

AGENDA  
GROTON ZONING COMMISSION  
NOVEMBER 2, 2016 – 6:30 P.M.  
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 2

- I. ROLL CALL
- II. PUBLIC COMMUNICATIONS
- III. APPROVAL OF MINUTES
  - 1. October 5, 2016\*
- IV. OLD BUSINESS
  - 1. Zoning Regulations Update
    - a. WRPD Permitted Uses\*
    - b. Definitions/Table of Permitted Uses
- V. NEW BUSINESS
  - 1. Report of Commission
  - 2. Receipt of New Applications
  - 3. Approval of 2017 Meeting Schedule\*
- VI. REPORT OF CHAIRPERSON
- VII. REPORT OF STAFF
- VIII. ADJOURNMENT

\* ENCLOSED

\*\* Bring your notebooks

Next Regular Meeting: December 7, 2016

ZONING COMMISSION

2017 REGULAR MEETING SCHEDULE

Regular meetings are held at **6:30** p.m. in Community Room 2 at the Town Hall Annex on the first Wednesday of the month, except as noted.\*

January 4, 2017

July 5, 2017

February 1, 2017

August 2, 2017

March 1, 2017

September 6, 2017

April 5, 2017

October 4, 2017

May 3, 2017

November 1, 2017

June 7, 2017

December 6, 2017

DRAFT

MINUTES  
TOWN OF GROTON  
ZONING COMMISSION  
OCTOBER 5, 2016 – 6:30 P.M.  
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Smith, Sutherland, Sayer, Hudecek  
Alternate members present:  
Absent: Sutherland  
Staff present: Glemboski, Jones, Reiner, Gilot

Acting Chairperson Hudecek called the meeting to order at 6:30 p.m.

II. PUBLIC COMMUNICATIONS

James Furlong, 57 Fishtown Lane, Mystic, spoke to the Commission about proposed changes to the WRPD. He said that much discussion up to now has dealt with the quality of water, but little time has been allotted to the quantity of water. He asked the commission to consider if the proposed changes will allow this area to keep filling up the reservoirs or will sewers and more construction diminish the quantity of water. The buildout analysis requested should be applied to figure out future water quantity before changes are made. Wide buffers on streams and feeder wetlands rule out acreage for certain uses.

Rick Stevens, Groton Utilities, read a letter of thanks to the staff for allowing them to participate in the review of the WRPD regulations.

APPROVAL OF MINUTES

1. September 7, 2016

MOTION: To approve the minutes of the September 7, 2016 meeting as presented.

Motion made by Sayer, seconded by Smith. Motion passed 3-0, 1 abstention (Marquardt).

III. OLD BUSINESS

The commission amended the agenda to move Item 1, WRPD to a. and Definitions to b.

1. Zoning Regulations Update

a. WRPD Permitted Uses

Nate Kelly, Horsley Witten Group, reviewed a map of the WRPD showing parcels which would have a significant amount of land constrained by the 50 ft. non-disturbance area in the WRPD, and compared it to another map showing a non-disturbance area of 100 ft. Commercial and industrial parcels were also shown with the 50 ft. area and the 100 ft. area. Mr. Kelly maintained his recommendation of a 50 ft.

non-disturbance area. Staff said they met with Groton Utilities and they concurred that a 50 ft. area was sufficient. Anything beyond that protects the habitat, but doesn't improve water quality. Stormwater treatment would provide additional protection in addition to the non-disturbance area. The commission asked about enforcement. Staff said they do enforce it now and discussed flagging or marking of the non-disturbance area. Stormwater discharge is required to be an additional 50 feet back from the non-disturbance area line. The Commission engaged in discussion with Mr. Kelly and staff on stratified drift area, inspections performed by staff and Groton Utilities, and improving stormwater treatment controls. The commission asked if the town has the capacity to measure all of these and do all reviews. Staff said the town has the ability to hire outside consultants if needed.

Mr. Kelly reviewed the hazardous waste section (page 14 - 16 of draft regulation - D).

"Minor" - uses that don't specifically deal with hazardous materials; incidental, no real risk of a large spill; prepackaged, household type materials; amounts displayed or stored for retail, is considered minor.

"Other than minor" - The requirements for hazardous materials other than minor would be more intense; a new car dealer with 55 gallon drums, not prepackaged single - use bottles.

Staff said there will be an appendix showing items that should be part of a materials management plan, a spill prevention plan, or spill kit.

The commission said they prefer to use "category A" and "category B", or some other term, rather than "minor" or "other than minor".

The buildout analysis was discussed. Based on assumptions presented, the consultant, staff, and the commission concurred there would be minimal impact to the buildout; maybe less development due to the changes.

The commission and staff discussed including the WRPD in table of uses; identify specific uses that need to see "X" in the section. Staff is still trying to figure out the best mechanism to tie the WRPD to the use table without making it unduly long.

Staff said there was a memo in the agenda packet from Groton Utilities regarding technical items in the WRPD and stated that Groton Utilities is satisfied with the latest revisions in terms of setbacks, buffers, and underlying stratified drift.

The commission stated they were satisfied with the 50 ft. non-disturbance area.

Staff would like to prepare a text amendment application for the WRPD. The table currently included in the WRPD section may eventually come out if they find a way to incorporate it into the table of permitted uses. A presentation for the public hearing will be prepared by staff and the consultants. Staff said they will engage stakeholders who may be impacted by the changes prior to the public hearing. Staff said the public hearing would be in January at the earliest and they hope to have the application received by the commission at the next meeting in November.

b. Definitions/Table of Permitted Uses

Mr. Kelly said the definitions that were distributed are those associated with the uses. Definitions for the uses will be written out in the categories only; the alphabetized use list will say “see category for definitions”.

Staff suggested changing the “amount of gallons” to “building square feet” for the alcohol production description. The commission agreed.

Staff said they met with the Town Attorney who is reviewing the housing definitions. Staff feels these proposed definitions may change.

The commission reviewed the proposed draft of definitions and clarified some of the definitions with staff and Horsley Witten. Staff said these definitions will probably be modified as the commission moves forward with the regulations. The commission and staff discussed whether each of the definitions listed were going to be regulated.

Airbnb – Staff said the Zoning Official has had no complaints at this time and doesn’t want to create a problem where there isn’t one. Staff will do some research for the commission and will send the commission any literature they find.

Community gardens - locations where they may be prohibited, development standards and parking, were discussed.

“Family day care home” definition needs to be clarified. The state statute definition is currently used; also, “family” should be changed to “household units”. The definition of dwelling was discussed.

Staff said they need direction from the commission on policy issues. The WRPD is almost done. The regulatory audit identified changes that need to be made. Horsley Witten is now going to do a preliminary revision of the entire regulation document and present it to the commission to make it easier to proceed with these revisions. It should take them about 3 months for this preliminary document.

The commission discussed some items they would like to see in the new document, such as color, graphics and pictures, tabbed headers, hyperlinks, etc. The commission wants to be sure that the consultant can produce a document that will meet their expectations. Staff expects they will get a draft in February 2017.

IV. NEW BUSINESS

1. Report of Commission

Sayer asked staff to distribute to the commission, staff and consultants, a document from [www.plainlanguage.gov](http://www.plainlanguage.gov).

2. Receipt of New Applications - None

V. REPORT OF CHAIRPERSON - None

VI. REPORT OF STAFF

Staff said there will be a FOIA presentation hosted by the Committee of Chairs on Wednesday, October 19<sup>th</sup> at 6 pm in CR-1. Thomas Hennick of the Freedom of Information Commission will be the speaker. All commissioners are invited.

VII. ADJOURNMENT

Motion to adjourn at 8:11 p.m. was made by Smith, seconded by Sayer, so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Debra Gilot  
Office Assistant III

NOT APPROVED

ZONING COMMISSION

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DRAFT

## M E M O R A N D U M

TO: Town of Groton Zoning Commission

FROM: Diane Glemboski, Planner II

DATE: October 28, 2016

SUBJECT: Zoning Commission Meeting 11-2-16 WRPD Update

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At the Zoning Commission meeting on November 2, 2016, staff will be working with the Commission on the updating the Water Resource Protection (WRPD) section of the regulations and staff notes the following:

1. We have attached a copy of WRPD track change document (dated 10/18/16) that was sent to the consultants. This document was based on comments received from the Zoning Commission and Groton Utilities and from additional review by the Planning staff.
2. Horsley Witten and staff then revised the document (dated 10/28/16) based on these comments and additional discussions. The major revisions include the following:
  - Adding a Definition Section that only applies to the WRPD section at this time. This helps to clarify the uses within the new table. These definitions will be moved to the definition section for the entire zoning regulations in the future.
  - Clarifying one and two family homes are exempt from the WRPD as agreed upon by the ZC at the last meeting.
  - Clarifying all allowed and conditional uses in the WRPD are required to meet the general performance standards for erosion control, stormwater, site design, and hazardous materials.
  - Adding conditions for retail garden supply stores.
  - Providing consistent language for measurement of the non-disturbance area.
  - Distinguishing between requirements for new development vs. existing development for vegetated area requirements.
  - Renaming categories of hazardous materials to incidental and non-incidental.
  - Clarifying the allowance for underground storage tanks (USTs) in the WRPD.
  - Adding standards for propane tanks.
  - Restructuring the Conditions for the Specific Use section for ease of use.
  - Minor changes in text for clarity and readability.
  - Re-formatting sections for ease of use.
3. There are a few items noted in yellow and grey within the 10/28/16 document. These items will be reviewed with the ZC at the meeting to obtain direction for the final draft document for the application.

4. We are sending the 10/28/16 draft to the Town Attorney to address any legal issues. If there are no major legal issues, we will create an application for the WRPD zoning text amendment to be accepted at or prior to the next ZC meeting.

**Please bring the new attached text and your notebooks to the meeting. If you need additional information or a print-out of the document, please email [dgilot@groton-ct.gov](mailto:dgilot@groton-ct.gov) or [dglemboski@groton.ct.gov](mailto:dglemboski@groton.ct.gov) .**

~~HW Response to OPDS Staff and Zoning Commission Comments~~  
~~Clean Version (without commentary and track changes)~~  
~~Staff comments to September 28, 2016 Clean Version~~

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Comment [DG1]: Check all outline numbering for consistency

Comment [DG2]: review document for determining what new definitions need to be added now

6.12 Water Resource Protection District

6.12-1 Statement of Intent

Creation of this district is deemed essential to protect water supply sources in the Town and is promulgated under the following Connecticut General Statutes: 25-32 f, 25-32 g, 8-2 and 8-23 3(d). As groundwaters and surface waters have been shown to be easily, and in many cases, irrevocably contaminated by many common land uses, it is imperative that all reasonable controls over land use, waste disposal, and material storage be exercised within this district. This district is designed to protect the following existing and future water supply resources: extensive stratified drift aquifers, surface water reservoirs, and areas of future water supply.

6.12-2 Establishment of District

The Water Resource Protection District (WRPD) is herein established as an overlay district. The boundaries of this district are those shown on the map entitled Town of Groton Zoning on file with the Town Clerk and the Office of Planning and Development Services. The district includes all land over and upgradient of the current and future water supply resources as defined by the watershed drainage boundaries.

6.12-3 Divided Lots and Determination of Applicability

- A. Applicability. Where the boundary line of the WRPD divides a lot or parcel, the requirements established by this regulation shall apply only to the portion of the lot or parcel located within the WRPD.
- B. Separation. Where a lot is divided by the WRPD boundary line, applicants shall demonstrate, through the use of site plans, that development activity outside of the boundary shall not be connected to land within the boundary in such a way that could lead to the contamination of groundwater, wetlands, or surface waters within the WRPD.
- C. Determination of Applicability. If an applicant questions the accuracy of the WRPD boundary as presented on the Zoning Map, the applicant may request an interpretation of the map from the Zoning Official per section 3.3-4 or may amend the zoning map per section 8.2 of these regulations.

D. Application. Where an applicant files for a zoning map change to move the WRPD boundary, the burden of proof shall be upon the applicant to determine the extent to which the boundary covers ~~his/her~~ the subject property. An application, in accordance with the process for Zoning Amendments in Section 8.2, and a -plan signed by a professional engineer or State of Connecticut registered Land Surveyor shall be ~~required~~ submitted to determine more accurately the boundaries of the district with respect to individual parcels of land. The plan(s) shall include the following information.

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1. General Plan Information

- a) Name and address of the applicant and current owner as listed on the Town's tax rolls.
- b) Date, north arrow, and numerical and graphical scale on each map.
- c) The property address and/or parcel identification number.

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e)d) Location Map

2. ~~Location- Vicinity~~ Map – Applications shall include an accurate scale ~~location vicinity~~ map as depicted on the Zoning Map and shall be submitted showing the subject property and all property and streets within 1,000 feet of any part of the subject property, and the following information:

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- a) All lots and lot lines.
- b) All zoning district boundaries including the WRPD.
- c) All existing streets and roads with associated names.

