

TOWN OF FRIENDSHIP
WELLHEAD PROTECTION
ORDINANCE

1. Purpose

The purpose of this Ordinance is to establish a protection district for the well serving the Town's water system. The Ordinance is intended to protect the quality and quantity of the present and future water resource of the Town water system by regulating activities and land use practices within a reasonable distance of that wellhead. This protection is vital to preserving the health, safety and general welfare of the residents of the Town.

2. Authority

This Ordinance is enacted pursuant to 22 M.R.S.A. section 2642, and the Home Rule power under the Maine Constitution, Article VIII, Part Second, Section 1.

3. District

The Wellhead Protection District consists of all land within a distance of One Thousand (1000) feet of the wellhead of the Town's water system located on State Route 220. The District shall consist of two zones: Zone A being all land within a distance of Three Hundred (300) feet of the wellhead; and Zone B being all land from Three Hundred (300) feet to One Thousand (1000) feet from the wellhead.

4. Uses within the District

The following uses are allowed in each zone:

A. Zone A

In Zone A:

Outdoor recreation and associated facilities;

Timber harvesting;

Horticultural or home-agricultural uses; or

Accessory uses or home occupations related to existing uses.

In Zone A, a use shall not allow or include a new subsurface waste disposal facility or system.

B. Zone B

In addition to the uses allowed in Zone A, the following:

Single-family residences;

Retail sales or services; or

Professional offices.

In Zone B, a use shall not require or include a new subsurface waste disposal facility or system on a lot, that has a capacity greater than 1,000 gallons per day.

C. Prohibited Uses

In Zone A or B, the following uses are not permitted:

Disposal or storage of solid waste, hazardous or toxic materials, leachable materials or road salt, used automobiles, or sludge;

Use or storage of herbicides, insecticides or pesticides, other than for normal household use;

Use or storage of fertilizer or manure, other than for normal home garden care;

Use or storage of hazardous or toxic materials;

Boat or motor vehicle service and repair;

Metal plating;

Dry cleaning;

Truck or trailer terminals;

Commercial agricultural activities;

Commercial animal husbandry;

Furniture stripping, painting or wood preserving;

Mining;

Sand and gravel extraction;

Pipelines for transmission of oil, fuel, or hazardous or toxic materials;

Aerial spraying of herbicides, insecticides or pesticides;

Spray irrigation of industrial sewage or wastewater;

Sawmills or wood processing plants;

Underground storage of oil, fuel, or petroleum products, or hazardous or toxic materials.

5. General Performance Standards

In each zone, the following general performance standards shall apply:

A. Herbicides, insecticides and pesticides

Land application of herbicides, insecticides and pesticides are allowed only for normal lawn maintenance and home garden care.

B. Runoff and Drainage

Unless it can be shown that an increase in runoff will have no offsite effect, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

Dry wells shall be used for control of surface runoff only if other methods of control are infeasible. Dry wells shall not be used for disposal of any leachable materials, petroleum products or hazardous or toxic materials and shall not be connected to floor drains.

C. Pollution levels

The concentration of any pollutant introduced into soil on the site will be attenuated to a contaminant concentration in the groundwater that is less than one half of the difference between the background concentration before the use or activity proposed under the provisions of the District and the guideline established for that contaminant by the Safe Drinking Water Standard, EPA Health Advisory, or NAS Health Advisory. On-site groundwater monitoring wells may be required to insure these standards are met.

D. Safeguards

Provision shall be made to protect against discharge or loss of oil, fuel, or petroleum products, or toxic or hazardous materials resulting from corrosion, accidental damage, spillage, or vandalism. These provisions shall include: spill control measures at delivery, storage, and transfer points; secured storage areas for products and materials; and indoor storage provisions for corrodable or leachable products or materials. Handling and storage of products or materials shall meet performance standards established by the Department of Environmental Protection.

E. Subsurface waste disposal systems

(1) No more than one residence shall be connected per subsurface waste disposal system, and no "engineered systems" (having a capacity in excess of 2,000 GPD as defined in State Subsurface Wastewater Disposal Rules) are permitted.

(2) Disposal of hazardous or toxic materials or petroleum products to subsurface waste disposal systems, including organic solvents designed for cleaning septic systems, is prohibited.

(3) Subsurface waste disposal systems in Zone A shall be pumped out at least every 3 years. Homeowners shall retain a receipt when their tank is pumped to demonstrate compliance to the CEO or Water District representative during an inspection.

F. Storage Tanks

Storage of oil, fuel, or petroleum products, or hazardous

or toxic materials is allowed in Zone B only as an accessory use. All storage tanks for oil, fuel, or petroleum products, or hazardous or toxic materials shall be aboveground, protected from corrosion, and shall have a secondary containment system. All tanks shall be constructed over an impermeable base. Outdoor tanks shall be surrounded by a berm which is roofed and which is large enough to contain the contents of the tank.

