

STONINGTON WATER SUPPLY PROTECTION ORDINANCE

TITLE 3

Given under our hands this day of February 2003, at Stonington, Maine

Christopher Betts

Evelyn Duncan

John Robbins

Alice Wilkinson

Richard Larrabee

Stonington Board of Selectmen

A TRUE COPY ATTEST:

I have notified and warned the Inhabitants of the Town of Stonington by posting this day an attested copy of the within proposed ordinance at the Stonington Post Office and the Stonington Town Office, the same being conspicuous places in the said Town.

Dated this day of February 2003, at Stonington, Maine.

Roger Stone, Resident

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STONINGTON WATER SUPPLY PROTECTION ORDINANCE

Section 1. PURPOSE

The purpose of this ordinance is to enact land use regulations and criteria to protect Stonington water supplies from land uses that pose a threat to the quality and quantity of groundwater and surface water in the area supplying the Stonington municipal water system and properties in the Burntland Pond watershed.

Section 2. AUTHORITY

This ordinance is adopted following the enabling provisions of Article VIII, Pt. 2 of the Maine Constitution, the provisions of Title 30-A M.R.S.A., Section 3001, and the Safe Drinking Water Act of 1986.

Section 3. APPLICABILITY AND MAP

This ordinance applies to all land area within the area delineated as the Stonington Water Supply Protection Area on the map that is attached to and made a part of this ordinance, as Appendix 1, which is available for inspection at the Stonington Town Office.

Section 4. EFFECTIVE DATE

This ordinance shall become effective on the date it is adopted by the legislative body of the Town of Stonington.

Section 5. SEVERABILITY

In the event that any provision of this ordinance is declared by a court to be invalid, the remaining provisions continue in full force and effect.

Section 6. CONFLICTS 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 statute, the more restrictive provision shall control. The requirements of this ordinance shall be in addition to, not in lieu of, the requirements of any other ordinance, regulation, or statute.

Section 7. AMENDMENTS

This ordinance may be amended by the legislative body of the Town of Stonington.

Section 8. LAND USE REQUIREMENTS

Except as herein specified, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered, and no new lot shall be created except in conformance with the requirements herein specified for the district in which it is located, unless a **variance** is granted on appeal.

Section 9. DISTRICTS MAP

The area to which this ordinance is applicable is hereby divided into two districts as described in the following section and shown on the Stonington Water Supply Protection Area Map that is made part of this ordinance as Appendix 1.

Section 10. WATER SUPPLY PROTECTION DISTRICTS

The Stonington Water Supply Protection Area is hereby divided into the following two districts as shown on the map attached hereto.

District 1 – Recharge area of each municipal well: the land area within the 300 foot radius of a municipal wellhead.

District 2 – Watershed of Burntland Pond: the land area, that is outside of District 1, where the direction of groundwater flow and surface water flow is into Burntland Pond and the immediate outlet areas as shown on the accompanying map (Appendix 1).

Section 11. USES OF LAND WITHIN THE WATER SUPPLY PROTECTION AREA

1. Permitted Uses:

The following uses are permitted within Stonington Water Supply Protection Districts 1 and 2 provided they comply with the Land Use Performance Standards, where indicated, and with other applicable state laws or local ordinances. Any use permitted in District 1 is also permitted in District 2. However, uses not listed in Section 11 are prohibited.

1.1 District 1

- a. Normal operation and maintenance of municipal water supply facilities.
- b. Unpaved roadways.
- c. Woodland management. There shall be no equipment storage, maintenance, or repair.

1.2 District 2

- a. One-family dwelling with water well, septic tank, and waste disposal field.
- b. Duplex dwelling with water well, septic tank, and waste disposal field.
- c. Paved roads.

2. Uses Allowed by Special Permit Issued by the Planning Board

The following uses require a Special Permit from the Planning Board.

2.1 District 1

- a. Reconstruction of a single family dwelling with water well, septic tank, and above-ground fuel oil storage tank.
- b. Replacement of a single-family septic system with the waste disposal field outside the district.

2.2 District 2

- a. Multi-family dwelling.
- b. Home occupation.
- c. Commercial – Limited.
- d. Industrial - Limited.
- e. Governmental and institutional.
- f. Agriculture, animal husbandry, and nursery.
- g. Timber harvesting.
- h. Mineral extraction.

Section 12. NON-CONFORMANCE

Normally-prohibited conditions that existed on the date of adoption of this ordinance shall be allowed to continue as non-conforming uses, provided that (a) they comply with applicable Land Use Performance Standards and (b) they meet the requirements set forth in this section.

1.1 General

- a. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the same non-conforming use, structure, or lot, subject to the provisions of this Ordinance.
- b. Repair and Maintenance: Normal upkeep and maintenance, including repairs and renovations that do not increase non-conformity, are allowed without a permit.