3. Proposed WRPD Boundary Plan

- a) Plan(s) shown at the extent and scale required to demonstrate the justification for a determination of applicability and shows information within 200 feet from the boundary of the subject property.
- b) Existing and proposed WRPD boundary lines.

- c) Topography field survey information shown with two-foot contours or greater detail necessary to support requested modification.
- d) Arrows indicating the direction of overland flow that demonstrate the need to adjust the applicability of the WRPD on the subject site.
- e) All existing drainage structures and direction of stormwater flow.

6.12-4 Use Regulations

A. Allowed Uses

Allowable uses within the WRPD are all those listed as allowed in the underlying zone in the Land Use Table per Section 5.1-3 of these regulations that do NOT have any WRPD prohibitions or specific conditions associated with the use.

Allowable uses within the WRPD are required to meet the General Performance Standards of Section 6.12-5.

B. Exempt Uses or Activities

The following uses and activities are specifically exempt from the General Performance Standards related to the WRPD overlay district.

1. Any pollution treatment facilities exclusively designed for the temporary treatment of contaminated ground or surface water.
2. Repair and replacement of existing drainage structures and pipes.
3. Activities exclusively limited to municipal maintenance, improvements, or expansions to public roads.
4. Normal operation and maintenance by water companies (as defined by CGS 16-1) of existing water bodies and dams, and other water control, supply and conservation devices related to reservoirs and public drinking water supply.

5. Construction, maintenance, repair, and enlargement of ancillary drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. This exemption does not include new or expanded buildings, parking lots or facility site construction activities.

5-6. The construction of one-family or two-family dwellings, either within a subdivision or on lots not subject to subdivision review.

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C. Prohibited Uses and Activities

1. Categorical Prohibited Activities – The following activities are **prohibited** in the WRPD across any and all use categories:

- a) The establishment of any industrial, commercial, or other ~~establishment~~ **enterprise** in which the manufacture, use, storage, transport, process or disposal of hazardous waste is a principal activity.
- b) Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater, unless specifically exempt.
- c) Establishment of septage lagoons.
- d) Stockpiling of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads.
- e) Stockpiling and disposal of snow or ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads which has been removed from highways and streets located outside of the WRPD.

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2. Prohibited Uses - Uses specifically prohibited in the WRPD are listed in Table 6.12-4.B.1.

D. Conditional Uses – Table 6.12-4.B.1 shows conditional uses in the WRPD. Specific performance standards for conditional uses can be found below at 6.12-6.



**Table 6-12.4.B.1: WRPD Prohibited Uses and Uses with Specific Conditions**

Key: S = Use Allowed if on Sewer  
 C = Use Allowed with Specific Conditions (See Section 6.12-6 for Conditions)  
 X = Use Prohibited

**Comment [DG3]:** I think this Table # needs to change and then change all references to match

USE & ALLOWANCE		CONCERNS
<b>AGRICULTURAL, ANIMAL AND FOOD</b>		
Agriculture, Commercial	C	Pesticides, animal waste, fuel storage and related hazards associated with heavy equipment.
<del>Agriculture, Home</del>	C	Animal waste
Kennel, Commercial	C	Animal waste
Nurseries and Greenhouses, Commercial	C	Pesticides, fuel storage and related hazards associated with heavy equipment.
Riding or Boarding Stable	C	Animal waste
Veterinary or Animal Hospital <u>Services</u>	C	Animal waste, medical waste, hazardous chemicals.
Pet Grooming	S	Hazardous chemicals, ancillary animal waste.
<b>INDUSTRIAL</b>		
Alcoholic Beverage Production	S	
Heavy Industrial	X	Storage, use & production of chemicals, equipment cleaning and maintenance, hazardous waste generation, machine shops. Organic and inorganic chemicals, heavy metals, chlorinated solvents, strong acids and alkalis, dyes, paint and thinner wastes, waste oils, phenols, PCBs, cyanides, metals, hydrocarbons.
Light Industrial ( <i>except for the specific activities below, which have further restrictions</i> )	C	Storage and use of ink chemicals, equipment cleaning, engraving
▪ Furniture Strippers	X	General use of cleaning solvents, hazardous materials. Chlorinated solvents.
▪ Screen Printing of Clothing	X	Ink waste, parts cleaning, screen disposal, chemicals and solvents.
Outdoor Storage Yard	C	Spills, leaks, possible leachate, and runoff during rain storms, from storage of anything hazardous.
Warehouse and Distribution	C	Spills, leaks, possible leachate from

**Comment [DG4]:** Can you reference in the Table the Sections to go to if the Use is allowed with Specific Conditions Also, How do we handle the clarification of these Uses if we are not approving the new definitions with this Zone Amendment Application? Please review and see what new definitions should be incorporated into the Zoning Regs with this application,

**Comment [DG5]:** Did not have home agriculture in previous version Remove unless ZC specifically wanted it

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**Comment [DG6]:** ZC was OK if we considered it Light Industrial --- Add conditions as before

		storage of anything hazardous.
<b>RETAIL</b>		
Retail Establishment		
<ul style="list-style-type: none"> <li>With any outdoor storage or display of hazardous materials as defined in 40 CFR 302.4 and herein. (Indoor storage of hazardous materials will follow the standards for this <del>Section 6.12-5 D.</del>)                             <ul style="list-style-type: none"> <li><u>Retail Garden Supply Stores</u></li> </ul> </li> </ul>	X	Large volumes of various materials and products handled, stored and distributed that might contaminate groundwater as a result of accidents, poor management practices, flooding or fires. Solvents, organic and inorganic chemicals, and hydrocarbon contamination threats.
<b>SERVICES</b>		
Cemetery (new)	X	Embalming fluids, varnishes, sealers and preservatives for wood coffins, mercury from medical implants in the deceased.
Beauty & Barber Services and Day Spas	S	Various chemicals, including solvents, formaldehyde, biocides, and acrylates in hair. Dyes, bleaching agents, polish, etc.
Funeral and Crematory Services (with on site embalming)	X	Embalming fluids
Health Care Facility	S	Hazardous chemicals, bodily fluids, medical waste.
Laundry, Commercial	S	Cleaning agents and solvents.
Medical Clinic	S	Hazardous chemicals, bodily fluids, medical waste.
Pest Control Services	X	Storage & mixing of chemicals, equipment cleaning, equipment fueling and maintenance. Various pesticides.
Other Services		
<ul style="list-style-type: none"> <li>Any other service with outdoor storage or display of hazardous materials as defined in 40 CFR 302.4 and herein. (Indoor storage of hazardous materials will follow the standards for this <del>Section 6.12-5 D.</del>)</li> </ul>	X	Large volumes of various materials and products handled, stored and distributed that might contaminate groundwater as a result of accidents, poor management practices, flooding or fires. Solvents, organic and inorganic chemicals, and hydrocarbon contamination threats.
<b>TRANSPORTATION, COMMUNICATIONS, AND UTILITIES</b>		

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Comment [DG7]: This needs to reference 6.12-6 I

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Airport	X	Fuel storage, leaks and drips of various solvents, brake and transmission fluids.
Transit Stations and Hubs	C	Fuel storage, leaks and drips of various solvents, brake and transmission fluids.
Utility Infrastructure		
▪ Power Plants	X	Risks associated with fuel storage /use, large quantities of waste generation, machine shops, equipment maintenance.
▪ Sewer Treatment Plants	X	Human waste, treatment chemicals, storm water runoff.
<b>VEHICLE &amp; HEAVY EQUIPMENT</b>		
Bus & Limousine Garage and Maintenance	X	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Construction, Farm & Heavy Equipment Rentals	X	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Construction, Farm & Heavy Equipment Sales	C S	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Contractor Vehicle Parking And Construction Equipment Storage (does not include Contractor Vehicle Parking And Construction Equipment Storage, Residential)	X	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Fuel Dealer	C	Leaks, drips, ruptures of tanks, pipelines or joints. Hydrocarbons, benzenes and other contaminants. Liquid fuel hazardous material.
Fuel Dispensing Station	C S	Leaks, drips, ruptures of tanks, pipelines or joints. Hydrocarbons, benzenes and other contaminants. Liquid fuel hazardous material.
Marine Craft & Equipment Display and Sales	C S	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Motor Vehicle Dealers (New)	C S	Fuel storage, leaks and drips of various solvents, brake and transmission fluids.
Motor Vehicle Dealers (Used)	X	Fuel storage, leaks and drips of

		various solvents, brake and transmission fluids.
Motor Vehicle Repair & Service, Major	X	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Motor Vehicle Repair & Service, Minor	C S	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Motor Vehicle Washing Facility	C S	Wastewater discharge, acid based wheel cleaner, other cleansers and solvents.

6.12-5 General Performance Standards

All uses and activities within the WRPD shall be subject to the following performance standards unless specifically exempt under Section 6.12-4.B. ~~The construction of individual single family and two family dwelling units (not part of a subdivision) must follow the performance standards for Site Design, but are exempt from the other performance standards in this section.~~ These performance standards include:

- Erosion and Sediment Control (6.12-5 A)
- Stormwater Management (6.12-5 B)
- Site Design (6.12-5 C)
- Hazardous Materials (6.12-5 D)

A. Erosion and Sediment Control.

1. The requirements of Section 6.11 Erosion and Sediment (E&S) Control Plan shall apply to any proposed construction activity that will disturb more than 2,000 square feet of a site.
2. Where an applicant proposes to disturb 2,000 square feet of land or less, the applicant shall specify the manner in which E&S controls will be used during construction through Site Plan Review. The Town will approve these measures where site plans show E&S control measures located appropriately and where the selection of best management practices is consistent with the Measure Selection Matrix provided in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (as amended). (See [Appendix X](#))

B. Stormwater Management.

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Comment [DGB]: Staff noted that the PC decided that single family and duplex homes, in or out of subdivisions, were going to be exempt from the WRPD requirements. We move this to Section 6.12-4 B

1. Stormwater Management Objectives.

The Town of Groton herein requires stormwater management practices for the WRPD specifically designed and maintained to achieve the following objectives:

- a) To achieve the pre-construction hydrologic conditions on-site through the use of stormwater Best Management Practices (BMPs) to the maximum extent practicable.
- b) To minimize impacts to the quality of surface water streams, ponds, and wetlands within the WRPD.
- c) To minimize impacts to the quality of groundwater within the WRPD.

2. New Development and Redevelopment/Expansion

a) New Development:

All new development shall conform in its entirety with the standards and requirements provided in Subsections 3, 4 and 5, below.

b) Redevelopment or Expansion:

The redevelopment or expansion of an existing site shall comply with the following:

New Impervious Cover:

- Shall meet the standards and requirements for new development in Subsections 3, 4 and 5.

Existing Impervious Cover:

- **Shall** Comply with all standards and requirements in Subsection 3.
- **Shall** Comply with Subsection 4 by meeting at least one of the following standards and requirements:
  - 1) Reduce the total impervious cover by 40% from existing conditions; or
  - 2) Where site conditions prevent a reduction in impervious cover, implement stormwater controls that reduce runoff or improve water quality for at least 40% of the site's existing

- impervious cover; or
- 3) Implement a combination of impervious cover reduction and area treated with stormwater controls that shall equal or exceed 40% of the site's existing impervious cover.

3. Runoff Discharge

- a) Stormwater management systems shall be designed to ensure there is no net increase in the peak rate of runoff over pre-developed conditions for the 1, 2, 5, 10, 25, and 100-year storms.
- b) The use of underground drywells or leaching trenches is not allowed for any stormwater from any areas except from rooftops in conformance with Section 6.12-5, ~~D.2.g. C.4~~
- c) Stormwater discharges from rooftops shall not be directed to impervious surfaces. The stormwater shall discharge to the ground or to other stormwater facilities in compliance with ~~Section 6.12-5, D.2.g. C.4~~
- d) ~~As part of the application process,~~ Site Plans shall identify the water body and/or wetlands that directly receive stormwater runoff from the site predevelopment. All stormwater shall be directed to the same wetland or watercourse system that received the stormwater in predevelopment conditions to the greatest extent practicable.
- e) Stormwater discharges shall terminate at least 100' from all perennial watercourses, waterbodies, and the directly adjacent wetlands (a stream or river that has continuous flow in parts of its stream bed all year round during years of normal rainfall) in the watershed, unless a modification is approved by the Planning Commission due to the geometry of the lot, topographic conditions, or other physical constraints and where the applicant can clearly demonstrate that this reduction complies with other stormwater management standards and is consistent with the stormwater management objectives of the WRPD.