Any tank which does not meet the above-listed standards shall be non-conforming. All non-conforming aboveground and indoor tanks must be equipped with a secondary containment system within one year of the effective date of this ordinance. All underground tanks in place prior to the effective date of this ordinance shall be non-conforming and shall be precision-tested annually. Tanks failing to pass the precision test shall be excavated and examined for leaks. If found to be leaking, any materials discharged from the tank shall be removed at the expense of the owner. Any underground tank which is 20 years or older shall be excavated and permanently removed from service. If the age of a tank cannot be determined, it shall be assumed to be older than 20 years.

6. Non-conforming Uses

Non-conforming uses shall not be extended or expanded.

A. Dwellings

Dwellings may be maintained, repaired, or renovated, but the addition of new bedrooms is prohibited unless the owner can

demonstrate that the expansion will not exceed the design capacity of the present subsurface waste disposal system.

B. Change of Uses

A non-conforming use of a structure, building, or property may be changed to another non-conforming use if the applicant presents convincing evidence that the proposed new use will be less detrimental to the protection district than the prior use.

C. Termination

If any non-conforming use ceases for any reason for a period of one year or more, that use is terminated. The land and buildings shall thereafter be used and developed only in conformity with the terms of this ordinance.

D. Change to Permitted Use

Wherever a non-conforming use is changed to a permitted use, such use shall not thereafter revert to non-conforming status.

7. Appeal

An appeal may be taken, within thirty (30) days from a decision of the Code Enforcement Officer, by any party to the Board of Appeals. Thereafter, an appeal may be taken to Superior Court in accordance with Rule 80B of the Rules of Civil Procedure.

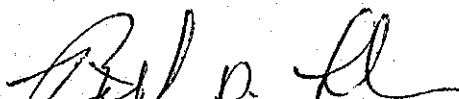
8. Effective Date

This Ordinance shall take effect when enacted by the

Selectmen of the Town of Friendship, and shall apply to all use existing on or after May 5, 1988.

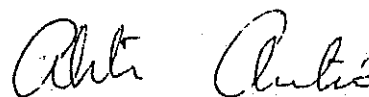
Dated: May 1988

Enacted by action of the Board of Selectmen of the Town of Friendship, this date, witness our hand and seal:

