary of Silver Lake and the groundwater contours sloping to the lake mapped in the report "Silver Lake Hydrological and Land Use Study", Pilgrim Area Resource Conservation and Development Council, 1988.

(2) GPD Type II: areas identified as stratified drift expected to have transmissivities between zero and 10,000 gallons per day per foot and well yields between zero and 100 gallons per minute when mapped using U.S. Geological Survey methods; and/or areas of till and shallow bedrock with little or no stratified drift where a combination of the hydraulic conductivity in the saturated overburden materials and the groundwater gradient will generate an expected groundwater seepage velocity in the overburden of more than five feet per day.

(3) GPD Type III: any portion of the Town that does not qualify as GPD Type I or II and/or areas of till and bedrock with little or no stratified drift and expected to have very low transmissivities and small well yields when mapped using U.S. Geological Survey methods; and where a combination of the hydraulic conductivity in the saturated overburden materials and the groundwater gradient will generate an expected groundwater seepage velocity in the overburden of less than five feet per day.

D. Boundaries of GPD.

(1) The Groundwater Protection Districts (GPD) include land within the Town of Plympton which are encompassed by the areas designated on the maps entitled "Groundwater Protection Overlay Districts, Town of Plympton", dated March 25, 1991, and drawn to a scale of one-inch equals 400 feet, which maps also show the lot lines of the land according to the Assessor's maps, and which are intended to include aquifer areas.

(2) The boundaries of the Groundwater Protection Districts are established by the vote of Town Meeting, and these boundary lines can only be changed or moved by the vote of Town Meeting. If there is dispute as to the proper location of these lines with respect to the field geologic conditions on any parcel, the owner of that parcel may seek an advisory opinion from the special permit granting authority (the Planning Board) as to the suitability of petitioning Town Meeting for a relocation of boundary lines, based on newly defined relocation of boundary lines, based on newly defined geologic conditions established by competent professional opinion. If so requested by the owner, the SPGA shall employ the services of competent professionals such as hydrogeologists or soil scientists, all at the expense of the petitioner, to investigate field conditions with regard to the respective GPD Type I, II or III as described in Subsection C, Definitions of districts. The evidence so produced shall be maintained in the records of the Town by the SPGA and shall be produced, along with any other pertinent evidence, whenever the issue of location of or re-delineation of the boundary of a GPD comes before the Town Meeting.

E. Permitted uses.

Subject to the requirements of the table in Section F hereof the following uses are permitted within the Groundwater Protection Districts, 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. outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- c. foot, bicycle and/or horse paths, and bridges;
- 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 enlargement of any existing structure, subject to this bylaw;
- f. residential development, subject to all Plympton building codes, Board of Health approvals, Conservation Commission approvals, and lot dimension requirements noted in Article V – Intensity of Use Regulations;
- g. farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to all other related regulations found in Plympton bylaws;
- h. construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.

Unless specifically prohibited by Subsection F hereafter, or unless a special permit is required for a conditional use under Subsection F, the uses permitted by the underlying zoning either as a matter of right or under a special permit shall continue to be permitted or allowed in the

Groundwater Protection Districts, to the extent the same are permitted in the underlying zoning district.