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**Comment [DG9]:** See Comments under Site Design / Non-Disturbance Area. We want everything to be consistent and say perennial watercourses, waterbodies, and the directly adjacent wetlands

**Comment [DG10]:** Move definition to a definition section. Add definitions for watercourse, perennial, and waterbody

4. Water Quality Treatment

a) Stormwater discharges to wetlands or watercourses shall be treated first by a sequence of BMPs and/or BATs designed to remove 85% of total suspended solids, 60% of pathogens, 30% of phosphorous and 30% of nitrogen from runoff generated from the first inch of rainfall. Pollutant removal efficiencies will be determined using Appendix X of the Zoning Regulations and compliance information shall be submitted with the application. Where proprietary structural BMPs are proposed, performance data for those BMPs shall be submitted as part of an application and must be approved by the Town and independently assessed by a third party.

Comment [DG11]: Spell out if 1<sup>st</sup> time  
 Comment [DG12]: Spell out if 1<sup>st</sup> time

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b) Grease, oil, and other floating liquid/solid separators shall be incorporated into the stormwater management system for all parking lots and for any other areas of the site that may have has a piped stormwater system and the potential for such pollution and where a piping system is used for stormwater.

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c) Pervious pavement, porous asphalt, gravel surfaces, or other similar practices shall not be used except for areas used exclusively for pedestrian traffic or activities or for non-motorized vehicles.

d) Unless otherwise specified in Section 6.12-6 (Conditions for Specific Uses), the drainage design shall maximize overland flow of stormwater prior to discharge to wetlands or watercourses. This may be accomplished by the elimination of curbing, provision of leak-offs, the use of grassed swales and/or use of other best management practices to promote stormwater renovation, reduce point discharges, and reduce the discharge of heavy metals and nutrients. Vegetated stormwater best management practices shall be integrated into the treatment sequence to the maximum extent practicable.

5. Selection of BMPs: Stormwater management facilities shall be selected to meet the Stormwater Management Objectives listed in Subsection 1 above, and to achieve compliance with Subsections 2 through 4. The selection and design of stormwater management practices shall be consistent with the guidance provided in the 2004 Connecticut Stormwater Quality Manual, as amended, particularly

including all criteria for water supply aquifers. The project narrative shall explain how and why the BMPs were selected and evaluate consistency with the following sections of the 2004 Connecticut Stormwater Quality Manual (Appendix X):

Comment [DG13]: Add the below sections to Appendix

- a) Stormwater Management Effectiveness (Table 8-1, Pg 8-3)
- b) Land Use Selection (Table 8-2, Pg 8-4)
- c) Physical Feasibility (Table 8-3, Pg 8-7)
- d) Downstream Resource (Table 8-4, Pgs 8-8 & 8-9)

C. Site Design.

Within the WRPD district, the following additional lot requirements shall apply. Specifically for this subsection, in the instances where the underlying zone requirements are different, the more stringent shall apply.

1. Impervious Surface: Total impervious surface area shall not exceed 70% of total lot area. Where lots are 200,000 sq ft or greater, total impervious surface area shall not exceed 50% of total lot area.

Comment [DG14]: Staff thinks 10 acres is more appropriate based on existing uses. The ZC should probably be aware of this

2. Vegetated Area:

Comment [DG15]: We needed to break this section into new sites and pre-existing sites because some existing sites cannot meet this 20% vegetated area requirements

a) New Development: On newly developed sites a minimum of 20% of total lot area shall be retained in its natural state with no more than minor removal of existing trees and vegetation.

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a) i. Disturbance of Vegetated Area: Areas within this 20% minimum that should not be disturbed include 100-year flood plains, slopes in excess of 25 percent, and non-disturbance areas for wetlands and surface water bodies. An applicant may propose a minor disturbance or removal of existing vegetation where damaged or dead vegetation is present in significant quantity, or where the removal/management of invasive or otherwise harmful plant species is proposed. A revegetation plan that specifies native, to the extent practicable, and non-invasive plants shall be required.

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b) ii. Landscape and Buffer Requirements: All lots must still comply with the landscaping, screening, and buffer standards of Section 7.4. Areas used for the buffering required by

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Section 7.4-4 may count toward the 20% vegetated minimum required within the WRPD so long as they are left in their natural state, as described above and meet Section 7.4-4.C. Areas used to meet the requirements of Section 7.4-3 for front yards and Section 7.4-5 for parking areas, including all lawns, manicured plantings, new trees, planter boxes, and other such landscaping, may NOT count toward the 20% vegetated minimum.

iii. Restoration: On those sites where previous land disturbance has occurred, this 20% minimum may include restored land that is re-vegetated with non-invasive plant species appropriate for the site and soil conditions in keeping with the intent of this regulation.

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b) Existing Development:

i. Sites with existing development where at least 20% of the area is in a natural state or suitable for restoration shall comply with the requirements for vegetated area for new development above.

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ii. Sites with existing development where currently less than 20% of the area is in a natural state or suitable for restoration shall comply with the following:

- There shall be no decrease in the amount of landscaped or naturally vegetated area currently on the site.
- A restoration and landscape plan shall be submitted that addresses removal of invasive species and re-vegetation with native species, to the extent practicable, and enhancement of all existing landscaped areas and natural areas with additional plantings and with best management and technology practices that use site stormwater for enrichment of these areas.

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3. Non-Disturbance Area: A minimum 50-foot non-disturbed area shall be maintained between ~~perennial~~ watercourses, ~~waterbodies~~, and directly adjacent ~~to~~ wetlands and the developed land area. This non-disturbance area shall be measured from the top edge of the watercourse bank ~~or~~ from the edge of the wetland, ~~whichever provides a greater area.~~

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Comment [DG16]: Use perennial watercourses, waterbodies, and directly adjacent wetlands

Comment [DG17]:

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Comment [DG18]:

Add waterbodies in here, clarify what top edge of watercourse is and provide diagram for clarity

- a) Modification or Reduction: In those areas where extreme topographic or landscape irregularity exists along water resource boundaries, the non-disturbance area may be modified or reduced by the Planning Commission. In these instances, the applicant must identify and justify specific site design measures that will mitigate impacts of a modified or reduced non-disturbance area such as:
  - directing site drainage away from these areas through the use of grading, berms, under drains, swales or other conveyance structures, as long compliance with Section 6.12-5.B.3.d is maintained.
  - increasing the non-disturbance area in other areas along the water resource boundary, or
  - enhancing the proposed non-disturbance area with native and non-invasive plantings.

- b) Septic System: All components of on-site septic systems, including ~~future~~ septic reserve areas, shall be located 100 feet from the edge of any perennial watercourse, ~~waterbody, and directly adjacent wetlands.~~

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**Comment [DG19]:** Clarify perennial watercourse, waterbody, and directly adjacent wetlands

- c) Pre-Existing Access Ways or Structures:
  - Access Ways: The required non-disturbance area may be encroached upon where pre-existing access ways will remain in use and/or require maintenance and/or improvements to meet or maintain the minimum road safety standards for the type of road (private, local, state or federal).
  - Structures: Pre-existing structures shall be allowed to remain and be maintained in the required non-disturbance area. Enlargement of the structures shall not be allowed.

- 4. Equipment: Where equipment for heating, ventilation, air conditioning or similar functions shall be installed and periodically serviced, these structures shall include containment or be surrounded by containment barriers to allow for safe cleanup of any hazardous materials and minimized contamination of runoff.

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- 5. Solid Waste Storage, Non-hazardous: Accessory storage of solid waste (including but not limited to dumpsters), shall be done according to the following standards:

**Comment [DG20]:** Can a-g be combined or maybe reorganized for a) design of unit b) design of drainage near unit c) disposal of items in units d) maintenance or something like this

- a) Solid waste storage shall occur in a building/structure or within a dumpster with an impermeable cover and designed to prevent the generation of contaminated runoff or leachate (e.g. through the use of berms).
- b) Drain plugs shall remain closed and dumpsters shall be on an impervious surface such as a concrete pad and located away from the stormwater system catch basins.
- c) ~~Liquids shall not be disposed of in a dumpster. Liquid waste can only be disposed of in a sanitary sewer, recycled, or contained and removed as hazardous waste.~~
- d) All dumpsters shall be leak-tight with tight fitting lids and doors that shall be kept closed and locked to prevent access by rainwater, animals and unauthorized users. A locked fence around the dumpster is also recommended, when practical.
- e) Rainwater surface runoff near the dumpster shall not flow toward any stormwater system catch basins.
- f) Dumpsters or other waste receptacles shall not be washed or hosed out, unless a diversion drain is installed to divert dumpster wash water into a sanitary sewer.
- g) Kitchen and restaurant wastes (e.g. fats, oils, and grease) shall be disposed of in special recycling containers that prevent contents from coming into contact with stormwater runoff.

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D. Hazardous Materials.

1. Hazardous Materials – ~~Minor~~ Incidental

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- a) The following use of hazardous materials is considered ~~minor~~ incidental in the WRPD:
  - Cleaning Agents; household hazardous materials in prepackaged original containers used for cleaning and maintenance of the site and not used in any processing or manufacturing or for any other uses on the site.

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- Retail Sales; household hazardous materials that are for retail sale and are kept in prepackaged original containers of a typical size for household use.
- b) The ~~minor~~ incidental use of hazardous materials in the WRPD shall meet the following requirements:
- Hazardous Materials shall be sold and/or stored within an enclosed building on an impermeable surface.
  - The area where hazardous materials are sold and/or stored shall meet the requirements of Section 6.12-5.D.2.d for floor drains.
  - A spill containment kit and signs for spill notification (typical spill containment kit and notification sign information in Appendix or Other Document) shall be provided within the retail area and storage area of the hazardous materials.
  - A Large-Scale Retail use shall also meet the requirements of Section 6.12-5.D.2.f for Loading/Transfer Areas.
2. Hazardous Materials – ~~Other Than Minor Non-Incidental~~: Any other use, storage, or production of Hazardous Materials in the WRPD shall comply with the following standards:
- a) Enclosed Building: Hazardous materials shall be used and stored within an enclosed building.  
(Exception: See Outdoor Storage Yards for Nurseries, Greenhouses, Retail Garden Supply Stores in Section 6.12-6.I.)
  - b) Floor Surface: The floor where hazardous materials and/or waste are used or stored shall be impermeable and constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material.
  - c) Containment: Hazardous materials shall be stored within an impermeable containment area which is capable of containing at least 110 % of the volume of the largest container of hazardous material present in such an area or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area. Containment measures may include dikes, sumps, or doorway lips or similar structures to inhibit the ability of spilled material to pass through the opening.

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- d) Floor Drains: There shall be no floor drains in areas where hazardous materials are sold, used, or stored unless the site design shall show specific compliance with the following:
- 1) Floor drains shall connect to the sanitary sewer system or to an on-site holding tank or tanks when the discharge contains petroleum-based oil, grease, ~~sand~~ or other harmful or hazardous substances.
  - 2) Interceptors and separators shall be provided when floor drains connect to the sanitary sewer system.
  - 3) Floor drains shall not be connected to a storm sewer, a storm drainage system or a storm building drain.
  - 4) Floor drains shall have trap seals.
  - 5) Floor drains that only accept animal fecal waste and first discharge into a settling tank prior to release into a septic system may be allowed.
  - 6) Floor drains allowed by CT DEEP (in accordance with the "Non-Stormwater Discharges" section of a General Permit for the Discharge of Stormwater Associated with Industrial Activity) shall be allowed.
- e) Discharge: Discharge of production wastewater or any wastewater that may contain hazardous materials shall meet the following requirements:
- 1) All wastewater generated by the use is lawfully disposed through a municipal sewer system.
  - 2) If there is no sewer system the following shall be met:
    - A zero discharge/closed loop system shall be employed where possible or where required by Section X.
    - Where such a system is not possible, liquid hazardous materials or waste shall be collected in tight tanks and removed periodically by a licensed professional. The tanks shall be above ground and comply with design and containment standards of this section.
- f) Loading/Transfer Areas: Any area that may be used for transfer of hazardous materials shall be designed to prevent contaminated storm water runoff and ground water intrusion. Such loading docks (excluding those that allow a vehicle to enter the building) shall be protected with a permanent roof

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Comment [DG21]: May need to add definition for storm building drain

Comment [DG22]: I think this was for screen printing which is now should be permitted with conditions

or other structure that protects the loading dock from direct rainfall.

Depressed loading docks or other sub-grade facilities shall be designed to ensure that hazardous materials are properly collected and disposed of, using appropriate technology such as oil-water separators, subsurface tight tanks, or equivalent.

- g) ~~Rooftop Equipment: Where equipment for heating, ventilation, air conditioning or similar functions shall be installed and periodically serviced on rooftops, these structures shall be surrounded by containment barriers to allow for safe cleanup and minimized contamination of rooftop runoff.~~
- h) Security: Hazardous materials shall be stored in an area that is secured against unauthorized entry by the public.
- i) Fire Protection: Where a use containing hazardous materials poses a significant threat to water quality due to total structure loss because of fire, fire protection measures shall be required including, but not limited to, public water, sprinklers, or chemical extinguishers.
- j) Materials Management Plan: All facilities shall submit to the Town and maintain a Materials Management Plan (Appendix X) that clearly describes the location and methods for the use, storage, recycling and disposal of any hazardous materials on the site. Where any hazardous materials are hauled off-site by a contractor, the facility shall maintain the name and contact information for that contractor.
- k) Spill Preventions and Response Plan: All facilities shall submit to the Town and maintain a Spill Prevention and Response Plan (Appendix X) detailing the measures taken to avoid the unintentional spilling of any hazardous materials and, in the event a spill does occur, the measures that will be taken to adequately respond.