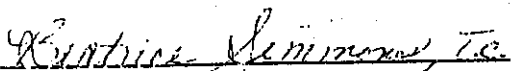


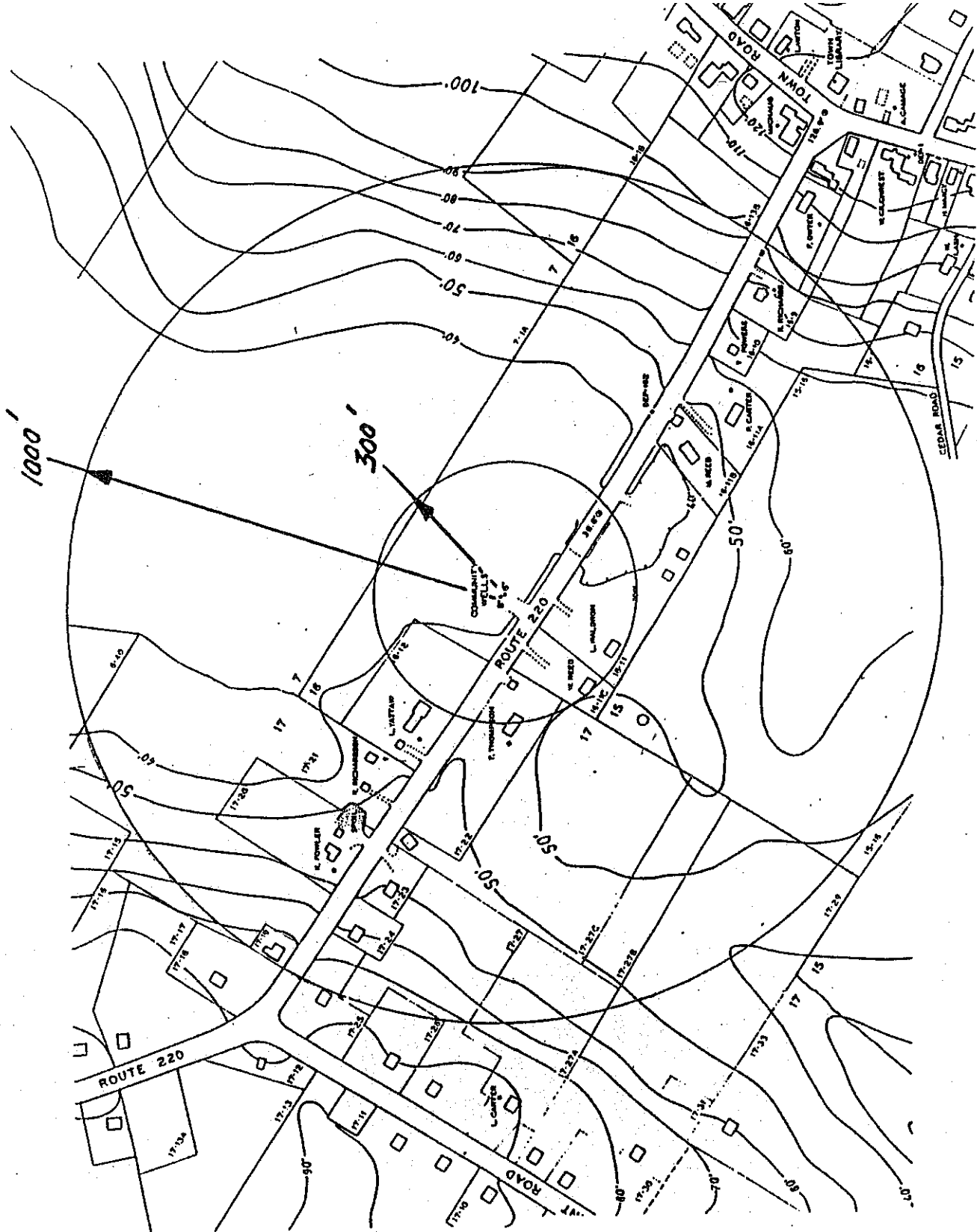
Selectman

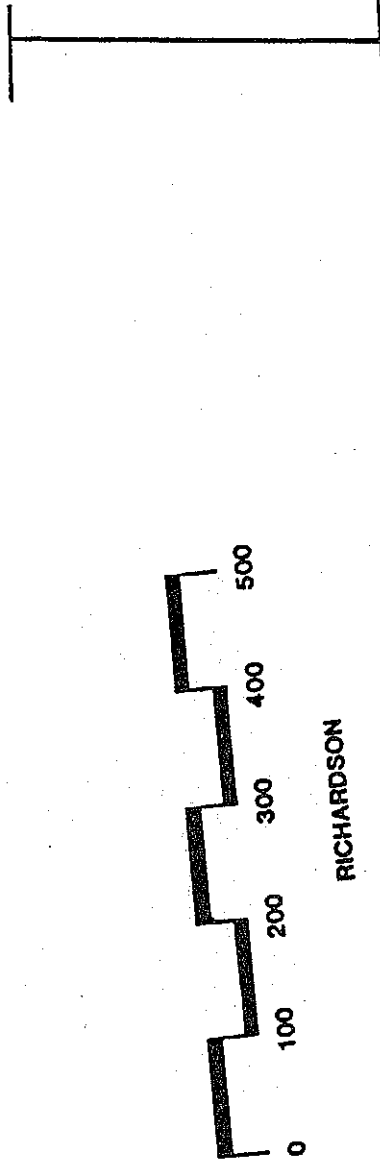
Selectman



Selectman

Attest: 
Beatrice Simmons, Town Clerk





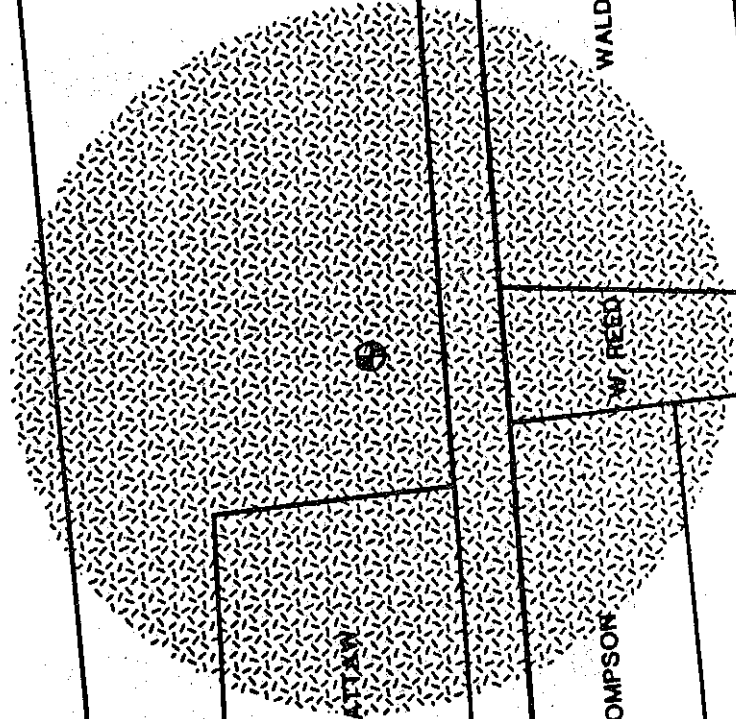
RICHARDSON

FOWLER

RICHARDSON

YATTAY

CARLTON



WALDRON

W. REED

M. REED

CARTER

THOMPSON

P. REED

BATCHELDER