

Article XXXX: To see if the Town will vote to amend the Zoning Bylaw by:

A. Inserting, in appropriate alphabetical order, the following definitions into Section 2.0:

Aquifer Protection Overlay District: The zoning district delineated and established by Section 10.3 of the Zoning Bylaw.

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

Landfill: Any place where disposal of Solid Waste into or onto the land has been authorized by permit.

Open Dump: Any place operated or maintained in violation of any applicable federal or state laws, regulations or criteria for Solid Waste disposal.

Underground Storage Tanks: Any storage tank or container with all or any portion of the contents located beneath the surface of the ground.

B. Deleting the definition of Earth Removal contained in Section 2.0 in its entirety and inserting, in place thereof, the following:

Earth Removal: The removal of sand, loam, sod or gravel on a lot, unrelated to landscaping or authorized construction thereon, to another lot or location.

C. Inserting, at the end of Section 3.4.1, the words "or to the Aquifer Protection Overlay District boundary lines established by Section 10.3 of the Zoning Bylaw."

D. Deleting from Section 3.2 "Aquifer Protection Overlay District Map, Town of Reading' dated September, 1985 consisting of 1 panel", and inserting, in place thereof, the following:

"Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading entitled "100 Acre Wellfield Zone II Study" dated July 1996, which shows certain aquifer protection areas consisting of aquifers or recharge areas.

E. Amending Section 10.3 by deleting those words crossed out and inserting those words in bolded font as follows:

10.3 Aquifer Protection District

10.3.1 Establishment and Delineation of Aquifer Protection **Overlay** District

The Aquifer Protection **Overlay** District is delineated and established on a map entitled "Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading Entitled 100 Acre Wellfield Zone II Study dated July 1996 which shows certain aquifer protection areas consisting of aquifers or recharge areas. Such map is hereby made a part of the Town of Reading Zoning Bylaw and is on file in the office of the Town Clerk and the Building Inspector's Office. Aquifer Protection District is an overlay district superimposed on the underlying zoning districts which shall apply to **any portion** of all-new construction, reconstruction, or expansion of existing **buildings structures** and new or expanded uses ~~which fall, wholly or partially,~~ **that falls** within such Aquifer Protection District. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.

10.3.24 Purpose of District

The purposes of this the Aquifer Protection **Overlay** District are is to:

- 40.3.1 **A. To** promote the health, safety, and general welfare of the community by ensuring adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Reading;
- 40.3.2 **B. To** preserve and protect existing and potential sources of drinking water supplies;
- 40.3.3 **C. To** conserve the natural resources of the Town of Reading; and
- 40.3.4 **D. To** prevent temporary and permanent contamination of the environment.

~~10.3.2 Scope of Authority [MOVED INTO SECTION 10.3.1 ABOVE]~~

~~The Aquifer Protection District is an overlay district superimposed on the underlying zoning districts which shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses which fall, wholly or partially, within such Aquifer Protection District. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.~~

~~10.3.3 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. [ALREADY IN SECTION 2.0 DEFINITIONS]~~

~~Aquifer Protection District: The zoning district delineated and established by Section 10.3 of the Zoning Bylaw. defined to overlay other zoning districts in the Town of Reading. The aquifer protection district may include specifically designated recharge areas. [TO BE MOVED TO SECTION 2.0 OF THE ZONING BYLAW]~~

~~Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation of surface water runoff to penetrate directly into the soil. Impervious surfaces shall include all roofs, decks, driveways, parking areas, roadways and walkways, regardless of the proposed surface material. Excluded from this definition are decks that are constructed with open joints between the floorboards, and where the surface underneath the deck is not impervious; [TO BE MOVED TO SECTION 2.0 OF THE ZONING BYLAW]~~

~~Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock. [TO BE COMPLETELY DELETED FROM ZONING BYLAW]~~

~~Potential Drinking Water Sources 2: Areas which could provide significant potable water in the future. [TO BE COMPLETELY DELETED FROM ZONING BYLAW]~~

~~Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone II and Zone III. [TO BE COMPLETELY DELETED FROM ZONING BYLAW]~~

~~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 in the Town of Reading. 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 Massachusetts General Law Chapter (c.) 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use. [ALREADY IN 2.0 OF THE ZONING BYLAW UNDER HAZARDOUS MATERIAL]~~