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Comment [DG23]: This is already in previous section under site design for all uses.

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A spill containment kit and signs for spill notification (typical spill containment kit and notification sign information in

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Appendix ~~or Other Document X~~) shall be provided within areas where hazardous materials are used and stored.

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- l) Sewer Lines: Where potential exists for sewers to be used for wastes other than domestic sewerage, or where the sewer line passes through or adjacent to a sensitive resource area including a watercourse, wetland or stratified drift aquifer, the sewer line shall be constructed to a higher class standard to prevent pollution from sewer line failure. Standards shall be determined by the Public Works Department.
- m) Other Requirements: Requirements for hazardous materials are intended to supplement and not to supersede any other applicable requirements of federal, state or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976.

3. Hazardous Materials: Underground Storage Tanks: Underground Storage Tanks (USTs) are not allowed in the WRPD with the exception of the following:

Comment [DG24]: Are there other underground tanks that should be allowed besides the ones listed below? Subservice tight tanks mentioned in 6 12-5 D 2 f , etc

a) Propane Tank: Underground propane tanks are allowed in the WRPD.

Comment [DG25]: Do Propane Tanks need to meet the design standards of d) or are there other standards they should meet?

b) Fuel Dispensing Station: Underground tanks for an approved Fuel Dispensing Station are allowed if design standards in d) are met.

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b)c) Replacement Tank: ~~or for all other uses, no new USTs are allowed. However, the replacement of existing USTs with the same capacity tank shall be allowed if the following requirements design standards in d) are met.~~

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d) Design Standards: All new USTs shall meet the following design standards:

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e)j. The facility shall have an appropriate method of leak detection;

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e)ii. Fill-pipes on tanks shall have means to collect spills from delivery hoses;

e)iii. The tanks shall have overfill protection, such as automatic shutoff devices which activate at 90% UST capacity and restrict flow during deliveries;

e)iv. Tanks and/or piping installed must be double-walled with continuous interstitial monitoring;

6)y. These requirements for USTs are intended to supplement and not to supersede any other applicable requirements of CT's Underground Storage Tank Regulations, inclusive of Sec. 22a-449 (d)-1 (e) (1) and Sec. 22a-449 (d)-104 (d).

6.12-6 Conditions for Specific Uses

Comment [DG26]: Put the conditions in same order as Table

A. Construction, Farm & Heavy Equipment Sales

1. The facility shall be tied in to and use a municipal sanitary sewer system.
2. Repair work or changing of fluids shall take place inside on non-pervious floors, and shall be prohibited outside.
3. Washing of vehicles or equipment shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.
4. No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system or surface waters.
5. No more than 10% of inventory may consist of used vehicles or equipment.

Comment [DG27]: Since we have put S in Table we do not need to this out in conditions otherwise would need to be consistent and call out every use that requires sewers

B. Commercial Agriculture and Home Agriculture

1. All Commercial and Home Agriculture uses shall meet the non-disturbance area requirements of Section 6.12-5.C for all crop fields and animal structures/fields/pastures, especially where runoff enters or leaves the field.
2. All outdoor pasture/recreation areas shall provide fencing along the non-disturbance area border to prevent the escape of the animals into neighboring water bodies or wetlands.
3. All animal wastes excrement shall be properly stored and disposed of, so as not to contaminate nearby water bodies and wetlands. Manure shall be composted in enclosed bins or transported offsite.

Comment [DG28]: Did not have Home Agriculture in previous version. Should remove from Table and this section unless specifically requested by Planning Commission to include

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C. Fuel Dealer

1. All fuel dealers are prohibited with the exception of those who strictly store and vend propane without the use of underground storage tanks and those that meet the definition of "Fuel Dealer without Storage."
2. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

Comment [DG29]: If we allow underground propane tanks as an exception should we allow here?

D. Fuel Dispensing Station

1. Concrete pads at fuel dispensing stations shall have containment grooves that can trap and facilitate the recovery of spilled gasoline or other hazardous materials.
2. Fueling areas shall be covered with a roof or canopy to prevent stormwater runoff from washing away pollutants. The cover shall not drain into the fueling area.
3. The area around the fueling island shall be graded or curbing installed to prevent stormwater from flowing onto the area and becoming contaminated.
4. Fueling areas shall not be cleaned with water, but with dry methods such as spot cleaning with absorbents or mechanical sweepers.
5. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
6. Any Fuel Dispensing Station that also includes Vehicle Service and Repair, Minor shall follow the conditions for that use in addition to these conditions.

E. Kennel, Commercial

1. Dipping is prohibited outside of the building.
2. Outside runs shall be roofed and outside runs and fenced recreation areas are not allowed in flood zones or the non-disturbance area.

3. Excrement shall be removed from each run and recreation area at least once daily.
4. Swales or drains shall be required to direct stormwater away from runs.
5. A list of chemicals and cleaning agents to be used shall be provided. Handling of these chemicals and cleaning agents shall be managed in accordance with Sec. 6-12.5.D for hazardous materials.

F. Light Industrial

1. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

G. Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor

1. The facility shall be tied in to and use a sewer system.
2. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
3. Repair work or changing of fluids shall take place inside on non-pervious floors, and shall be prohibited outside.
4. Washing of vehicles or equipment shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.
5. No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system or surface waters.
6. No more than 10% of inventory may consist of used vehicles or equipment.

H. Nurseries and Greenhouses, Commercial

*(See Outdoor Storage Yards for nurseries, greenhouses, retail garden supply stores or similar uses or activities)*

I. Outdoor Storage Yards for nurseries, greenhouses, retail garden supply stores or similar uses or activities

Comment [DG30]: Need a different Section and conditions for Outdoor Storage Yards that are not part of this

1. Outdoor storage of any hazardous materials, other than as described below, shall be prohibited.
2. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
3. Runoff from areas where plants are regularly watered shall be recaptured and recycled or directed to areas where the water will be pre-treated before disposal to mitigate impacts from pesticides, fertilizers, or other harmful constituents.
4. Where such runoff is directed to outdoor stormwater management facilities, the applicant must demonstrate that the runoff volume and pollutant removal calculations account for the addition of this source.
5. Bulk storage of fertilizers, pesticides, herbicides and other typical products shall remain in their original package, and shall be stored in a contained area, under permanent cover, and on an impermeable surface with no floor drains. The storage area shall be designed so that any drainage from the area shall not enter the storm drainage system or any wetlands.

J. Riding or Boarding Stable

1. Manure ~~should~~ **shall** be collected daily then contained and covered. Such manure, temporarily stored prior to removal off-site, ~~should~~ **shall** be covered with a waterproof cover on an impermeable surface to prevent liquid waste runoff and discharge to the ground. Manure storage areas ~~should~~ **shall** be designed to hold all manure collected prior to disposal and shall be located outside of the non-disturbance area.
2. Roof water shall be directed away from stable areas.
3. Uncontaminated surface runoff shall be directed away from stables, riding arenas, manure storage areas, ~~and~~ exercise areas ~~and wastewater storage ponds.~~

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4. Fencing shall be used to prevent horses from congregating in poorly drained areas.
5. Wash-down and runoff from stables shall be directed to adequately designed septic tank systems or connected to a sewer system.

K. Transit Stations and Hubs

1. Passenger train stations are allowed so long as there is no outdoor storage or maintenance of vehicles, trains, and other equipment.
2. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

L. Vehicle Dealers (New)

*(See Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor)*

M. Vehicle Repair & Service, Minor

*(See Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor)*

N. Vehicle Washing Facility

1. The facility shall be tied in to and use a sewer system.
2. Washing of vehicles shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.
3. No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system or surface waters.
4. All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

O. Veterinary Services

1. Should any activities with animals be conducted outside, they shall follow the conditions for Commercial Kennels under Sec. 6.12-6.D.

P. Warehouse and Distribution

1. Where Warehouse and Distribution is a primary use, no outdoor storage of any kind is allowed.

#### 6.12-7 Nonconforming Uses

- A. Expansion of Prohibited Uses. Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to expand subject to approval of a special permit by the Zoning Commission, and a site plan approval by the Planning Commission, or administrative site plan approval by OPDS staff, whichever is appropriate, and the following conditions:

1. The proposed expansion shall not exceed an increase of more than 50% of the developed area of the parcel previously dedicated to the prohibited use, whether indoor gross floor area, outdoor developed area, or both. Any prohibited use that that had already fully taken advantage of this expansion provision prior to the update to these Zoning Regulations [Add Date] may expand an additional 10% based on the original size of the prohibited use, so long as they meet the other requirements contained in the general and/or specific performance standards of these WRPD regulations.
2. The proposed expansion shall not create any new dimensional non-conformity nor increase an existing dimensional non-conformity.
3. The applicant shall demonstrate to the Zoning Commission's satisfaction that the proposed expansion shall not in any way pose more of a threat to the existing or future water supply source than does the existing prohibited use.
4. All other requirements contained in the general and/or specific performance standards of these WRPD regulations must be met by the proposed expansion applied for under this provision, and pose the same or less of a threat to the existing or future water supply source than does the existing prohibited use due to enhanced employment of best management practices.

Comment [DG31]: ZC should decide if 10% is appropriate

- B. Relocation of Non-Permitted Uses. Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to relocate to other sites in the WRPD which have access to municipal sewer subject to approval of a special permit from

the Zoning Commission, and a site plan approval by the Planning Commission, or administrative site plan approval by OPDS staff, whichever is appropriate, and the following conditions:

1. The proposed relocation shall not result in an increase of more than 50% of the developed area of the parcel previously dedicated to the prohibited use, whether indoor gross floor area, outdoor developed area, or both.
2. The applicant shall demonstrate to the Zoning Commission's satisfaction that the proposed relocation shall pose less of a threat to the existing or future water supply source than does the existing prohibited use due to the new site's physical characteristics, location, and employment of best management practices.
3. All other general and specific performance standards of the WRPD must be met by the proposed relocation applied for under this provision. Once the non-permitted use is relocated, prior to the issuance of a Certificate of Occupancy at the new site, the non-permitted use at the old site shall cease. In no way shall this regulation result in the establishment of or the continued maintenance of a prohibited use at the old site.
4. After grant of special permit and prior to approval of the site plan by the Planning Commission or staff, soils at the old site shall be tested by a state certified laboratory and test results reported to the Town and DEEP.
5. The old site shall be cleaned of any soil contamination found, and debris and other old underground tanks shall be removed, prior to the issuance of a Certificate of Occupancy at the new site. If the removal operation is under way but not completed at the time the use is ready to open for business at the new site, a bond may be posted for the remaining cleanup effort prior to issuance of a Certificate of Occupancy subject to Planning Commission approval.
6. Upon recording of the special permit in Land Records, a statement shall be recorded in Land Records, indexed by the address of the old site, stating that during the time the WRPD overlays the site, the old site cannot be converted back to a prohibited use.

7. The application shall include a statement from the owner of the property where the old use is located noting ~~his~~ their understanding that once the use is relocated to the new site, the old site cannot be converted back to a prohibited use while overlain by the WRPD.

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- C. Alteration of Prohibited Uses. Alteration includes any repair or replacement of an existing site element that will change provisions for hazardous materials storage (without increasing the amount of storage), or trigger the need for additional erosion and sediment control measures per Section 6.12-5.A, and/or stormwater management measures per Section 6.12-5.B (without increasing the footprint or intensity of the use). Alteration does not include the expansion of a prohibited use as regulated in 6.12-7.A.
  1. Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to alter specific site elements subject to Site Plan Approval from the Planning Commission.
  2. The alteration shall be performed in a manner that brings that part of the site into greater conformity with the applicable general and/or specific performance standards related to the WRPD.
  3. The proposed alteration shall not create any new dimensional non-conformity nor increase an existing dimensional non-conformity.

**Changes with responses to comments from Groton Utilities, Staff and Zoning Commission.****6.12 Water Resource Protection District****6.12-1 Statement of Intent**

Creation of this district is deemed essential to protect water supply sources in the Town and is promulgated under the following Connecticut General Statutes: 25-32 f, 25-32 g, 8-2 and 8-23 3(d). As groundwaters and surface waters have been shown to be easily, and in many cases, irrevocably contaminated by many common land uses, it is imperative that all reasonable controls over land use, waste disposal, and material storage be exercised within this district. This district is designed to protect the following existing and future water supply resources: extensive stratified drift aquifers, surface water reservoirs, and areas of future water supply.