- c. Water Wells: No non-conforming structure or use shall be expanded or changed if the permitting authority determines that such expansion or change may diminish the quantity or quality of water from wells on an adjacent property.
- 1.2 Non-Conforming Structures
- a. Replacement, Expansion, Relocation: A non-conforming structure may be replaced, expanded, or relocated if the non-conformity of the structure is not increased, provided that a permit shall be obtained from the same permitting authority as for a new structure.
 - b. Change of Use: The use of a non-conforming structure may not be changed to another use unless the Planning Board determines that the new use will have no greater adverse impact on the subject or adjacent properties than the existing use.
- 1.3 Non-Conforming Uses
- a. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within an existing residential structure or expansions of such a structure provided that the expansion complies with all applicable performance standards.
 - b. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the Planning Board determines that the proposed use has no greater adverse impact on the subject or adjacent properties, and there is no increase in water usage.
 - c. Discontinued Uses: A structure or lot, in or on which a non-conforming use is discontinued for a period exceeding one year or in or on which a conforming use supercedes, shall not again be devoted to a non-conforming use, except that the Planning Board may, for good cause shown by the applicant, grant up to a one-year extension.
- 1.4 Non-Conforming Lots
- a. Building Upon: A non-conforming lot of record as of the effective date of this ordinance and not adjoined by any other land in the same ownership may be built upon provided that all other provisions of this ordinance, except lot size, are met.
 - b. Contiguous Lots: If two or more contiguous lots are owned by the same person or persons and one or both are non-conforming, the lots shall be combined to the extent necessary to meet the lot size requirement for a building site.
- 1.5 Inspection of Premises
- a. With the owner's written permission, the designated municipal inspector shall have the right to enter and inspect all premises that are or may be in non-conformance.
 - b. Said inspector shall be responsible for determining that the Land Use Performance Standards and other provisions of this ordinance are being complied with, including proper maintenance of groundwater pollution control procedures and devices.

Section 13. TABLE OF LAND USES

Each land use shall conform to all applicable requirements shown in the following table.

KEY TO TABLE:

CEO– The Code Enforcement Officer is the principal permitting authority.

DEP– The DEP regulations must be complied with.

LPI – The Local Plumbing Inspector is the principal permitting authority.

N/A – The item is not applicable in this district.

no – Prohibited.

PB – A permit is required from the Stonington Planning Board.

yes – Allowed, no permit is required.

yes* - Allowed, but the applicant must comply with all applicable Land Use Performance Standards.

- X - No permit fee will be charged.

Land Use (continued)	District 1	District 2
PRINCIPAL USES AND STRUCTURES		
<u>Residential</u>		
One-family dwelling	no	PB
Duplex dwelling	no	PB
Multi-family dwelling	no	PB
Home occupation	no	PB
<u>Commercial – Limited</u>	no	PB
<u>Industrial – Limited</u>	no	PB
<u>Governmental and Institutional</u>	no	PB
<u>Municipal Water System</u>	PB	PB
<u>Other</u>	no	PB
WATER WELLS		
<u>Municipal</u>		
On-line wells	yes*	N/A
Monitoring and test wells	yes*	yes*
<u>Other</u>		
One-family dwelling	no	LPI - X
Duplex dwelling	no	LPI - X
Multi-family dwelling	no	PB - X
Commercial – Limited	no	PB - X
Industrial – Limited	no	PB - X
Public water supply	no	PB - X
<u>Abandoned</u>		
Unfilled and uncapped	no	no
SEWAGE DISPOSAL SYSTEMS		
<u>Septic Tanks</u>	no	LPI
<u>Disposal Fields</u>	no	LPI
ROADS AND DRIVEWAYS		
<u>Paved</u>	no	yes
<u>Unpaved</u>	yes	yes
<u>Parking Lots</u>	no	PB
<u>Salting</u>	no	yes*
ESSENTIAL SERVICES		
<u>Municipal Water Lines</u>	yes	yes
<u>Other</u>	PB - X	PB - X
<u>Service Drops</u>	yes	yes
SURFACE DRAINAGE SYSTEMS		
<u>General</u>	PB - X	PB - X
<u>Roads and Driveways</u>	PB - X	PB - X
BUILDING AND CONSTRUCTION SITES		
<u>Inert Fill</u>	no	PB - X
<u>In Freshwater Wetlands</u>	no	no
<u>Sanitary Waste</u>	no	LPI
<u>One filling with Less Than 50 Cu. Yds.</u>	no	yes
<u>Filling with More Than 50 Cu. Yds.</u>	no	PB - X
MINERAL EXTRACTION		
	no	PB - X
AGRICULTURE		
<u>Home Gardening</u>	PB - X	yes*
<u>Commercial - Limited</u>	no	PB - X