~~10.3.4 Establishment and Delineation of Aquifer Protection District~~ **[MOVE TO SECTION 10.3.1]**

~~The Aquifer Protection District is delineated and established on a map entitled "Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading Entitled 100 Acre Wellfield Zone II Study dated July 1996 which shows certain aquifer protection areas consisting of aquifers or recharge areas. Such map is hereby made a part of the Town of Reading Zoning Bylaw and is on file in the office of the Town Clerk and the Building Inspector's Office.~~

~~10.3.5 Boundary Disputes~~

~~If the location of the District boundary in relation to a particular parcel is disputed, resolution shall be accomplished by the owner(s) filing a Special Permit application with the Special Permit Granting Authority (SPGA), the Reading Zoning Board of Appeals. Any application for a special permit for this purpose shall be accompanied by adequate documentation. The burden of proof shall be upon the owner(s) of the land to show where the boundaries should be located. At the request of the owner(s), the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the districts with respect to individual parcels of land and review the documentation presented by the owner(s). The SPGA may charge the owner(s) for the cost of such investigation.~~

10.3.3.6 Use Regulations

In the Aquifer Protection **Overlay** District, the following regulations shall apply:

10.3.3.6.1. Permitted Uses

The following uses are permitted within the Aquifer Protection **Overlay** District, provided that all necessary permits, orders, or approvals required by local, State or Federal laws are also obtained:

- 10.3.6.1.1 **A. Conservation of soil, water, plants and wildlife;**
- 10.3.6.1.2 **B. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;**
- 10.3.6.1.3 **C. Foot, bicycle and/or horse paths and bridges;**
- 10.3.6.1.4 **D. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;**
- 10.3.6.1.5 **E. Maintenance, repair, and enlargement of any existing structure, **except as prohibited by** subject to Section **10.3.3.210.36.2 of the Zoning Bylaw;****
- 10.3.6.1.6 **F. Residential development, **except as prohibited by** subject to Section **10.3.2 of the Zoning Bylaw** 10.3.6.2;**
- 10.3.6.1.7 **G. Farming, gardening, nursery, conservation, forestry, harvesting and grazing, **except as restricted by** subject to Section **10.3.2.** 10.3.6.2;**
- 10.3.6.1.8 **H. Construction, maintenance, repair, and enlargement of ~~drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts and tunnels~~ **and other facilities related to drinking water supply;****
- 10.3.6.1.9 **I. Land uses that **alter a lot such that the total amount of Impervious Surface on the lot within the district would not exceed** result in the rendering impervious of more than 45% of 2,500 square feet **or 15%** of any **that portion of the lot located within the District**, whichever is greater, unless a system of artificial recharge of precipitation is**

designed with the applicable design standards established by the Massachusetts Department of Environmental Protection Stormwater Regulations and approved by the Town Engineer is provided;

~~10.3.6.1.10~~ When artificial recharge is required to meet the limitation established in Section ~~10.3.6.1.9~~, a system for the recharge of precipitation shall be provided that will not result in the degradation of groundwater quality. Recharge plans shall comply with the DEP Stormwater Guidelines and shall be submitted to the Town Engineer for review and approval;

J. Underground storage tanks containing liquid propane products for normal household use, that are installed and used in accordance with all applicable local, state and federal laws and regulations;

K. Storage tanks or containers situated in an underground area, including without limitation, a basement, cellar, or mineworking drift, shaft or tunnel, if the storage tank or container is situated upon or above the surface of the floor with all sides accessible and visible and holds liquid petroleum products for normal household use installed and used in accordance with all local, state and federal laws and regulations.