**6.12-2 Establishment of District**

The Water Resource Protection District (WRPD) is herein established as an overlay district. The boundaries of this district are those shown on the map entitled Town of Groton Zoning on file with the Town Clerk and the Office of Planning and Development Services. The district includes all land over and upgradient of the current and future water supply resources as defined by the watershed drainage boundaries.

**6.12-3 Definitions**

The following definitions apply only in relation to the WRPD, and shall not be applied to any other section of these Zoning Regulations.

**6.12-3.A AGRICULTURAL, ANIMAL AND FOOD.**

**AGRICULTURE, COMMERCIAL:** The production principally for the sale to others of plants, animals, or their products including, but not limited to: forage and sod crops, dairy animals and dairy products, livestock, including dairy, beef cattle, poultry, sheep, swine, horses and goats; including the breeding and grazing of all such animals, bees and apiary products; fruits and vegetables; nursery, floral, ornamental and greenhouse products; and Christmas trees. Commercial agriculture may be conducted indoors or outdoors, and shall not include animal feedlots operations, aquaculture, forestry and/or timber production.

**KENNEL:** Any lot on which 4 or more pets, six months old or older, are available for sale or boarded for compensation.

**LIVESTOCK:** Any apian, avian, bovine, equine, caprine, ovine, camelid, porcine, poultry, leporine, or other animal that is raised for production of food or fiber, or is used primarily for work, commerce, or exhibition. Such animals that are kept simply for companionship or enjoyment but that do not meet the definition of “pet” herein shall still be considered livestock. This definition also does not include wild animals.

**NURSERIES AND GREENHOUSES, COMMERCIAL:** Any business involved in the cultivation and sale of nursery products including living tree, plant or other flora, whether or not grown on site, and any products or materials ordinarily and necessarily associated with the growing of said tree, plant or other flora, including, but not limited to, soil, mulch, fertilizer, growing containers and water delivery systems. It may include ancillary sale of decorative materials such as paving stones and lawn ornaments, but may not include machinery, or equipment such as tractors or lawn mowers.

**PET:** A domesticated animal such as a dog, cat, common cage bird, rodent, rabbit, ferret, or aquarium-kept fish, reptile, or amphibian, which is traditionally kept in the home for companionship or enjoyment rather than for utility or commercial purposes. Does not include livestock and wild animals.

**RIDING OR BOARDING STABLE:** A riding or boarding stable open to the general public, including: boarding and training of equines and/or camelids; riding instruction; and fields or arenas used for events.

**VETERINARY SERVICE:** An establishment of a licensed practitioner primarily engaged in the practice of veterinary medicine, dentistry or surgery for animals such as horses, rabbits, dogs, cats, and birds and other pets with overnight keeping of animals which require continued medical attention.

**WILD ANIMAL:** Any member of the animal kingdom, other than humans, that is capable of sustaining itself in its native habitat, was not born in captivity, and is not domesticated. Does not include livestock or pets.

#### 6.12-3.B HEALTH FACILITIES.

**HOSPITAL/EMERGENCY TREATMENT CENTER:** A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity, or physical condition. Such facility may include overnight accommodations for patients, ancillary services such as

pharmacies, cafeterias and gift shops, and emergency room facilities with accommodations for ambulance traffic.

**MEDICAL/HEALTH CARE PROFESSIONAL OFFICE/CLINIC:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by one or a group of physicians, dentists, other health care professionals, or similar professions. Such facility may include ancillary laboratory, rehabilitation and pharmacy services.

**MEDICAL LABORATORY:** A building or group of buildings in which are located facilities for the analysis of blood, tissue, or other human medical products.

#### 6.12-3.C INDUSTRIAL.

**ALCOHOLIC BEVERAGE PRODUCTION:** A facility used for the commercial purpose of processing grapes, other fruit products, grains or vegetables to produce wine, beer or spirits. Processing includes wholesale sales, crushing, brewing, distilling, fermenting, blending, aging, storage, bottling, administrative office functions and warehousing. Retail sales and tasting facilities of wine, beer, spirits and related promotional items, as well as a café with limited food service, may be permitted as part of any winery, brewery or distillery operations.

**HEAVY INDUSTRIAL:** Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions.

**LAUNDRY, COMMERCIAL:** A building, portion of a building, or premises used or intended to be used for the commercial-scale cleaning of fabrics, textiles, wearing apparel, or articles of any sort, without the use of dry cleaning chemicals.

**LIGHT INDUSTRIAL:** A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.

**OUTDOOR STORAGE YARD:** A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging large finished goods and equipment, or scrap or discarded material, goods, or equipment.

**WAREHOUSE AND DISTRIBUTION:** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations. This definition includes parking lots for overnight truck, railcar or shipping container storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies. May include intermodal distribution facilities for a mix of truck, rail, or shipping transport.

6.12-3.D RETAIL.

**RETAIL:** A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

**RETAIL, LARGE-SCALE:** A single user commercial building, having a gross floor area of 40,000 square feet or greater, generally serving local, Town and regional consumer needs.

6.12-3.E SERVICES.

**CEMETARY:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbariums, crematoriums, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

**FUNERAL AND CREMATORY SERVICES:** An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, columbariums, and other permanent storage of human remains. The facility may include a chapel for the conduct of funeral services and other spaces for funeral services and informal gatherings or display of funeral equipment.

6.12-3.F TRANSPORTATION, COMMUNICATIONS, AND UTILITIES.

**TRANSIT STATIONS AND HUBS:** Any property, equipment and improvements used, maintained and operated to provide public or private mass transportation for passengers and their luggage, including bus, rail, air, and ferry services, as well as associated passenger parking.

May also include related ticketing sales and offices and accessory retail sales of food and sundries. This definition does not include curbside bus stops, with or without shelters.

**UTILITY INFRASTRUCTURE:** The structures necessary to deliver services essential to the health, safety, and general welfare of the public, which may be provided by a public or a private agency.

6.12-3.G VEHICLE & HEAVY EQUIPMENT.

**BUS AND LIMOUSINE GARAGE AND MAINTENANCE:** Any lot or land area used for the storage, layover, maintenance or repair of limousines, passenger buses or motor coaches.

**CONSTRUCTION, FARM, AND HEAVY EQUIPMENT RENTALS:** The use of any building, land area, or other premises or portion thereof, for the display and rental or lease of tractors or construction and heavy equipment, including incidental parking and servicing of associated vehicles and equipment.

**CONSTRUCTION, FARM, AND HEAVY EQUIPMENT SALES:** The use of any building, land area, or other premises or portion thereof, for the display and sale of tractors or construction and heavy equipment, including incidental parking and servicing of associated vehicles and equipment.

**CONTRACTOR VEHICLE PARKING AND CONSTRUCTION EQUIPMENT STORAGE:** The storage of a contractor's construction equipment and the parking of a contractor's commercial vehicle(s), as a primary, industrial use.

**FUEL DEALER WITH STORAGE:** A business that sells and delivers fuel to residential, institutions and businesses and may also provide ancillary services such as equipment repair, cleaning, and maintenance. May include indoor office, truck storage, and fuel storage facilities.

**FUEL DEALER WITHOUT STORAGE:** A business that sells and delivers fuel to residential, institutions and businesses and may also provide ancillary services such as equipment repair, cleaning, and maintenance. May include indoor office and storage space for one fuel delivery truck, but no other fuel storage facilities.

**FUEL DISPENSING STATION:** Any lot or parcel of land or portion thereof used partly or entirely for dispensing flammable liquids, combustible

liquids, liquefied flammable gas, or flammable gas into the fuel tanks of vehicles. This does not include bulk storage and wholesale of liquid fuels. May also include, separately or in conjunction, electric fuel stations for electric and hybrid plug-in vehicles.

**MARINE CRAFT AND EQUIPMENT SALES AND RENTALS:** A marine-oriented retail sales, rental and service facility.

**VEHICLE DEALERS (NEW):** The use of any building, land area, or other premises or portion thereof, for the display, sale, lease, or service of new automobiles and/or other vehicles.

**VEHICLE DEALERS (USED):** The use of any building, land area, or other premises or portion thereof, for the display, sale, lease, or service of used automobiles and/or other vehicles.

**VEHICLE REPAIR AND SERVICE, MAJOR:** Repair of construction equipment, commercial trucks, agricultural implements, and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

**VEHICLE REPAIR AND SERVICE, MINOR:** The business of minor repairs to any vehicle, including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers, ignition systems, and mufflers.

**VEHICLE WASHING FACILITY:** A commercial establishment for washing, polishing and/or detailing vehicles.

#### 6.12-3.H OTHER DEFINITIONS.

**PERENNIAL WATERCOURSE:** A stream or river that has continuous flow in parts of its stream bed all year round during years of normal rainfall.

**STORM BUILDING DRAIN:** A building drain that conducts storm water and is connected at its upstream end to a leader, sump or catch basin, and at its downstream end to a building sewer or a designated storm water disposal location.

**WATERBODIES:** Any body of water, including any creek, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

**WATERCOURSE:** A channel in which a flow of water occurs, either continuously or intermittently, and in the latter, with some degree of regularity. Such flow must be in a definite direction and cover a prescribed area. Watercourses may be either natural or artificial, and both may occur either on the surface or underground.

#### 6.12-4 Divided Lots and Determination of Applicability

##### 6.12-4.A. Applicability.

Where the boundary line of the WRPD divides a lot or parcel, the requirements established by this regulation shall apply only to the portion of the lot or parcel located within the WRPD.

##### 6.12-4.B Separation.

Where a lot is divided by the WRPD boundary line, applicants shall demonstrate, through the use of site plans, that development activity outside of the boundary shall not be connected to land within the boundary in such a way that could lead to the contamination of groundwater, wetlands, or surface waters within the WRPD.

##### 6.12-4.C Determination of Applicability.

If an applicant questions the accuracy of the WRPD boundary as presented on the Zoning Map, the applicant may request an interpretation of the map from the Zoning Official per section 3.3-4 or may amend the zoning map per section 8.2 of these regulations.

##### 6.12-4.D Application.

Where an applicant files for a zoning map change to move the WRPD boundary, the burden of proof shall be upon the applicant to determine the extent to which the boundary covers the subject property. An application, in accordance with the process for Zoning Amendments in Section 8.2, and a plan signed by a professional engineer or State of Connecticut registered Land Surveyor shall be submitted to determine more accurately the boundaries of the district with respect to individual parcels of land. The plan(s) shall include the following information.

1. General Plan Information

- a) Name and address of the applicant and current owner as listed on the Town's tax rolls.
- b) Date, north arrow, and numerical and graphical scale on each map.
- c) The property address and/or parcel identification number.
- d) Location Map

2. Vicinity Map – Applications shall include an accurate scale vicinity map showing the subject property and all property and streets within 1,000 feet of any part of the subject property, and the following information:

- a) All lots and lot lines.
- b) All zoning district boundaries including the WRPD.
- c) All existing streets and roads with associated names.

3. Proposed WRPD Boundary Plan

- a) Plan(s) shown at the extent and scale required to demonstrate the justification for a determination of applicability and shows information within 200 feet from the boundary of the subject property.
- b) Existing and proposed WRPD boundary lines.
- c) Topography field survey information shown with two-foot contours or greater detail necessary to support requested modification.
- d) Arrows indicating the direction of overland flow that demonstrate the need to adjust the applicability of the WRPD on the subject site.
- e) All existing drainage structures and direction of stormwater flow.

## 6.12-5 Use Regulations

### 6.12-5.A. Allowed Uses.

Allowable uses within the WRPD are all those listed as allowed in the underlying zone in the Land Use Table per Section 5.1-3 of these regulations that do NOT have any WRPD prohibitions or specific conditions associated with the use.

Allowable uses within the WRPD are required to meet the General Performance Standards for:

- Erosion and Sediment Control (6.12-6)
- Stormwater Management (6.12-7)
- Site Design (6.12-8)
- Hazardous Materials (6.12-9)

### 6.12-5.B. Exempt Uses or Activities.

The following uses and activities are specifically exempt from the General Performance Standards related to the WRPD overlay district.

1. Any pollution treatment facilities exclusively designed for the temporary treatment of contaminated ground or surface water.
2. Repair and replacement of existing drainage structures and pipe.
3. Activities exclusively limited to municipal maintenance, improvements, or expansions to public roads.
4. Normal operation and maintenance by water companies (as defined by CGS 16-1) of existing water bodies and dams, and other water control, supply and conservation devices related to reservoirs and public drinking water supply.
5. Construction, maintenance, repair, and enlargement of ancillary drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. This exemption does not include new or expanded buildings, parking lots or facility site construction activities.
6. The construction of one-family or two-family dwellings, either within a subdivision or on lots not subject to subdivision review.