Land Use (continued)	District 1	District 2
TREE CUTTING		
<u>Timber Harvesting</u>	no	PB - X
<u>Woodland Management</u>	yes*	yes*
<u>State Tree Growth Program</u>	no	yes*
HAZARDOUS MATERIALS STORAGE		
<u>Gasoline, Fuel, and Heating Oil</u>		
Gasoline service stations	no	no
Above-ground gasoline tanks	no	yes*
Above-ground fuel oil tanks	no	yes*
Leak and spill clean-up	DEP	DEP
<u>Engine, Vehicle, and Machine Lubricants</u>		
Storage	no	yes*
Shop and service areas	no	yes*
Salvage vehicles	no	yes*
Leaks and spills	N/A	DEP
<u>Salvaged Durable Goods</u>	no	yes*
<u>Other: Solvents, Acids, Caustics, etc.</u>	no	yes*
<u>Fertilizers, Pesticides, and Herbicides</u>	PB - X	yes*
HAZARDOUS MATERIALS DISPOSAL		
<u>Containers</u>	no	DEP
<u>Removal</u>	N/A	DEP
<u>Leaks and Spills</u>	N/A	DEP

Section 14. LOT SIZES

All lots shall meet the following requirements, except that lots of record that lawfully existed on the effective date of this ordinance may be used, provided that all other provisions of this ordinance are complied with. No new “spaghetti lots” shall be allowed.

- 1.1 District 1
 - a. Minimum lot size: 85,000 square feet
 - b. Maximum coverage with impermeable surfaces 20 percent
- 1.2 District 2
 - a. Minimum lot sizes
 - (1) Single-family dwelling ----- 20,000 square feet
 - (2) Duplex dwelling ----- 40,000 square feet
 - (3) Multi-family dwelling, per unit ----- 20,000 square feet
 - (4) Limited commercial and industrial ---- 40,000 square feet
 - (5) Governmental, institutional ----- 40,000 square feet
 - (6) Other ----- 40,000 square feet

ACREAGE TABLE

43,560 square feet = 1 acre
29,040 square feet = 2/3 acre
21,780 square feet = 1/2 acre
14,520 square feet = 1/3 acre
10,890 square feet = 1/4 acre

- b. Maximum coverage with impermeable surfaces
 - (1) Single-family dwelling ----- 30 percent
 - (2) Duplex dwelling ----- 40 percent
 - (3) Multi-family dwelling, total units ----- 50 percent
 - (4) Limited commercial and industrial ---- 50 percent
 - (5) Governmental, institutional ----- 50 percent

1.3 Building Setbacks

	Front	Side	Rear
<u>District 1</u>	10 ft.	10 ft.	10 ft.
<u>District 2</u>	10 ft.	10 ft.	10 ft.

See the Town of Stonington Shoreland Zoning Ordinance, Title 1, Section 15. Subsection U., Sideline Setback Requirements, for buildings in the shoreland zone.

Section 15. LAND USE PERFORMANCE STANDARDS

All new development and new practices within the Water Supply Protection Areas shall comply with applicable state laws and regulations and with the Land Use Performance Standards contained in this section, which are management practices that mitigate negative impacts of land uses on water quality and quantity. The Planning Board and/or the CEO shall enforce additional performance standards approved and published by the Maine Department of Environmental Protection (DEP).

1. Water wells and well drilling

a. Wells in general

- (1) All well locations shall comply with the current State Subsurface Disposal Rules for septic system setbacks.
- (2) Abandoned wells - All abandoned wells shall be filled in and sealed.

b. Water use

- (1) Wells for residential use (including with home occupation) and other permitted uses that are sized to use a maximum of 540 GPD of water are allowed.
- (2) The owners of wells for residential and other permitted uses, that are sized to use more than 540 GPD of water, shall be required to provide evidence that sufficient clean water is normally available without reducing the quantity or quality of water in wells on adjacent properties, and the wells shall comply with the State Drinking Water Program regulations.

Sizing for water use is based on the Maine Subsurface Waste Water Disposal Rules, Table 501.1, Design Flows for Dwellings.

c. Well drilling

- (1) Municipal Wells – When a piece of property is within a 300 foot radius of a proposed new municipal well and it is not owned by the municipality, an easement, deed restriction, or other agreement from the owners of said property shall be required.
- (2) Public water supply wells – When a piece of property is within a 300 foot radius of a proposed new public water supply well and it is not owned by the prospective developer, an easement, deed restriction, or other agreement from the owners of said property shall be required.

d. Test and monitoring wells

- (1) All existing municipal wells used for testing and monitoring, if put on line, shall be in District 1 and comply with c. (1) above.
- (2) Wells on private properties can be used by the Stonington Water Company, with the permission of the owner, to periodically test and monitor water quality in the Water Supply Protection Area.

