

**TOWN OF NEWTOWN, CONNECTICUT
ZONING REGULATIONS**

SECTION 1 - AQUIFER PROTECTION DISTRICT

2.01.100 Purpose and Intent

It is the intent of this section to promote the health and general welfare of the community by preventing the contamination of ground resources and to protect ground water quality within the Town of Newtown and in particular the Pootatuck Aquifer to ensure a present and future supply of safe and healthy drinking water. The Aquifer Protection District is designated as an overlay zone.

The purpose of this section is to facilitate the adequate provision of clean water by prohibiting, within the Aquifer Protection District, land uses which can contaminate ground water resources and by regulating other land uses which may have the potential to contaminate or downgrade existing and potential ground water supplies.

The stratified drift deposits of the Pootatuck Aquifer are composed predominately of inter-bedded layers of sand and gravel with lesser amounts of silt and clay. These deposits are underlain by crystalline bedrock, mostly gneiss and schist. The Pootatuck Aquifer is capable of supplying large quantities of drinking water in Newtown and its protection is critical.

The Pootatuck Aquifer (a federally protected sole source aquifer) is highly susceptible to contamination because of its relatively high permeability and shallow water table which is recharged mainly from precipitation that percolates from the land surfaces within the watershed.

2.01.200 Applicability

These regulations shall be in addition to the requirements for the underlying zoning districts as designated on the Zoning Map. Both the requirements of the Zoning Regulations as set forth in other sections and the requirements contained herein for the Aquifer Protection District shall apply within such zone. In the event of a conflict, the more restrictive requirements shall apply.

2.01.210 Aquifer Protection District Maps

The Aquifer Protection District (ADP) is hereby established on those lands serving as the primary and secondary recharge areas and those lands within the preliminary (Level B) aquifer protection areas of the Pootatuck Aquifer. The Aquifer Protection District is delineated on two maps.

" The first map is entitled: "Aquifer Protection Districts" and is overlaid on the Newtown, Connecticut Zoning Map dated effective June 27, 1959, amended to July 1, 1969 and July 1976, scale 1" = 1200' prepared for The Housatonic Valley Council of Elected Officials by Cahn Engineer, Inc. - Wallingford, Connecticut (Effective 3/13/81).

" The second map is entitled "Preliminary (Level B) Aquifer Protection Areas, United Water Connecticut (formerly Newtown Water Co.) Map B-059, approved July 18, 1991, Fairfield Hills Hospital Map B-071, approved April 24, 1992, Newtown, Connecticut" scale 1:12,000 printed November 30, 1998 by the State of Connecticut Department of Environmental Protection.

2.01.300 Permitted Uses and Activities

Uses permitted in an Aquifer Protection District are the following principal uses where permitted in the underlying zone. No use variance shall be granted to allow any use in the district which is not expressly permitted in this section.

2.01.310 Single family dwellings having two (2) or more acres of land per dwelling.

2.01.320 Open space and passive recreation.

2.01.320 Managed forest land.

2.01.340 Wells and accessory equipment for the purpose of providing the public water supply.

2.01.400 Prohibited Uses

The following uses and activities are prohibited in an Aquifer Protection District:

- 2.01.410 Sanitary landfills, septage lagoons, waste water treatment facilities, transfer stations.
- 2.01.420 Printing and publishing establishments which involve the use of acid/bases, heavy metal wastes, solvents, toxic wastes, or solvent based inks.
- 2.01.430 Public garages.
- 2.01.440 Filling stations.
- 2.01.450 Car wash facilities.
- 2.01.460 Road salt storage.
- 2.01.470 Manufacture, storage, transport, processing or disposal of hazardous materials or waste.
- 2.01.480 The mining or removal of sand and gravel.
- 2.01.490 Underground storage of hazardous materials including but not limited to fuel oil or petroleum.
- 2.01.500 Dry cleaning establishments with on-site cleaning operations.
- 2.01.510 Outdoor storage of any commercial vehicles or construction equipment.
- 2.01.520 Maintenance of any commercial vehicles or construction equipment.
- 2.01.530 Maintenance of public utility service vehicles or outdoor storage of public utility vehicles.
- 2.01.540 Classification and smelting of nonferrous metals.
- 2.01.550 Except when connected to public sewers:
- 2.01.551 Multiple family housing.
- 2.01.552 Adult congregate living facilities with a density of more than one unit per two acres.
- 2.01.553 Single family dwellings having less than two (2) acres of land per dwelling.
- 2.01.560 Except when connected to public sewers and public water:
- 2.01.561 Kennels.
- 2.01.562 Hotels and motels.
- 2.01.563 Medical or dental offices.
- 2.01.564 Veterinary hospitals.
- 2.01.565 Beauty and nail salons.
- 2.01.566 Funeral parlors.
- 2.01.567 Research or medical laboratories.
- 2.01.600 Uses and Activities Requiring a Special Exception