#### 6.12-5.C Prohibited Uses and Activities

1. Categorical Prohibited Activities – The following activities are ***prohibited*** in the WRPD across any and all use categories:
  - a) The establishment of any industrial, commercial, or other enterprise in which the manufacture, use, storage, transport, process or disposal of hazardous waste is a principal activity.
  - b) Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater, unless specifically exempt.
  - c) Establishment of septage lagoons.
  - d) Stockpiling of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads.
  - e) Stockpiling and disposal of snow or ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads which has been removed from highways and streets located outside of the WRPD.
2. Prohibited Uses - Uses specifically prohibited in the WRPD are listed in Table 6.12-1.

#### 6.12-5.D Conditional Uses

Table 6.12-1 shows uses that are only allowed in the WRPD if on sewers and other conditional uses that are allowed if specific conditions in Section 6.12-10 for each use can be met.

These uses within the WRPD are also required to meet the General Performance Standards for:

- Erosion and Sediment Control (6.12-6)
- Stormwater Management (6.12-7)
- Site Design (6.12-8)
- Hazardous Materials (6.12-9)

**Table 6.12-1: WRPD Prohibited Uses and Uses with Specific Conditions**

Key: S = Use Allowed if on Sewer  
 C = Use Allowed with Specific Conditions (See Section 6.12-10 for Conditions)  
 X = Use Prohibited

USE, ALLOWANCE & LOCATION OF CONDITIONS	CONCERNS
<b>AGRICULTURAL, ANIMAL AND FOOD</b>	
Agriculture, Commercial	C 6.12-10.A.1 Pesticides, animal waste, fuel storage, hazards associated with heavy equipment.
Kennel, Commercial	C 6.12-10.A.2 Animal waste
Nurseries and Greenhouses, Commercial	C 6.12-10.A.3 Pesticides, fuel storage and related hazards associated with heavy equipment.
Riding or Boarding Stable	C 6.12-10.A.4 Animal waste
Veterinary Services	C 6.12-10.A.5 S Animal waste, medical waste, hazardous chemicals.
Pet Grooming	S Hazardous chemicals, ancillary animal waste.
<b>HEALTH FACILITIES</b>	
Hospital/Emergency Treatment Center	S Hazardous chemicals, bodily fluids, medical waste.
Medical/Health Care Professional Office/Clinic	S Hazardous chemicals, bodily fluids, medical waste.
<b>INDUSTRIAL</b>	
Alcoholic Beverage Production	S
Heavy Industrial	X Storage, use & production of chemicals, equipment cleaning and maintenance, hazardous waste generation, machine shops. Organic and inorganic chemicals, heavy metals, chlorinated solvents, strong acids and alkalis, dyes, paint and thinner wastes, waste oils, phenols, PCBs, cyanides, metals, hydrocarbons.

Light Industrial ( <i>except for the specific activities below, which have further restrictions</i> )	C 6.12-10.B.1 S	Storage and use of ink chemicals, equipment cleaning, engraving Chlorinated solvents, phenols, hydrocarbon compounds.
▪ Furniture Strippers	X	General use of cleaning solvents, hazardous materials. Chlorinated solvents.
▪ Screen Printing of Clothing	C 6.12-10.B.1	Ink waste, parts cleaning, screen disposal, chemicals and solvents.
Outdoor Storage Yard	C 6.12-10.B.2	Spills, leaks, possible leachate, and runoff during rain storms, from storage of anything hazardous.
Warehouse and Distribution	C 6.12-10.B.3	Spills, leaks, possible leachate from storage of anything hazardous.
<b>RETAIL</b>		
Retail Establishment		
▪ With any outdoor storage or display of hazardous materials as defined in 40 CFR 302.4 and herein. (Indoor storage of hazardous materials will follow the standards for Section 6.12-9.)	X	Large volumes of various materials and products handled, stored and distributed that might contaminate groundwater as a result of accidents, poor management practices, flooding or fires. Solvents, organic and inorganic chemicals, and hydrocarbon contamination threats.
▪ Retail Garden Supply Stores	C 6.12-10.B.2	
<b>SERVICES</b>		
Cemetery (new)	X	Embalming fluids, varnishes, sealers and preservatives for wood coffins, mercury from medical implants in the deceased.
Beauty & Barber Services and Day Spas	S	Various chemicals, including solvents, formaldehyde, biocides, and acrylates. Dyes, bleaching agents, polish, etc.
Funeral and Crematory Services (with on site embalming)	X	Embalming fluids
Laundry, Commercial	S	Cleaning agents and solvents.
Pest Control Services	X	Storage & mixing of chemicals, equipment cleaning, equipment fueling and

		<p>maintenance. Various pesticides.</p>
<b>Other Services</b>		
<p>▪ Any other service with outdoor storage or display of hazardous materials as defined in 40 CFR 302.4 and herein. (Indoor storage of hazardous materials will follow the standards for Section 6.12-9.)</p>	X	<p>Materials and products handled, stored and distributed that might contaminate groundwater as a result of accidents, poor management practices, flooding or fires. Solvents, organic and inorganic chemicals, and hydrocarbon contamination threats.</p>
<b>TRANSPORTATION, COMMUNICATIONS, AND UTILITIES</b>		
Airport	X	Fuel storage, leaks and drips of various solvents, brake and transmission fluids.
Transit Stations and Hubs	C 6.12-10.C.1	Fuel storage, leaks and drips of various solvents, brake and transmission fluids.
<b>Utility Infrastructure</b>		
<p>▪ Power Plants</p>	X	Risks associated with fuel storage /use, large quantities of waste generation, machine shops, equipment maintenance.
<p>▪ Sewer Treatment Plants</p>	X	Human waste, treatment chemicals, storm water runoff.
<b>VEHICLE &amp; HEAVY EQUIPMENT</b>		
Bus & Limousine Garage and Maintenance	X	Fuel storage, use/storage of oils, paints, thinners, solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Construction, Farm & Heavy Equipment Rentals	X	Fuel storage, use/storage of oils, paints, thinners, solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Construction, Farm & Heavy Equipment Sales	C 6.12-10.D.1	Fuel storage, use/storage of oils, paints, thinners, solvents, brake and transmission fluids. Hydrocarbons, solvents,

	S	benzene
Contractor Vehicle Parking and Construction Equipment Storage (does not include Contractor Vehicle Parking and Construction Equipment Storage, Residential)	X	Fuel storage, use/storage of oils, paints, thinners, solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Fuel Dealer	C 6.12- 10.D.2	Leaks, drips, ruptures of tanks, pipelines or joints. Hydrocarbons, benzenes and other contaminants. Liquid fuel hazardous material.
Fuel Dispensing Station	C 6.12- 10.D.3 S	Leaks, drips, ruptures of tanks, pipelines or joints. Hydrocarbons, benzenes and other contaminants. Liquid fuel hazardous material.
Marine Craft & Equipment Display and Sales	C 6.12- 10.D.4 S	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Vehicle Dealers (New)	C 6.12- 10.D.5 S	Fuel storage, leaks and drips of various solvents, brake and transmission fluids.
Vehicle Dealers (Used)	X	Fuel storage, leaks and drips of various solvents, brake and transmission fluids.
Vehicle Repair & Service, Major	X	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Vehicle Repair & Service, Minor	C 6.12- 10.D.6 S	Fuel storage, use & storage of oils, paints, thinners, various solvents, brake and transmission fluids. Hydrocarbons, solvents, benzene
Vehicle Washing Facility	C 6.12- 10.D.7 S	Wastewater discharge, acid based wheel cleaner, other cleansers and solvents.

#### 6.12-6 Erosion and Sediment Control Performance Standards

All uses and activities within the WRPD shall be subject to the following performance standards unless specifically exempt under Section 6.12-5.B.

##### 6.12-6.A. Large Scale Disturbances

The requirements of Section 6.11 Erosion and Sediment (E&S) Control Plan shall apply to any proposed construction activity that will disturb more than 2,000 square feet of a site.

##### 6.12-6.B. Small Scale Disturbances

Where an applicant proposes to disturb 2,000 square feet of land or less, the applicant shall specify the manner in which E&S controls will be used during construction through Site Plan Review. The Town will approve these measures where site plans show E&S control measures located appropriately and where the selection of best management practices is consistent with the Measure Selection Matrix provided in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (as amended). (See Appendix A)

#### 6.12-7 Stormwater Management.

All uses and activities within the WRPD shall be subject to the following performance standards unless specifically exempt under Section 6.12-5.B.

##### 6.12-7.A. Stormwater Management Objectives.

The Town of Groton herein requires stormwater management practices for the WRPD specifically designed and maintained to achieve the following objectives:

1. To achieve the pre-construction hydrologic conditions on-site through the use of stormwater Best Management Practices (BMPs) to the maximum extent practicable.
2. To minimize impacts to the quality of surface water streams, ponds, and wetlands within the WRPD.
3. To minimize impacts to the quality of groundwater within the WRPD.

##### 6.12-7.B. New Development and Redevelopment/Expansion

1. New Development - All new development shall conform in its entirety with the standards and requirements provided in Subsections 7.C, 7.D and 7.E, below.

2. Redevelopment or Expansion - The redevelopment or expansion of an existing site shall comply with the following:
  - a) New Impervious Cover - Shall meet the standards and requirements for new development in Subsections 7.C, 7.D and 7.E.
  - b) Existing Impervious Cover - Shall comply with all standards and requirements in Subsection 7.C. Shall also comply with Subsection 7.D by meeting at least one of the following standards and requirements:
    - Reduce the total impervious cover by 40% from existing conditions; or
    - Where site conditions prevent a reduction in impervious cover, implement stormwater controls that reduce runoff or improve water quality for at least 40% of the site's existing impervious cover; or
    - Implement a combination of impervious cover reduction and area treated with stormwater controls that shall equal or exceed 40% of the site's existing impervious cover.

6.12-7.C. Runoff Discharge

1. Stormwater management systems shall be designed to ensure there is no net increase in the peak rate of runoff over pre-developed conditions for the 1, 2, 5, 10, 25, and 100-year storms.
2. The use of underground drywells or leaching trenches is not allowed for any stormwater from any areas except from rooftops in conformance with Section 6.12-8.D.
3. Stormwater discharges from rooftops shall not be directed to impervious surfaces. The stormwater shall discharge to the ground or to other stormwater facilities in compliance with section 6.12-8.D.
4. Site Plans shall identify the water body and/or wetlands that directly receive stormwater runoff from the site predevelopment. All stormwater shall be directed to the same wetland or watercourse system that received the stormwater in predevelopment conditions to the greatest extent practicable.
5. Stormwater discharges shall terminate at least 100' from all perennial watercourses, waterbodies, and the directly adjacent wetlands in the

watershed, unless a modification is approved by the Planning Commission due to the geometry of the lot, topographic conditions, or other physical constraints and where the applicant can clearly demonstrate that this reduction complies with other stormwater management standards and is consistent with the stormwater management objectives of the WRPD.

#### 6.12-7.D. Water Quality Treatment

1. Stormwater discharges to wetlands or watercourses shall be treated first by a sequence of Best Management Practices (BMPs) and/or Best Available Technologies (BATs) designed to remove 85% of total suspended solids, 60% of pathogens, 30% of phosphorous and 30% of nitrogen from runoff generated from the first inch of rainfall. Pollutant removal efficiencies will be determined using Appendix B of the Zoning Regulations and compliance information shall be submitted with the application. Where proprietary structural BMPs are proposed, performance data for those BMPs shall be submitted as part of an application and must be approved by the Town.
2. Grease, oil, and other floating liquid/solid separators shall be incorporated into the stormwater management system for all parking lots and for any other areas of the site that has a piped stormwater system and the potential for such pollution.
3. Pervious pavement, porous asphalt, gravel surfaces, or other similar practices shall not be used except for areas used exclusively for pedestrian traffic or activities or for non-motorized vehicles.
4. Unless otherwise specified in Section 6.12-10 (Conditions for Specific Uses), the drainage design shall maximize overland flow of stormwater prior to discharge to wetlands or watercourses. This may be accomplished by the elimination of curbing, provision of leak-offs, the use of grassed swales and/or use of other best management practices to promote stormwater renovation, reduce point discharges, and reduce the discharge of heavy metals and nutrients. Vegetated stormwater best management practices shall be integrated into the treatment sequence to the maximum extent practicable.

#### 6.12-7.E. Selection of BMPs

Stormwater management facilities shall be selected to meet the Stormwater Management Objectives listed in Subsection 7.A above, and to achieve compliance with Subsections 7.B through 7.D. The selection and design of

stormwater management practices shall be consistent with the guidance provided in the 2004 Connecticut Stormwater Quality Manual, as amended, particularly including all criteria for water supply aquifers. The project narrative shall explain how and why the BMPs were selected and evaluate consistency with the following sections of the 2004 Connecticut Stormwater Quality Manual (Appendix C):

1. Stormwater Management Effectiveness (Table 8-1, Pg 8-3)
2. Land Use Selection (Table 8-2, Pg 8-4)
3. Physical Feasibility (Table 8-3, Pg 8-7)
4. Downstream Resource (Table 8-4, Pgs 8-8 & 8-9)

#### 6.12-8 Site Design.

All lots within the WRPD shall be subject to the following site design standards unless the use is specifically exempt under Section 6.12-5.B. Specifically for this subsection, in the instances where the underlying zone requirements are different, the more stringent shall apply.