2. Hazardous Materials Handling and Storage

a. Gasoline, Fuel Oils, Heating Oils

1. Gasoline service stations are not permitted in Districts 1 or 2. A non-conforming station in lawful existence on the effective date of this ordinance shall comply with all applicable state laws and regulations, including those for underground fuel storage and automobile repair shops.
2. All above-ground gasoline and oil storage tanks shall be placed on an impermeable surface without drains, roofed over, and diked to a height sufficient to contain the volume of liquid stored, except that catch drains connected to an approved oil separation tank may be permitted if necessary. Any storage tank under 333 gallons is exempt from the provisions of this ordinance provided it meets DEP requirements.
3. Leaks and spills shall be promptly cleaned up and reported to the DEP as required.

b. Engine, Vehicle, and Machine Lubricants and Fluids

1. Supplies shall be stored in sealed and labeled containers approved for each substance.
2. Shop and service areas shall have impermeable floors without drains, except that catch drains connected to an approved oil separation tank may be permitted if necessary.
3. Hazardous fluids shall be removed from all vehicles held for salvage.
4. Leaks and spills shall be cleaned up promptly and reported to the DEP as required by DEP regulations.

- c. Salvaged Durable Goods
 - 1. Unused durable goods held for salvage shall not be abandoned or buried in District 1 or District 2.
 - 2. If stored, these items shall be covered and placed on an impermeable surface.
 - 3. When discarded, such items shall be disposed of at the Transfer Station.
- d. Fertilizers, Pesticides, and Herbicides
 - 1. Agricultural and gardening chemicals shall be applied in accordance with current regulations and guidelines of the Maine Departments of Agriculture and Environmental Protection.
 - 2. Manure spreading and disposal shall comply with "Maine Guidelines for Manure and Manure Sludge Disposal on Land" published by the University of Maine Soil and Water Conservation Commission.
 - 3. Manure and compost shall be stored or stockpiled in facilities that produce no discharge of effluent or contaminated storm water.
- e. Other Hazardous Materials - Solvents, Paint Thinners, Acids, Caustics, Rust Removers, Peroxides, etc.
 - 1. Work areas shall be set back a minimum of 50 feet from property lines and shall be suitably floored, drained, ventilated, and designed to contain fires.
 - 2. Containers of hazardous materials shall be labeled by name and kept on leak-proof surfaces.
 - 3. Leaks and spills shall be cleaned up promptly and, when found, these leaks and spills shall be reported to the DEP when required by law.
- 3. Disposal of Hazardous Wastes
 - a. All hazardous wastes shall be accumulated in closed drums no larger than 55 gallons with "Hazardous Waste" labels showing the date of the first deposit and the date when the drum became full.
 - b. A drum shall be suitable for the waste stored therein, and incompatible wastes shall be stored separately.
 - c. Drums shall be stored on a leak-proof surface within a spill-containment area, and an inspection log shall be kept after inspecting the drums for rusting, bulging, or leaking.
 - d. Each waste container shall be shipped off site by a licensed transporter to a licensed, authorized, hazardous-waste disposal facility.
 - e. A supply of materials and equipment needed to clean up spills and leaks shall be maintained on site, and wash water and liquid cleaners shall be disposed of in a manner consistent with state laws and regulations.
- 4. Septic Tanks and Disposal Fields
 - a. State requirements for setbacks of septic tanks and disposal fields from the owner's and neighbor's wells, municipal and public water-supply wells, other large wells, and property lines, shall be complied with.
 - b. Septic systems shall be regularly maintained by the owners. Septic tanks shall be pumped at intervals of no more than five years. Chamber systems and leaching fields shall be replaced as needed.
 - c. Disposal of hazardous wastes into subsurface disposal systems, including organic solvents, is prohibited.
- 5. Surface Drainage and Storm Water
 - a. Runoff from roof drains, paved areas, roads, and parking areas shall be dispersed on site as much as possible by preserving natural berms, swales, terraces, and wooded areas and by installing drains, ditches, and settling basins.
 - b. Roads and parking lots shall be maintained on an annual basis, and the use of calcium chloride or sodium chloride to melt ice and snow shall be kept to a minimum.
- 6. Mineral Extraction and Filling
 - a. Extraction operations shall not be permitted in freshwater wetlands or within 75 feet of any property line.
 - b. Excavation shall be limited to 5 feet above the seasonal high water table.
 - c. If excavation will leave less than a five foot separation above the ground water table, a hydrogeologic investigation shall be done to assess potential adverse impacts, including potential contamination and reduction in recharge of the wells.
 - d. Wells to monitor water quality or quantity shall be installed if there is a domestic, municipal, public water supply, or other water well sized to use more than 540 GPD within 300 feet of the proposed excavation or fill.
 - e. Haul roads shall be watered to control dust. Placing calcium chloride, sodium chloride, or oil on these roads is prohibited.