Except as provided in Sections 2.01.300 and 2.01.700 herein, any principal or accessory uses permitted in the underlying zoning districts as provided in Article IV - Permitted Uses and when such principal or accessory use or activity is not prohibited pursuant to Section 2.01.400 herein, then such use or activity, shall be subject to obtaining a special exception in accordance with the standards, criteria, conditions, and procedures as set forth in Article XI herein and the additional standards, criteria, conditions and procedures set forth herein.

2.01.700 Uses and Activities Requiring a Zoning Permit and Aquifer Impact Review

2.01.710 When all of the following criteria are met, an application for a Zoning Permit and an Aquifer Impact Review shall be required:

2.01.711 A principal or accessory use is permitted by right in the underlying zoning district, and

2.01.712 Such use or activity is not prohibited pursuant to in Section 2.01.400, and

2.01.713 Such use or activity is a change in use proposed to occupy or locate within an existing building or other structure, and

2.01.714 There will be no erection, enlargement or structural alteration of any structure, and

2.01.715 There will be no exterior site work for such proposed occupancy.

2.01.720 The application for a Zoning Permit pursuant to Section 9.01.400 and 9.01.500 of these regulations and an aquifer impact review shall be filed with the Zoning Enforcement Officer for purposes of determining zoning compliance, aquifer impact assessment and review of the Standards set forth beginning at Section 2.01.900, herein.

2.01.800 Procedure

2.01.810 The granting of a special exception by the Planning and Zoning Commission will be subject to the Planning and Zoning Commission's finding that a proposed activity will not have a significant environmental impact on the Pootatuck Aquifer (FONSI). This finding will be determined following an evaluation of the proposed activity and its impact on the ground water resources. Should the Planning and Zoning Commission find that the proposed use has the potential to cause substantial adverse impact on the ground water resources or the application does not meet the standards set forth in these regulations, the application shall be disapproved.

2.01.820 Applicant's aquifer impact assessment to the Newtown Inland Wetlands Commission who will act as its designated agent. The Inland Wetlands Commission will evaluate the proposed activity and the impact on the ground water resources. Any applicant may request an evaluation of its aquifer impact assessment from the Inland Wetlands Commission prior to filing an application with the Planning and Zoning Commission for a special exception approval.

2.01.830 The Inland Wetlands Commission will evaluate the applicant's written aquifer impact assessment that addresses the proposed activity and the impact it may or may not have on the Pootatuck Aquifer. The aquifer impact assessment requirements and standards set forth beginning at Section 2.01.900 shall be the basis for determining the impacts of a proposed activity.

2.01.840 The Inland Wetlands Commission shall render a recommendation to the Planning and Zoning Commission within thirty-five (35) days of its receipt of the referral. Failure by the Inland Wetlands Commission to respond in writing within thirty-five (35) days shall be taken as no comment on the proposal. Any applicant may request an aquifer impact assessment from the Conservation Commission prior to applying for a special exception approval.

2.01.850 If the Inland Wetlands Commission finds that a proposed activity would not have a significant aquifer impact, it shall recommend that a finding of no significant impact (FONSI) be rendered by the Planning and Zoning Commission.

2.01.860 If the Inland Wetlands Commission finds that the proposed activity will have a substantial adverse impact on the aquifer, it shall include information in reasonable detail to support its findings and will issue a recommendation against the FONSI.

2.01.870 If the Inland Wetlands Commission finds that the proposed activity will have a substantial adverse impact on the aquifer, the Planning and Zoning Commission will be required to have four (4) positive votes to approve a special exception. Failing four (4) positive votes, the special exception shall be denied.

2.01.900 Aquifer Impact Assessment

Every land use located within the Aquifer Protection District which requires the filing of an application for approval by the Planning and Zoning Commission or the Zoning Enforcement Officer pursuant to Section 2.01.700 shall be subjected to an aquifer impact assessment. All information pursuant to Section 2.01.910 shall be submitted to the Planning and Zoning Commission or the Zoning Enforcement Officer upon application.

2.01.910 Aquifer Impact Assessment Requirements

An application for an Aquifer Impact Review shall include, in addition to any other application requirements, a written aquifer impact assessment prepared by a professional with special expertise who is familiar with ground water modeling.