##### 6.12-8.A. Impervious Surface

Total impervious surface area shall not exceed 70% of total lot area. Where lots are 200,000 sq ft, 10 acres or greater, total impervious surface area shall not exceed 50% of total lot area.

##### 6.12-8.B. Vegetated Area

1. New Development: On newly developed sites, a minimum of 20% of total lot area shall be retained in its natural state with no more than minor removal of existing trees and vegetation.
  - a) Disturbance of Vegetated Area: Areas within this 20% minimum that should not be disturbed include 100-year flood plains, slopes in excess of 25 percent, and non-disturbance areas for wetlands and surface water bodies. An applicant may propose a minor disturbance or removal of existing vegetation where damaged or dead vegetation is present in significant quantity, or where the removal/management of invasive or otherwise harmful plant species is proposed. A revegetation plan that specifies native, to the extent practicable, and non-invasive plants shall be required.

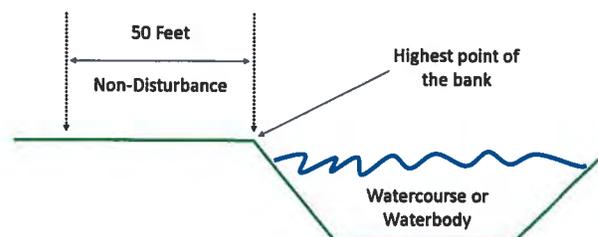
- b) **Landscape and Buffer Requirements:** All lots must comply with the landscaping, screening, and buffer standards of Section 7.4. Areas used for the buffering required by Section 7.4-4 may count toward the 20% vegetated minimum required within the WRPD so long as they are left in their natural state, as described above, and meet Section 7.4-4.C. Areas used to meet the requirements of Section 7.4-3 for front yards and Section 7.4-5 for parking areas, including all lawns, manicured plantings, new trees, planter boxes, and other such landscaping, may NOT count toward the 20% vegetated minimum.
- c) **Restoration:** On those sites where previous land disturbance has occurred, this 20% minimum may include restored land that is re-vegetated with non-invasive plant species appropriate for the site and soil conditions in keeping with the intent of this regulation.

2. Existing Development:

- a) Sites with existing development where at least 20% of the area is in a natural state or suitable for restoration shall comply with the requirements for vegetated area for new development above.
- b) Sites with existing development where currently less than 20 % of the area is in a natural state or suitable for restoration shall comply with the following:
- There shall be no decrease in the amount of landscaped or naturally vegetated area currently on the site.
  - A restoration and landscape plan shall be submitted that addresses removal of invasive species and re-vegetation with native species, to the extent practicable, and enhancement of all existing landscaped areas and natural areas with additional plantings and with best management and technology practices that use site stormwater for enrichment of these areas.

6.12-8.C. Non-Disturbance Area

A minimum 50-foot non-disturbance area shall be maintained between perennial watercourses, waterbodies, and directly adjacent wetlands and the developed land area. This non-disturbance area shall be measured from the top edge of the watercourse or waterbody bank or from the edge of the



wetland, whichever provides a greater area.

1. **Modification or Reduction:** In those areas where extreme topographic or landscape irregularity exists along water resource boundaries, the non-disturbance area may be modified or reduced by the Planning Commission. In these instances, the applicant must identify and justify specific site design measures that will mitigate impacts of a modified or reduced non-disturbance area such as:
  - a) Directing site drainage away from these areas through the use of grading, berms, under drains, swales or other conveyance structures, as long as compliance with Section 6.12-7.C.4 is maintained,
  - b) Increasing the non-disturbance area in other areas along the water resource boundary, or
  - c) Enhancing the proposed non-disturbance area with native and non-invasive plantings.
2. **Septic System:** All components of on-site septic systems, including septic reserve areas, shall be located 100 feet from the edge of any perennial watercourse, waterbody, and directly adjacent wetlands.
3. **Pre-Existing Access Ways or Structures**
  - a) **Access Ways:** The required non-disturbance area may be encroached upon where pre-existing access ways will remain in use and/or require maintenance and/or improvements to meet or maintain the minimum road safety standards for the type of road (private, local, state or federal).
  - b) **Structures:** Pre-existing structures shall be allowed to remain and be maintained in the required non-disturbance area. Enlargement of the structures shall not be allowed.

**6.12-8.D. Equipment**

Where equipment for heating, ventilation, air conditioning or similar functions shall be installed and periodically serviced, these structures shall include containment or be surrounded by containment barriers to allow for safe cleanup of any hazardous materials and minimize contamination of runoff.

**6.12-8.E. Solid Waste Storage, Non-hazardous**

Accessory storage of solid waste (including but not limited to dumpsters), shall be done according to the following standards:

1. **Design of Storage Containers:** Solid waste storage shall occur in a building/structure or within a container with an impermeable cover and designed to prevent the generation of contaminated runoff or leachate. All dumpsters shall be leak-tight with tight fitting lids and doors. Kitchen and restaurant wastes (e.g. fats, oils, and grease) shall be disposed of in special recycling containers that prevent contents from coming into contact with stormwater runoff.
2. **Design of Environment around Storage Containers:** Containers shall be on an impervious surface such as a concrete pad and located away from the stormwater system catch basins. A locked fence around the dumpster is also recommended, when practical. Rainwater surface runoff near the dumpster shall not flow toward any stormwater system catch basins.
3. **Maintenance of Storage Containers:** Dumpsters or other waste receptacles shall not be washed or hosed out, unless a diversion drain is installed to divert dumpster wash water into a sanitary sewer. Lids, doors, and drain plugs shall be kept closed and locked to prevent access by rainwater, animals and unauthorized users as well as discharge from the container.

**6.12-9. Hazardous Materials.****6.12-9.A. Hazardous Materials – Incidental**

1. The following use of hazardous materials is considered incidental in the WRPD:
  - a) **Cleaning Agents:** household hazardous materials in prepackaged original containers used for cleaning and maintenance of the site and not used in any processing or manufacturing or for any other uses on the site.
  - b) **Retail Sales:** household hazardous materials that are for retail sale and are kept in prepackaged original containers of a typical size for household use.

2. The incidental use of hazardous materials in the WRPD shall meet the following requirements:
  - a) Hazardous Materials shall be sold and/or stored within an enclosed building on an impermeable surface.
  - b) The area where hazardous materials are sold and/or stored shall meet the requirements of Section 6.12-9.B.4 for floor drains.
  - c) A spill containment kit and signs for spill notification shall be provided within the retail area and storage area of the hazardous materials. A typical spill containment kit and notification sign may be found in Appendix D.
  - d) A Large-Scale Retail use shall also meet the requirements of Section 6.12-9.B.6 for Loading/Transfer Areas.

6.12-9.B. Hazardous Materials – Non-Incidental

Any other use, storage, or production of Hazardous Materials in the WRPD shall comply with the following standards:

1. Enclosed Building: Hazardous materials shall be used and stored within an enclosed building.  
(Exception: See Outdoor Storage Yards for Nurseries, Greenhouses, Retail Garden Supply Stores in Section 6.12-10.B.2)
2. Floor Surface: The floor where hazardous materials and/or waste are used or stored shall be impermeable and constructed or treated to protect the surface of the floor from deterioration due to spillage of any such material.
3. Containment: Hazardous materials shall be stored within an impermeable containment area which is capable of containing at least 110 % of the volume of the largest container of hazardous material present in such an area or 10% of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area.  
Containment measures may include dikes, sumps, or doorway lips or similar structures to inhibit the ability of spilled material to pass through the opening.

4. **Floor Drains:** There shall be no floor drains in areas where hazardous materials are sold, used, or stored unless the site design shall show specific compliance with the following:
- a) Floor drains shall connect to the sanitary sewer system or to an on-site holding tank or tanks when the discharge contains petroleum-based oil, grease or other harmful or hazardous substances. Such tanks shall have a 1,000 gallon minimum capacity and be installed in accordance with RCSA §22a-449(d)-1.
  - b) Interceptors and separators shall be provided when floor drains connect to the sanitary sewer system.
  - c) Floor drains shall not be connected to a storm sewer, a storm drainage system or a storm building drain.
  - d) Floor drains shall have trap seals.
  - e) Floor drains that only accept animal fecal waste and first discharge into a settling tank prior to release into a septic system may be allowed.
  - f) Floor drains allowed by CT DEEP (in accordance with the “Non-Stormwater Discharges” section of a General Permit for the Discharge of Stormwater Associated with Industrial Activity) shall be allowed.
5. **Discharge:** Discharge of production wastewater or any wastewater that may contain hazardous materials shall meet the following requirements:
- a) All wastewater generated by the use is lawfully disposed through a municipal sewer system.
  - b) If there is no sewer system the following shall be met:
    - A zero discharge/closed loop system shall be employed where possible and where required by Section 6.12-10.B.1 related to Screen Printing.
    - Where such a system is not possible, liquid hazardous materials or waste shall be collected in tight tanks and removed periodically by a licensed professional. The tanks shall be above ground and comply with design and containment standards of this section.

6. Loading/Transfer Areas: Any area that may be used for transfer of hazardous materials shall be designed to prevent contaminated storm water runoff and ground water intrusion. Such loading docks (excluding those that allow a vehicle to enter the building) shall be protected with a permanent roof or other structure that protects the loading dock from direct rainfall.

Depressed loading docks or other sub-grade facilities shall be designed to ensure that hazardous materials are properly collected and disposed of, using appropriate technology such as oil-water separators, subsurface tight tanks, or equivalent. Such tanks shall have a 1,000 gallon minimum capacity and be installed in accordance with RCSA §22a-449(d)-1.

7. Security: Hazardous materials shall be stored in an area that is secured against unauthorized entry by the public.
8. Fire Protection: Where a use containing hazardous materials poses a significant threat to water quality due to total structure loss because of fire, fire protection measures shall be required including, but not limited to, public water, sprinklers, or chemical extinguishers.
9. Materials Management Plan: All facilities shall submit to the Town and maintain a Materials Management Plan that clearly describes the location and methods for the use, storage, recycling and disposal of any hazardous materials on the site. Where any hazardous materials are hauled off-site by a contractor, the facility shall maintain the name and contact information for that contractor. Examples of issues to address in materials management and spill prevention and response plans may be found in Appendix E.
10. Spill Preventions and Response Plan: All facilities shall submit to the Town and maintain a Spill Prevention and Response Plan detailing the measures taken to avoid the unintentional spilling of any hazardous materials and, in the event a spill does occur, the measures that will be taken to adequately respond. Examples of issues to address in materials management and spill prevention and response plans may be found in Appendix E.

A spill containment kit and signs for spill notification shall be provided within areas where hazardous materials are used and stored (Appendix D).

11. Sewer Lines: Where potential exists for sewers to be used for wastes other than domestic sewerage, or where the sewer line passes through or adjacent to a sensitive resource area including a watercourse, wetland or stratified drift aquifer, the sewer line shall be constructed to a higher class standard to prevent pollution from sewer line failure. Standards shall be determined by the Public Works Department.
12. Other Requirements: Requirements for hazardous materials are intended to supplement and not to supersede any other applicable requirements of federal, state or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976.

6.12-9.C. Hazardous Materials: Underground Storage Tanks  
Underground Storage Tanks (USTs) are not allowed in the WRPD with the exception of the following:

*Commentary from the Town: Are there other underground tanks that should be allowed besides the ones listed below? Subservice tight tanks mentioned in 6.12-5.D.2.f., etc.*

*Commentary from HW: There is a difference between tanks used for storage of a product vs. tanks used to capture waste. The latter is not regulated by the UST program. We have added caveats to the Floor Drain (6.12-9.B.4) and Loading (6.12-9.B.6) sections above, noting the CT state regulations that apply to them. For the sake of clarity, we do NOT recommend mentioning non-USTs in this UST section.*

1. Propane Tank: Propane tanks are encouraged to be located above ground, but are allowed to be placed underground within the WRPD with the following conditions:
  - a) Underground propane tanks must be designed for underground use and be installed according to manufacturer specifications.
  - b) Underground tanks shall be wrapped in an anode bag prior to burial, or any other equivalent device that helps prevent tank corrosion.
  - c) The outer surface of the underground tank must have a protective coating and be covered with a material that will not be harmful to the shell of the tank.