- f. A site reclamation plan shall be filed with, and approved by, the Planning Board before a permit is granted.
 - (1) Only inert debris, stumps, and other materials originating on site shall be buried on site. All other materials shall be removed.
 - (2) All disturbed parts of the sites, except approved granite quarrying, shall be graded with a slope of 1:2 or less, covered with top soil, re-seeded, and stabilized with vegetation native to the area.
- 7. Commercial Timber Harvesting and Woodland Management
 - a. Commercial Timber Harvesting
 - (1) Woodcutting shall not create single canopy openings over 14,000 square feet in area. In such areas, single canopy openings over 10,000 square feet in area shall be at least 100 feet apart.
 - (2) Over any ten-year period, woodcutting shall not remove more than 40 percent of the volume of trees that are over 6 inches at the butt.
 - (3) Burning of slash is prohibited. Export of wood chips to wood-to-energy plants or on-site chipping and broadcasting of chips is recommended.
 - (4) Woodcutting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results.
 - (5) A landowner must obtain a permit from the Planning Board for all woodcutting operations that will involve the use of skidders and other heavy equipment.
 - b. Woodland Management (non-commercial)
 - (1) Nothing larger than hand-held chain saws shall be used, and gasoline and oil shall be stored in DEP approved containers.
 - (2) Cut wood, slash, and trimmings may be removed from the site or may be burned only with a permit from the Fire Department.
 - c. State Tree Growth Program
 - (1) If the property is in the State Tree Growth Program, the cutting of trees shall be considered commercial timber harvesting. See 7. a. above.
- 8. Agriculture and Gardening
 - a. General
 - (1) Freshwater wetlands shall not be filled or tilled for growing crops.
 - (2) Tilled areas and livestock grazing fields on which fertilizers, herbicides, or insecticides are used shall be removed a minimum of 75 feet from freshwater wetlands.
 - (3) Livestock, poultry, and domesticated small animals shall be housed in buildings, pens, or kennels from which there are no measurable discharges of wastewater.
 - b. Commercial – Limited
 - (1) Tilled areas greater than 20,000 square feet in size shall require a Hancock County Soil and Water Conservation Plan.
 - (2) Farm vehicles and machinery shall be housed, fueled, and maintained in structures with impermeable floors and catch drains.
- 9. Building and Construction Sites
 - a. A building site in a freshwater wetland area must be in a pre-existing dry-land area.
 - b. Only land for an access road to a dry-land building site can be filled in a freshwater wetland area.
 - c. On construction sites, land shall be filled to a minimum of two feet above the seasonal high groundwater table with natural or inert materials.
 - d. During construction, portable toilets, serviced on a regular schedule, shall be placed on site for workers, unless other sanitary facilities are available nearby.

Section 16. PERMITS REQUIRED; APPLICATIONS

After the effective date of this ordinance, no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit.

All applicants **MAY BE REQUIRED** to provide, from the following lists, information that the Planning Board or the CEO deems applicable.

All applicants for permits shall submit a non-refundable fee to the Town of Stonington at the time of submission of the permit application. The Board of Selectmen for the Town of Stonington shall have the authority to adopt an equitable and reasonable fee schedule, which may be revised from time to time as may become necessary.

- 1. Written Information
 - (a) Name of municipality, tax map, lot numbers, and date of application;
 - (b) Owner's, agent's, or applicant's names, addresses, and signatures;
 - (c) Name and address where correspondence should be sent;