The purpose of the assessment is to evaluate the impact on the proposed activities upon the aquifer. The aquifer impact assessment shall include, in so far as is pertinent to the application, the information listed below. The Planning and Zoning Commission may waive the requirements for some of the following information if they determine that it is not relevant to the specific application.

2.01.911 Detailed written document concerning the environmental assessment and impacts of the proposed activity. The environmental assessment shall address direct and indirect effects, both short-term and long-term, which would result from the implementation of a proposed action and shall contain sufficient detail for the purposes of determining environmental significance of the activity on the environment in general and the aquifer in particular.

2.01.912 The amount and composition of any hazardous materials that will be used, handled, stored, generated, treated, or disposed of on the property.

2.01.913 Provisions for treatment, temporary storage, and/or disposal of any hazardous materials.

2.01.914 Locations of adjacent (within 500 feet of property line) private drinking water supply wells. Location of public water supply wells within 1,000 feet of property line. Distance to Class AA streams (tributary to public drinking water supply).

2.01.915 Site and building plans showing all information required pursuant to Sections 10.01.400 through 10.01.500 herein.

2.01.916 Whether public sanitary sewers and water supply are approved to service the use.

2.01.917 Septic system location, size, and capacity.

2.01.918 Details of the hydrologic budget, including natural and man-induced sources of recharge and withdrawal.

2.01.919 Potential impacts resulting from the planned discharges or withdrawals, including:

- " impacts to other users of the aquifer (wells, surface expressions of groundwater, etc.)
- " quantity of water available and induced quality changes.
- " impacts resulting from induced infiltration, including quantity implications to both the ground water and surface water systems.

2.01.920 Provisions for storm water management and pretreatment.

2.01.921 Emergency plan to protect and control hazardous material leaks and spills, including but not limited to inspections, notification of officials, containment, and cleanup procedures.

2.01.1000 Aquifer Protection Standards

The following minimum standards shall be met for all uses within an aquifer protection district.

2.01.1010 Storm Water Management

2.01.1011 No wastewater discharges shall be connected to the storm water system.

2.01.1012 Storm water from developed site areas shall require pretreatment of runoff prior to discharge. The design shall provide detention ponds, basins, swales, oil separators, or other measures designed to treat runoff, contain pollution, control peak flow, and/or allow for clean water infiltration into the ground.

2.01.1013 Storm water contact with sources of pollution (such as dumpsters and waste receptacles) shall be prevented with roofs, covers, berms, or by directing runoff away from sources.

2.01.1014 Parking, storage, loading and other areas where vehicular activity occurs shall be an impervious surface.

2.01.1020 Floor Drains

Floor drains are prohibited except where connected to public sanitary sewers in accordance with DEP (or local authorized agent) approval.

2.01.1030 Pesticide and Fertilizer Use

Any use which includes more than 2 acres of land used for crop, lawn, garden, or landscaping shall be accompanied by a management plan. The management plan shall indicate types of materials, application schedule, if any, chemical pesticides or fertilizers and conformance with applicable best management practices.

2.01.1040 Manufacture and Storage of Hazardous Materials

At all areas and facilities where hazardous materials are already manufactured, stored, transported, processed or disposed of prior to June 21, 1999, any change to the existing use or improvements at the facility shall be designed for the control of inadvertent or accidental spills, leaks, or other discharges. The following standards shall apply:

2.01.1041 Manufacturing, processing, or other activities using hazardous materials shall only be conducted on flooring impervious to the material being used and within a building or structure.

2.01.1042 Underground storage tanks and distribution lines for hazardous materials are prohibited.

2.01.1043 Above ground storage tanks, containers or drums shall be within a building or structure meeting the following requirements:

- (a) Have an impervious floor and containment area or dike of adequate size to contain thirty percent (30%) of the total storage capacity or one hundred ten percent (110%) of the largest tank, whichever is larger.
- (b) Area shall be protected by a roof and adequate sides to prevent exposure to precipitation.
- (c) Tank overfill protection devices shall be designed to prevent release of overfill outside the storage area.
- (d) Storage areas shall be located outside of flood zones or shall be flood proofed.
- (e) Have no floor drains.

2.01.1044 Venting systems for evaporation or distillation of hazardous materials shall be designed with a recovery system to prevent the discharge of contaminated condensate or drippage.

2.01.1045 Loading or transfer activities shall be conducted on impervious surfaces, roofed, and diked to capture and control any spills or leaks.

2.01.1046 Best management practices shall be followed for all usage, storage, or handling of hazardous materials.
(Added 6/21/99)