*Commentary from the Town: Do Propane Tanks need to meet the design standards of d) or are there other standards they should meet?*

*Commentary from HW: The Town will likely be fine with underground propane tanks, but the new bullets above will add some extra layers of protection.*

- ~~1.2.~~ Fuel Dispensing Station: Underground tanks for an approved Fuel Dispensing Station are allowed if design standards in Subsection C.4 are met.

~~2.3.~~ Replacement Tank: For all other uses, no new USTs are allowed, however, the replacement of existing USTs with the same capacity tank shall be allowed if the design standards in Subsection C.4 are met.

~~3.4.~~ Design Standards: All new USTs shall meet the following design standards:

- a) The facility shall have an appropriate method of leak detection;
- b) Fill-pipes on tanks shall have means to collect spills from delivery hoses;
- c) The tanks shall have overfill protection, such as automatic shutoff devices which activate at 90% UST capacity and restrict flow during deliveries;
- d) Tanks and/or piping installed must be double-walled with continuous interstitial monitoring;
- e) These requirements for USTs are intended to supplement and not to supersede any other applicable requirements of CT's Underground Storage Tank Regulations, inclusive of Sec. 22a-449 (d)-1 (e) (1) and Sec. 22a-449 (d)-104 (d).

#### 6.12-10 Conditions for Specific Uses

##### 6.12-10.A. AGRICULTURAL, ANIMAL AND FOOD

###### 1. Commercial Agriculture

- a) All Commercial Agriculture uses shall meet the non-disturbance area requirements of Section 6.12-8 for all crop fields and animal structures/fields/pastures, especially where runoff enters or leaves the field.
- b) All outdoor pasture/recreation areas shall provide fencing along the non-disturbance area border to prevent the escape of the animals into neighboring water bodies or wetlands.

- c) All animal excrement shall be properly stored and disposed of, so as not to contaminate nearby water bodies and wetlands (e.g., composting in enclosed bins or transporting offsite).

2. Kennel, Commercial

- a) Dipping is prohibited outside of the building.
- b) Outside runs shall be roofed and outside runs and fenced recreation areas are not allowed in flood zones or the non-disturbance area.
- c) Excrement shall be removed from each run and recreation area at least once daily.
- d) Swales or drains shall be required to direct stormwater away from runs.
- e) A list of chemicals and cleaning agents to be used shall be provided. Handling of these chemicals and cleaning agents shall be managed in accordance with Sec. 6-12.9 for hazardous materials.

3. Nurseries and Greenhouses, Commercial

*(See Outdoor Storage Yards for nurseries, greenhouses, retail garden supply stores or similar uses or activities in Section 6.12-10.B.2)*

4. Riding or Boarding Stable

- a) Manure shall be collected daily then contained and covered. Such manure, temporarily stored prior to removal off-site, shall be covered with a waterproof cover on an impermeable surface to prevent liquid waste runoff and discharge to the ground. Manure storage areas shall be designed to hold all manure collected prior to disposal and shall be located outside of the non-disturbance area.
- b) Roof water shall be directed away from stable areas.
- c) Uncontaminated surface runoff shall be directed away from stables, riding arenas, manure storage areas, and exercise areas.

- d) Fencing shall be used to prevent horses from congregating in poorly drained areas.
- e) Wash-down and runoff from stables shall be directed to adequately designed septic tank systems or connected to a sewer system.

5. Veterinary Services

- a) Should any activities with animals be conducted outside, they shall follow the conditions for Commercial Kennels under Sec. 6.12-10.A.2.
- b) Any interior activities producing hazardous or sanitary waste shall discharge to sanitary sewers or, if floor drains are used, shall follow the conditions for floor drains found in Section 6.12-9.B.4.

6.12-10.B. INDUSTRIAL

1. Light Industrial

- a) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
- b) For Screen Printing uses, a zero discharge/closed loop system shall be employed.

Commentary from the Town: Need a different Section and conditions for Outdoor Storage Yards that are not part of this.

Commentary from HW: All other outdoor storage of potentially hazardous materials is prohibited. Outdoor storage of items that do not have potential hazards should not be a concern in the WRPD.

2. Outdoor Storage Yards for nurseries, greenhouses, retail garden supply stores or similar uses or activities

- a) Outdoor storage of any hazardous materials, other than as described below, shall be prohibited.
- b) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
- c) Runoff from areas where plants are regularly watered shall be recaptured and recycled or directed to areas where the water will

be pre-treated before disposal to mitigate impacts from pesticides, fertilizers, or other harmful constituents.

- d) Where such runoff is directed to outdoor stormwater management facilities, the applicant must demonstrate that the runoff volume and pollutant removal calculations account for the addition of this source.
- e) Bulk storage of fertilizers, pesticides, herbicides and other typical products shall remain in their original package, and shall be stored in a contained area, under permanent cover, and on an impermeable surface with no floor drains. The storage area shall be designed so that any drainage from the area shall not enter the storm drainage system or any wetlands.

### 3. Warehouse and Distribution

- a) Where Warehouse and Distribution is a primary use, no outdoor storage of any kind is allowed.

b) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

## 6.12-10.C. TRANSPORTATION, COMMUNICATIONS, AND UTILITIES

### 1. Transit Stations and Hubs

- a) Passenger train stations are allowed so long as there is no outdoor storage or maintenance of vehicles, trains, and other equipment.
- b) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

## 6.12-10.D. VEHICLE & HEAVY EQUIPMENT

### 1. Construction, Farm & Heavy Equipment Sales

- a) Repair work or changing of fluids shall take place inside on non-pervious floors, and shall be prohibited outside. Such uses should pay particular attention to Section 6.12-9.B.4 related to floor drains and hazardous materials.

- b) Washing of vehicles or equipment shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.
- c) No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system or surface waters.
- d) No more than 10% of inventory may consist of used vehicles or equipment.
- e) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

## 2. Fuel Dealer

Commentary from the Town: If we allow underground propane tanks as an exception should we allow here?

Commentary from HW: Fair enough.

- a) All fuel dealers are prohibited with the exception of those who strictly store and vend propane ~~without the use of underground storage tanks~~ and those that meet the definition of “Fuel Dealer without Storage.”
- b) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
- c) Any underground propane tanks shall follow the requirements of Section 6.12-9.C.1.

## 3. Fuel Dispensing Station

- a) Concrete pads at fuel dispensing stations shall have containment grooves that can trap and facilitate the recovery of spilled gasoline or other hazardous materials.
- b) Fueling areas shall be covered with a roof or canopy to prevent stormwater runoff from washing away pollutants. The cover shall not drain into the fueling area.
- c) The area around the fueling island shall be graded or curbing installed to prevent stormwater from flowing onto the area and becoming contaminated.

- d) Fueling areas shall not be cleaned with water, but with dry methods such as such as spot cleaning with absorbents or mechanical sweepers.
  - e) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
  - f) Any Fuel Dispensing Station that also includes Vehicle Service and Repair, Minor shall follow the conditions for that use in addition to these conditions.
4. Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor
- a) The facility shall be tied in to and use a sewer system.
  - b) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.
  - c) Repair work or changing of fluids shall take place inside on non-pervious floors, and shall be prohibited outside. [Such uses should pay particular attention to Section 6.12-9.B.4 related to floor drains and hazardous materials.](#)
  - d) Washing of vehicles or equipment shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.
  - e) No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system or surface waters.
  - f) No more than 10% of inventory may consist of used vehicles or equipment.

5. Vehicle Dealers (New)

*(See Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor)*

6. Vehicle Repair & Service, Minor

*(See Marine Craft & Equipment Display and Sales; Vehicle Dealers (New); and Vehicle Repair & Service, Minor)*

## 7. Vehicle Washing Facility

- a) The facility shall be tied in to and use a sewer system.
- b) Washing of vehicles shall take place inside with all wash water collected and recycled onsite, and shall be prohibited outside.
- c) No washing or rinsing of vehicles shall be allowed that would allow wash or rinse waters to enter any storm drainage system, ~~or~~ surface waters or groundwaters.
- d) All stormwater runoff shall be pre-treated before any overland flow over pervious surfaces.

## 6.12-11 Nonconforming Uses

### 6.12-11.A. Expansion of Prohibited Uses.

Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to expand subject to approval of a special permit by the Zoning Commission and a site plan approval by the Planning Commission, or administrative site plan approval by the Office of Planning and Development Services (OPDS) staff, whichever is appropriate, and the following conditions:

1. The proposed expansion shall not exceed an increase of more than 50% of the developed area of the parcel previously dedicated to the prohibited use, whether indoor gross floor area, outdoor developed area, or both. Any prohibited use that that had already fully taken advantage of this expansion provision prior to the update to these Zoning Regulations [Add Date] **may expand an additional 10%** based on the original size of the prohibited use, so long as they meet the other requirements contained in the general and/or specific performance standards of these WRPD regulations.
2. The proposed expansion shall not create any new dimensional non-conformity nor increase an existing dimensional non-conformity.
3. The applicant shall demonstrate to the Zoning Commission's satisfaction that the proposed expansion shall not in any way pose more of a threat to the existing or future water supply source than does the existing prohibited use.

4. All other requirements contained in the general and/or specific performance standards of these WRPD regulations must be met by the proposed expansion applied for under this provision, and pose the same or less of a threat to the existing or future water supply source than does the existing prohibited use due to enhanced employment of best management practices.

**6.12-11.B. Relocation of Non-Permitted Uses.**

Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to relocate to other sites in the WRPD which have access to municipal sewer subject to approval of a special permit from the Zoning Commission, and a site plan approval by the Planning Commission, or administrative site plan approval by OPDS staff, whichever is appropriate, and the following conditions:

1. The proposed relocation shall not result in an increase of more than 50% of the developed area of the parcel previously dedicated to the prohibited use, whether indoor gross floor area, outdoor developed area, or both.
2. The applicant shall demonstrate to the Zoning Commission's satisfaction that the proposed relocation shall pose less of a threat to the existing or future water supply source than does the existing prohibited use due to the new site's physical characteristics, location, and employment of best management practices.
3. All other general and specific performance standards of the WRPD must be met by the proposed relocation applied for under this provision. Once the non-permitted use is relocated, prior to the issuance of a Certificate of Occupancy at the new site, the non-permitted use at the old site shall cease. In no way shall this regulation result in the establishment of or the continued maintenance of a prohibited use at the old site.
4. After grant of special permit and prior to approval of the site plan by the Planning Commission or staff, soils at the old site shall be tested by a state certified laboratory and test results reported to the Town and DEEP.
5. The old site shall be cleaned of any soil contamination found, and debris and other old underground tanks shall be removed, prior to the issuance of a Certificate of Occupancy at the new site. If the removal operation is under way but not completed at the time the

use is ready to open for business at the new site, a bond may be posted for the remaining cleanup effort prior to issuance of a Certificate of Occupancy subject to Planning Commission approval.

6. Upon recording of the special permit in Land Records, a statement shall be recorded in Land Records, indexed by the address of the old site, stating that during the time the WRPD overlays the site, the old site cannot be converted back to a prohibited use.
7. The application shall include a statement from the owner of the property where the old use is located noting the owner's understanding that once the use is relocated to the new site, the old site cannot be converted back to a prohibited use while overlain by the WRPD.

**6.12-11.C. Alteration of Prohibited Uses.**

Alteration includes any repair or replacement of an existing site element that will change provisions for hazardous materials storage (without increasing the amount of storage), or trigger the need for additional erosion and sediment control measures per Section 6.12-6, and/or stormwater management measures per Section 6.12-7 (without increasing the footprint or intensity of the use). Alteration does not include the expansion of a prohibited use as regulated in 6.12-11.A.

1. Any lawfully established use that was made prohibited by the adoption or subsequent amendment of the WRPD is allowed to alter specific site elements subject to Site Plan Approval from the Planning Commission.
2. The alteration shall be performed in a manner that brings that part of the site into greater conformity with the applicable general and/or specific performance standards related to the WRPD.
3. The proposed alteration shall not create any new dimensional non-conformity nor increase an existing dimensional non-conformity.

**APPENDIX A**

**CT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, 2002**

**MEASURE SELECTION MATRIX**

DRAFT

**APPENDIX B**

**NEW HAMPSHIRE STORMWATER MANUAL**

**BMP POLLUTANT REMOVAL EFFICIENCY**

DRAFT

## **APPENDIX C**

### **2004 Connecticut Stormwater Quality Manual**

#### **Stormwater Management Effectiveness (Table 8-1, Pg 8-3)**

##### **Land Use Selection (Table 8-2, Pg 8-4)**

##### **Physical Feasibility (Table 8-3, Pg 8-7)**

##### **Downstream Resource (Table 8-4, Pgs 8-8 & 8-9)**

DRAFT

## APPENDIX D

### HOW TO MAKE & USE A SPILL KIT

DRAFT

## **APPENDIX E**

### **EXAMPLES OF ISSUES TO ADDRESS IN**

### **SPILL PREVENTION & RESPONSE AND MATERIALS MANAGEMENT PLANS**

DRAFT