F. Prohibited uses and uses allowed by special permit in GPD I, II, III:

		Prohibited in GPD Types:	Allowed by Special Permit in GPD Types:
1.	Disposal on-site of Solid Wastes, other than brush and stumps	I, II, III	
2.	Storage of petroleum or other Petroleum Products except within buildings which it will heat, and except in connection with replacement of existing tanks	I, II, III	
3.	Storage of petroleum or other Petroleum Products except in above-ground facilities with proper containment or within buildings which it will heat, and except in connection with replacement of existing tanks	II	
4.	Activities principally using, testing, storing, transporting or disposing of Toxic or Hazardous Substances	I, II, III	
5.	The disposal on-site of Hazardous Wastes, Toxic or Hazardous Substances, or Radioactive Materials	I, II, III	
6.	The storage on-site of Hazardous Wastes, Toxic or Hazardous Substances, or Radioactive Materials, except for storage of Toxic or Hazardous Substances for agricultural purposes, provided such substances for agriculture are stored consistent with all state regulations	I, II, III	
7.	The disposal of liquid or leachable wastes or liquids which do not meet the water quality standards of the Massachusetts Groundwater Discharge Permit Program, except in the pursuit of normal domestic activities and except as permitted into subsurface waste disposal systems subject to regulation under Title 5 of the State Environmental Code	I, II, III	
8.	Storage of road salt or other de-icing chemicals, except as packaged for consumer use	I	II, III
9.	The discharge on-site of Industrial Process Liquids	I, II, III	
10.	The depositing of snow containing road salt or other de-icing chemicals which has been transported to a site from outside the GPD type area	I, II, III	
11.	The permanent removal or regrading of the existing soil cover resulting in a finished grade within 10 feet of the spring high water level	I, II	III
12.	The application of pesticides for nondomestic, nonmunicipal or nonagricultural uses, provided that all necessary precautions are taken to prevent hazardous concentrations of pesticides in the water and on-site as a result of such application. Such precautions include, but are not limited to, erosion control techniques, the control of runoff water (or the use of pesticides having low solubility in water), the prevention of volatilization and deposition of pesticides and the lateral displacement (i.e., wind drift) of pesticides		I, II
13.	The application of Commercial Fertilizers for nondomestic or nonagricultural uses, provided that such applications are made in such a manner as to minimize adverse impacts on surface water and groundwater due to nutrient transport, deposition and sedimentation		I, II
14.	Where more than 15% of any lot is hereafter proposed to be impervious, a special permit shall be required to permit such use, on condition that water		I, II

	Prohibited in GPD Types:	Allowed by Special Permit in GPD Types:
shall be recharged to the aquifer to compensate for all impervious lot coverage greater than 15%		
15. The mining of land, subject to environmental restrictions regarding the use, maintenance, storage and fueling of heavy equipment and vehicles at the site of the mining operation; appropriate restrictions on minimum mining elevations with regard to groundwater (no closer than 10 feet to the Historical High Groundwater Table Elevation); control of surface water runoff; and final reclamation		I, II
16. The mining of land, except as incidental to the exercise of a permitted or conditional use hereunder		III

G. Special procedures regarding the issuance of special permits in the Groundwater Protection Districts.

Conditional uses are permitted upon the issuance of a special permit by the special permit granting authority (SPGA). The SPGA is herein designated as the Planning Board.

(1) In addition to the requirements of the MGL c. 40A, § 9 and the rules and regulations of the SPGA, the following additional requirements shall apply:

(a) At least five copies of any proposed plan for development shall be submitted to the Town Clerk, who will transmit the materials to the SPGA.

(b) A topographic map of the site shall be provided at a scale of 1:40 or larger scale, from which surface runoff directions can be readily determined. This map shall be stamped by a registered land surveyor or a registered professional civil engineer, and shall include ground surface contours at an interval no greater than two feet.

(c) Evidence regarding the seasonal high groundwater elevation and direction of groundwater movement.

(d) A design to maintain aquifer recharge at pre-permit amounts where the impervious surface will exceed 15% of the lot area, and a design to cleanse and filter the runoff from such impervious surfaces recharged to the aquifer.

(e) For industrial or commercial uses, a spill prevention, containment, and emergency response plan to prevent contamination of soil, groundwater or surface water in the event of accidental spills or the release of toxic or hazardous substances on-site.

(2) The applicant may request in writing a waiver of any of the foregoing requirements in Subsection **G(1)** hereof, which request shall be communicated by the SPGA, within three business days of its receipt, to the Board of Health and the Conservation Commission (hereinafter, the "advisory bodies"). Unless the SPGA or one of the advisory bodies communicates its decision to require the materials sought to be waived within 30 days of the making of such request, the waiver may be granted by the SPGA.