- (d) If applicant is a corporation, and is licensed to do business in Maine, attach a copy of the Secretary of State's Registration;
 - (e) Verification of ownership or legal interest and all deed restrictions, conditions, covenants, and easements;
 - (f) Interest the applicant has in any property abutting the parcel to be developed;
 - (g) State whether the development covers the entire or contiguous holding of the applicant;
 - (h) On-site septic system and well report from a licensed site evaluator;
 - (i) Special reports – soils erosion and sediment control plan, storm water management plan, and related engineering designs and long-term maintenance provisions;
 - (j) Hydrogeological assessment;
 - (k) Necessary state and/or federal permits and date of application (please list);
 - (l) Written requests for waivers and variances;
 - (m) List of construction items that may be hazardous and estimated cost; and
 - (n) Construction schedules.
2. Plan Information
- (a) Name and address of person who prepared the plan and the scale to which it is drawn;
 - (b) Existing and proposed roads/driveways;
 - (c) Outline of development and remaining portion of the property;
 - (d) Scale (Written and Graphic), date, north point;
 - (e) Perimeter survey (bearings and distances, surveyor's seal, number of acres, existing and proposed monuments, and abutter's names);
 - (f) Lot lines, lot numbers, lot sizes, and all building setback distances;
 - (g) All existing water bodies, wetlands, watercourses, and other significant natural features or buildable sites;
 - (h) Public and private rights-of-way and easements;
 - (i) Ordinance boundaries;
 - (j) Location of test pits keyed to site evaluator's or soil scientist's report;
 - (k) Base flood evaluation;
 - (l) Contours of 5 feet or other interval, refer to USGS bench mark if within 500 feet;
 - (m) Location, design, and capacity of existing or proposed septic system and well;
 - (n) Typical engineering plan, profiles, and cross-sections;
 - (o) Medium intensity or high intensity soil maps;
 - (p) Surface drainage plan;
 - (q) Soil erosion and sedimentation control features;
 - (r) Location of parking areas, open space areas, conservation and/or recreation areas; and
 - (s) Landscaping plan and details.
3. Test Well Data
- (a) A preliminary test well shall be drilled for each proposed public water supply, commercial, industrial, or 1,000 or more GPD well;
 - (b) A hydrogeologic report of test results identical to that required for State of Maine approval shall accompany the application; and
 - (c) Testing shall include five-day flow rates, water quality data, and evidence of any hydraulic links with nearby domestic, municipal, and other wells.
4. Well Monitoring Plan
- (a) A plan for continuing the monitoring of each proposed public, commercial, or industrial production well shall accompany the application;
 - (b) The plan shall show the locations of monitoring wells, sampling schedule, and the schedule for reporting to municipal authorities; and
 - (c) Monitoring shall provide data on flow rates, water quality, and evidence of hydraulic links with nearby domestic, municipal, and other wells.

Section 17. ADMINISTRATION

1. Administering Bodies and Agents
 - a. The CEO and the Planning Board shall issue permits for land uses as specified in the Table of Land Uses.
 - b. The LPI shall approve and/or issue required permits for wells, septic systems, waste disposal, and related uses as specified in the Table of Land Uses.

2. Procedure for Administering Permits
 - a. Within 35 days of the date of receiving a written application, the Planning Board or the CEO, as indicated in the Table of Land Uses, shall notify the applicant in writing either, that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the CEO, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this ordinance.
 - b. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this ordinance.
 - c. After the submission of a complete application to the Planning Board, the Board shall approve an application, or approve it with conditions, if it determines that the Land Use Performance Standards and the rest of the criteria of this ordinance are met and, based on the information presented, that the proposed use:
 - (1) Will maintain safe and healthful conditions;
 - (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
 - (3) Will adequately provide for the disposal of all wastewater;
 - (4) Will have minimum potential impact on surface-water and ground-water quantity and quality on the subject and surrounding properties or on Burntland Pond;
 - (5) Will provide feasible control measures to limit such impacts;
 - (6) Will include an assessment of threats to water quantity and/or quality if the proposed control measures should fail; and
 - (7) Will avoid problems associated with flood plain development and use.
3. Conditional approval or denial of a permit
If a permit is either denied or approved with conditions, the reasons, as well as the conditions, shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law.
4. Expiration of Permit
Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void, and a new application would have to be filed.

Section 18. ENFORCEMENT

Any violation of this ordinance shall be deemed to be a nuisance. It shall be the duty of the Code Enforcement Officer (CEO), the Local Plumbing Inspector (LPI), the Municipal Health Officer (MHO), the Water Company Engineer (WCE), or some other designated officer to enforce the provisions of this ordinance.

1. Inspections
An enforcement officer shall conduct on-site inspections, with the written consent of the property owner, to ensure compliance with all applicable laws and conditions attached to permit approvals. The CEO or other inspector shall investigate all complaints of alleged violations of this ordinance.
2. Violations
If the CEO finds that any provision of this ordinance is being violated, he or she shall notify, in writing, the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it, including the discontinuance of illegal use of land, buildings, or structures and illegal work being done; the removal of illegal buildings or structures; and the abatement of nuisance conditions. Copies of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
3. Legal Actions
When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the CEO, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the municipality.

4. **Fines**
Any person, including, but not limited to a landowner, a landowner's agent, or a contractor, who orders or conducts any activity in violation of this ordinance, shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Section 4452, Subsection 1. C., the fine or penalty to be determined by the District Court at the request of the Board of Selectmen or the Board's designee.
5. **Records to Keep**
The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocations of permits, appeals, court actions, violations investigated, violations found, and fees collected.
6. **Water Conservation Education**
Biannually, the Stonington Water Company shall engage in a water conservation education effort.
7. **Stonington Water Company. New Service/Change of Use**
 - a. Consumption of more than 540 GPD but less than 1,000 GPD
No new service/change of use shall be provided by the Stonington Water Company to any user who expects to consume more than 540 GPD unless that user first demonstrates that sufficient clean water is normally available without exceeding the reasonable limits of the quantity or the quality of water available to the Stonington Water Company.
 - b. Consumption of more than 1,000 GPD
No new service/change of use shall be provided by the Stonington Water Company to any user who expects to consume more than 1,000 GPD.
 - c. Expected water consumption shall be based on the Maine Subsurface Waste Water Disposal Rules, 144A CMR 241, Tables 501.1 and 501.2.
8. **Use of Fire Hydrants**
Fire hydrants owned by the Stonington Water Company shall only be used for fire protection and for maintenance on the distribution system.