10.3.36.2 Prohibited Uses

The following uses are prohibited:

~~10.3.6.2.1~~ **A. Landfills and open dumps, as defined in 310 CMR 19.006;**

~~10.3.6.2.2~~ **B. Automobile graveyards and junkyards, as defined in Massachusetts General Law c. 140B, Section 1;**

~~10.3.6.2.3~~ **C. Landfills receiving only wastewater residuals and/or septage residuals including those approved by the Department of Environmental Protection pursuant to Sections Massachusetts General Law c. 21, Section 26 through 53 of Chapter 21, ; Massachusetts General Law c. 111, Section 17 of Chapter 111; or Section ; Massachusetts General Law c. 83, Section 6 and 7 of Chapter 83 of the Massachusetts General Laws, and regulations promulgated thereunder;**

~~10.3.6.2.4~~ **D. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to Chapter Massachusetts General Law c. 21C of the Massachusetts General Laws and 310 CMR 30.00, except for the following:**

~~10.3.6.2.4.1~~ **1. Very small quantity generators as defined under 310 CMR 30.000;**

~~10.3.6.2.4.2~~ **2. Household hazardous waste centers and events under 310 CMR 30.390;**

~~10.3.6.2.4.3~~ **3. Waste oil retention facilities required by Massachusetts General Law c. 21, Section 52A of Chapter 21 of the Massachusetts General Laws, and;**

~~10.3.6.2.4.4~~ **4. Water remediation treatment works approved by MassDEP for the treatment of contaminated ground or surface waters;**

~~10.3.6.2.4.5~~ **E. Petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983;**

~~10.3.6.2.4.6~~ **F. Storage of liquid hazardous Toxic or Hazardous Materials materials and/or as defined in Section 10.3.3 and liquid petroleum products, with the exception**

~~of liquid propane products for normal household use, allowed and used in accordance with all local, state and federal laws and regulations; unless such storage is either:~~

~~a above ground level; and~~

~~1. In container(s) or above ground tank(s) within a building; or~~

~~b on an impervious surface; and~~

~~c either~~

~~2. Outdoors in i in container(s) or above ground container(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;~~

provided, however, that these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;

10.3.6.2.4.7 **G. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;**

10.3.6.2.4.8 **H. 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;**

10.3.6.2.4.9 **I. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service; within a structure designed to prevent the generation and escape of contaminated runoff or leachate.**

J. Storage of commercial fertilizers, as defined in Massachusetts General Law Chapter 128, Section 64, unless such storage is within a structure designated designed to prevent the generation and escape of contaminated runoff or leachate;

K. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;

10.3.6.2.4.10 **L. Earth removal, except for excavations for building foundations, roads utility works or wetlands restoration work conducted in accordance with a valid Order of Conditions Issued pursuant to Section 40 of Chapter 131 of the Massachusetts General Laws; consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;**

10.3.6.2.4.11 **M. Treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for: discharge to the ground of non-sanitary waste water including industrial and commercial process waste water, except:**

~~a the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;~~

b1. Treatment works approved by MassDEP the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and

¶ 2. Publicly owned treatment works.

~~10.3.6.2.4.12~~ ~~stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district; [MOVED TO K ABOVE]~~

~~10.3.6.2.4.13~~ ~~storage of commercial fertilizers, as defined in Massachusetts General Law Chapter 128, Section 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate; [MOVED TO J ABOVE]~~

~~10.3.6.2.4.14~~ **N. Underground storage tanks containing Toxic and Hazardous Materials as defined in Section 10.3.3 except as permitted by Section 10.3.3.1.J or Section 10.3.3.1.K. related to activities in Section 10.3.6.1 except for liquid propane products for normal household use installed and used in accordance with all local, state and federal laws and regulations.**

~~10.3.7~~ ~~Nonconforming Uses and Structures~~

~~Non-conforming uses and structures which were lawfully existing, begun or in receipt of a building or special permit, prior to the first publication of notice of public hearing for this bylaw may be continued. If such non-conforming uses and structures are changed, extended or altered, as specified in Massachusetts General Law c. 40A, Section 6 and Section 7.0 of this bylaw, then the use or structure as changed, extended or altered must comply with this bylaw only if the change, extension, or alteration increases the impervious footprint.~~

~~10.3.48~~ ~~Administration Rules and Regulations~~

~~**Section 10.3 of the Zoning Bylaw** This bylaw shall be administered by the Community Planning and Development Commission, which shall also have the authority to adopt rules and regulations to implement its provisions governing the design of infiltration systems required herein;~~

~~10.3.9~~ ~~Violation Notice~~

~~Written notice of any violations of this Section shall be given by the Building Inspector to the property owner as soon as possible after detection of a violation or a continuing violation. 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 preventative measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, Town Engineer/Department of Public Works, and Water Department. The cost of containment, clean-up, or other action of compliance shall be borne by the owner of the premises.~~