(3) The SPGA shall provide copies of the application and all other submittals of the applicant, within three business days of filing, to the advisory bodies for their recommendations. A public hearing on the application for a special permit may not be held prior to 35 days following the filing of the application.

(4) In addition to any other requirements and conditions for granting a special permit, the SPGA, with respect to any application for a special permit in a GPD, shall make a finding that:

- (a) The proposed use is consistent with the purpose and intent of the GPD.
- (b) The proposed use is designed to avoid substantial disturbance of the soils, natural topography, drainage, vegetation, and other water related natural characteristics of the site to be developed.
- (c) The proposed use will not, during construction or thereafter, have an unacceptable environmental impact on the groundwater supply.
- (d) The proposed use will not adversely affect an existing or potential water supply, expressly including the quality and quantity thereof.
- (e) In addition to any other considerations for a special permit in the underlying zoning district, the SPGA shall, in the case of commercial and industrial uses, impose appropriate conditions which prevent compaction and siltation of soil, loss of recharge, exfiltration from sewer pipes and contamination of the soil or groundwater by oil, chemicals, and nutrients. The proposed use must:
 - 1. in no way, during construction or thereafter, adversely affect the quality and quantity of the water supplies protected by the Groundwater Protection District; and
 - 2. be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (5) All reports of any of the advisory bodies, whether favorable or unfavorable, shall be retained in the official files of the SPGA regarding the related application for a special permit and shall be made available to the public.
- (6) In addition to the foregoing procedures for special permits, the SPGA may from time to time establish regulations dealing with materials required for submission, and the concerns which form the basis for decisions regarding special permit applications.
- (7) Special permits shall be granted subject not only to designs approved by the SPGA and as submitted by the applicant, but also subject to performance requirements and a requirement that all designs function as intended.
- (8) At the discretion of the SPGA, a suitable professional (civil engineer/hydrogeologist) may be hired to review all data and conclusions about impacts on the groundwater as submitted by the petitioner. The cost for this professional review shall be reimbursed by the petitioner to the SPGA.

H. Enforcement.

Written notice of any violations of this bylaw shall be given by the Zoning Enforcement Officer (ZEO) to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance.

A copy of such notice shall be submitted to the Town Administrator. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

I. Severability.

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.

Or take any other action relative thereto.

Bylaw Review Committee/Planning Board

Recommended by Planning Board (5-0); Recommended by BOS (3-0)

ARTICLE 20 To see if the Town will vote to amend the Plympton Zoning Bylaws, Article XI, Definitions, to add the following definitions to §300-11.1 by inserting each new definition alphabetically into its appropriate place in the existing list of definitions:

AQUIFER – A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

CMR – Code of Massachusetts Regulations.

COMMERCIAL FERTILIZER - Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.

DISCHARGE -_The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.

IMPERVIOUS SURFACE – Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

INDUSTRIAL PROCESS LIQUIDS - Any fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted that would constitute a health, environmental, or system hazard if introduced into the ground or surface water. This includes (i) polluted or contaminated water; (ii) used waters; (iii) cooling waters; (iv)contaminated natural waters taken from wells, lakes or reservoirs, streams, or irrigation systems; (v) chemicals in solution or suspension; or (vi) oils, gases, acids, alkalis, and other liquid and gaseous fluid used in industrial or other processes.

HISTORICAL HIGH GROUNDWATER TABLE ELEVATION -_A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.

IMPERVIOUS - Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.

MASSDEP - Massachusetts Department of Environmental Protection.

MGL - Massachusetts General Law.

PETROLEUM PRODUCT - Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum Product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

Or take any other action relative thereto.

Bylaw Review Committee/Planning Board

Recommended by Planning Board (5-0); Recommended by BOS (3-0)