Section 19. APPEALS

Administrative and variance appeals may be made following the same procedures that are outlined in the Town of Stonington Shoreland Zoning Ordinance, Title 1, except that both the Land Use Standards in the Town of Stonington Shoreland Zoning Ordinance, Title 1 and the Land Use Performance Standards in this ordinance apply.

Section 20. DEFINITIONS

Agriculture – Cultivation of the soil, producing crops, raising livestock, and preparation of products for use.

Aquifer – A permeable geologic formation, either rock or sediment, that, when saturated with ground water, is capable of transporting water through the formation.

Confined Aquifer – Groundwater whose upper movement is impeded because it is trapped beneath a poorly-permeable layer that confines it and forms an artesian water system.

Boat Building – The construction or fabrication of boats. This includes boat building as a business and the place in which boat building takes place.

Capture Zone – See “Cone of Influence.”

Catch Drain – A floor drain connected to a catch basin or approved oil separation tank which prevents fluids from draining into the ground.

CEO – The Code Enforcement Officer for Stonington.

Chemical Bulk Storage – Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retainer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

Commercial – The primary use of land, buildings, or structures, other than home occupations, for the buying and selling of goods, services, or entertainment, including the rental of motel or hotel rooms but not the rental of residential dwelling units or transient accommodations in private homes.

Commercial - Limited – Commercial uses that (a) have no more than 1,500 square feet in floor space, (b) do not sell hazardous or flammable materials except in sealed containers, and (c) use no more than 750 gallons of water a day. Lots are to be two or more contiguous acres.

Cone of Influence – The area that experiences draw down by a pumped well.

Construction – Includes building, erecting, moving, or any physical operations on the premises. Excavation, fill, paving, and the like shall be considered part of construction.

Delineation – The precise, rather than the arbitrary, process of determining the boundary of the area to be protected and drawing it on the approved district ordinance map. See the section entitled, “Districts Map.”

DEP – The Maine Department of Environmental Protection.

District – A specified portion of the municipality, delineated on a map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance. See the section entitled, “Districts Map.”

Driveway – An access serving up to five dwelling units, home occupations, forest management, farming, and other similar uses that generate less than 50 one-way vehicle trips per day.

Durable Goods – Machines, motors, vehicles, appliances, electrical equipment, electronic equipment, and other long-lasting and reusable wares, including parts thereof.

Dwelling Unit – Any part of a structure that is intended as a single residential unit, including a one-family house and each separate residence in two-family or multi-family facilities. This term shall include mobile homes but not recreational vehicles.

Duplex Dwelling – A two-family dwelling.

Multi-family Dwelling – A residential facility with three or more dwelling units.

Enlargement of a Structure – An increase of the building footprint and/or increase in the height of the structure beyond its present highest point.

Essential Services – Electric, communication, fuel, water, and sewage transmission, distribution, or collection lines and related facilities and equipment, not including individual service connections or buildings that are necessary for furnishing such services.

Excavation – See “Construction.”

Fill – See “Construction.”

Food Processor – A commercial establishment that processes, treats, bottles, cans, or otherwise modifies food in preparation for sale wholesale.

Forested Wetland – A freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Furniture Stripper – A commercial operation that strips and/or refinishes furniture.

Gardening – Home cultivation of flowers, vegetables, fruits, and shrubs.

Governmental – Properties, structures, facilities, and activities funded by municipal, county, state, and federal government.

GPD – Gallons per day

Great Pond – Any inland body of water that, in a natural state, has a surface area in excess of ten (10) acres and any inland body of water artificially formed or increased that has a surface area in excess of thirty (30) acres, except for the purpose of this ordinance, where the artificially-formed or increased inland body of water is completely surrounded by land held by a single owner.

Groundwater – The water contained within the interconnected pores, cracks, or fractures located below the water table of a confined or unconfined aquifer.

Hazardous Material – Any gaseous, liquid or solid materials or substances defined as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Hazardous Waste – Any substance identified under Chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, DEP, effective date July 1, 1980, including revisions or amendments thereto, and any radioactive waste material which means any solid, liquid, or gas residue, including, but not limited to, spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiation.

Heating Oil Storage – Storage of heating oil in excess of 660 gallons. (Tanks with a capacity between 50 gallons and 660 gallons are regulated by the Oil and Solid Fuel Board.)

Home Occupation – An occupation or profession in a residence or on residential property that (1) is incidental to residential use of the property and surrounding parcels and (2) employs no more than two persons other than resident family members.

Hydrology – the science dealing with the waters of the earth, their distribution on the surface and underground, and the cycle involving evaporation, precipitation, flow to the seas, transpiration, infiltration, etc.

Identified New Well Site – A test well or test well location, located in the field and/or on a map by a qualified geologist, hydrogeologist, or engineer, that is deemed to have high potential for serving as a public water supply.

Impermeable Surfaces – Building foundations; paved roads, driveways, and parking areas; and other areas paved or covered with bricks, tiles, or other impermeable materials.

Industrial – The primary use of land, buildings, or structures for manufacturing, assembling, finishing, processing, or packaging goods and materials.

Industrial - Limited – Industrial uses that (a) generate less than 1/2 drum or 27 gallons of hazardous wastes per month and (b) use no more than 750 gallons of well water per day. Lots shall be two or more contiguous acres.

Inert – Won't react with other substances and is not leachable.

Institutional Use – Use by an established organization or corporation (such as an educational entity or a non-profit organization) of a public or charitable character.

Land Use Performance Standards (LUS) – Generally accepted professional operational procedures for handling storage and disposal of regulated substances; procedures designed to minimize the impact of certain activities or land uses on groundwater. See Land Use Performance Standards.

Leachable Material – Liquid or solid materials that are capable of seeping into the groundwater.

LPI – The Local Plumbing Inspector for Stonington.

MHO – The Municipal Health Officer for Stonington.

May – The regulation in question is permissive or discretionary.

Mineral Extraction – Any operation that extracts and removes a total of more than one hundred (100) cubic yards of soil, loam, sand, clay, rock, or like material from a lot.

Municipal Water Supply – A water supply that is controlled and operated by a municipality or its agents that supplies potable water to its subscribers for their use.

Non-conformities – Buildings, parcels of land, and uses thereof that fail to meet the current requirements of this ordinance but which were lawful at the time of adoption or subsequent amendment of this ordinance and which are allowed to continue as lawful pursuant to the section of this ordinance entitled, "Non Conformance."

Nursery – See "Agriculture."

PB – The Stonington Planning Board.

Public Water Supply – A water supply that serves 25 or more persons for 60 days per year or that has at least 15 service connections. Examples include water districts, mobile home parks, campgrounds, motels, schools, restaurants, factories, apartment buildings, and condominiums.

Quasi-governmental – Semi-independent boards and bodies created by government entities and using public funds.

Road – A route or track for general use consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles.

Shall – The regulation must be followed.

Septic system – A form of subsurface disposal system with a septic tank and leaching field (or chamber system).

Spaghetti Lot – A parcel of land that has a geometric configuration in which one dimension is less than 20% of the other.

Stonington Water Company – A non-profit corporation incorporated in the State of Maine, wholly owned by the Town of Stonington. It is referred to in this ordinance as the Water Company.

Storm Water Drainage – A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that water collected by cellar drains but excluding sanitary sewage and industrial waste water.

Subsurface Sewage Disposal System – A collection of treatment tank(s), disposal area(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(s), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA, Section 413, Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater that is in whole or in part hazardous waste as defined in 38 MRSA, Chapter 13, Subchapter 1.

Timber Harvesting – The commercial growing and harvesting of trees for lumber, logs, pulpwood, or other industrial uses and the attendant operation of cutting, skidding, and chipping equipment.

Tree Growth – Property that is in the State Tree Growth Program. (See Title 36 M.R.S.A., Section 571 et seq.)

Water Table – The upper surface of the saturated zone.

Watershed – Land lying adjacent to water courses and surface water bodies that creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

WCE – The Stonington Water Company Engineer.

Wellhead – The specific location of a well and/or any structure built over or extending from a well.

Wellhead Protection District – (MAP) – An area consisting of two (2) districts delineated according to the section entitled, "Districts Map," in this ordinance.

Wetlands –

Freshwater Wetlands – Freshwater swamps, marshes, bogs, and similar areas, regardless of size, that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. These areas are not considered part of a great pond, tidal wetland, river, stream, or brook. There may be parcels of buildable land within what is shown on soil maps as a wetland.

Tidal Wetlands – Any area, along the shore, in which the plant and animal life depends on salt water for their existence.

Wetlands Associated with Great Ponds and Rivers – Wetlands contiguous with, or adjacent to, a great pond or river and which, during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred feet (100') in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Woodland Management – The care and maintenance of forests and woodlands including thinning, pruning, removing deadwood, replanting, and also including non-commercial thinning of trees, pruning of trees, and removing deadwood, allowing that wood removed in such a manner may be sold for firewood or other incidental uses.