

ARTICLE XIV  
**Aquifer and Water Resource District**

**§ 173-61. Use regulations. [Amended 5-9-1998 ATM, Art. 14; 9-30-1991 STM, Art. 10; 5-9-1994 ATM, Art. 29; 5-3-2004 ATM, Art. 23; 5-5-2007 ATM, Art. 16; 5-2-2011 ATM, Art. 22; 11-4-2013 STM, Art. 10]**

There is established within the Town certain aquifer and water resource protection areas, consisting of aquifers or water resource areas which are delineated on a map entitled "Aquifer and Water Resource District, Town of Littleton," and dated March 2004. This map is hereby made a part of the Littleton Zoning Bylaws and is on file in the Office of the Town Clerk. Within the Aquifer and Water Resource Districts, the requirements of the underlying zoning districts continue to apply, except that uses are prohibited where indicated by "N" in the following schedule and require a special permit where indicated by "P," even where underlying district requirements are more permissive. Where there is no entry in this schedule, the underlying district requirements are controlling.

Uses	District	
	Aquifer (A)	Water Resource (W.R.)
Principal uses: manufacture, use, transport, storage or disposal of toxic or hazardous materials as a principal activity	N	N
Truck terminal	N	P
Sanitary landfill, junkyard, salvage yard, other solid waste disposal	N	P
Motor vehicle service or washing station	N	P <sup>1</sup>
Vehicular Retail Sales	N	N
Self-storage facility	P	P

Uses	District	
	Aquifer (A)	Water Resource (W.R.)
Accessory uses or activities: manufacture, use, transport, storage or disposal of toxic or hazardous materials in excess of 5 gallons or 25 pounds dry weight of any substance or a total of all substances not to exceed 50 gallons or 250 pounds dry weight, on a site at any one time as an accessory activity for nonresidential and nonagricultural principal activities	P	P
Underground storage of gasoline or chemicals	N	P
Storage of heating oil or petroleum in quantities greater than 500 gallons	N	P
Storage of ice-control chemicals, commercial fertilizers or animal manure not stored in accordance with DEP 310 CMR 22.21(2)(b)(2), (b)(3), and (b)(4)	N	N
Storage of sludge and/or septage not stored in accordance with DEP 310 CMR 22.21(2)(b)(1)	N	P
Disposal of snow from outside the district	N	P
Parking area with 100 or more spaces capacity	P	P
Waste characteristics: Hazardous waste generation, treatment, or storage in quantities not to exceed Very Small Quantity Generators (VSQGs) as defined in DEP 310 CMR 22.21(2)(a)(7), or subsequent equivalent regulation(s) currently in effect	P	P

Uses	District	
	Aquifer (A)	Water Resource (W.R.)
Waste generation in quantities greater than VSQGs limits, or subsequent equivalent regulation(s) currently in effect	N	P
On-site disposal of industrial waste, as defined in DEP 310 CMR 22.21(2)(a)(6)	N	P
Use (other than single-family dwellings) if having estimated sewage flow or industrial wastewater flow exceeding 6 gallons per day combined flow per 1,000 square feet of lot area or exceeding 15,000 gallons per day combined flow regardless of lot area. Flows regulated by Title 5 shall be based on Title 5	P	P
Other characteristics: for use other than single-family dwellings, retention of less than 30% of lot area in its natural state with no more than minor removal of trees and ground vegetation	P	P
Rendering impervious more than 15% or 2,500 square feet of any lot or parcel but less than 30%*	P	Not Applicable
Rendering impervious more than 20% but less than 50% of any lot or parcel *	Not Applicable	P
Earth removal activities not in accordance with DEP 310 CMR 22.21(2)(b)(6), or subsequent equivalent regulation(s) currently in effect	N	P

Note:

<sup>1</sup> Except that motor vehicle service or washing stations shall be an excluded/prohibited use (N) within the Littleton Village Overlay District West — Beaver Brook Area District.

**§ 173-62. Special permits.**

- A. Special permit granting authority. The special permit granting authority (SPGA) shall be the Planning Board. Such special permit shall be granted if the SPGA determines that the intent of this chapter, as well as the specific criteria of Subsection B of this section, are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures were to fail.  
**[Amended 5-8-1989 ATM, Art. 18]**
- B. Special permit criteria. Special permits for critical resource use shall be granted only if the SPGA determines that, at the boundaries of the premises, the groundwater quality resulting from on-site waste disposal, other on-site operations, natural recharge and background water quality will not fall below the standards established by the Department of Environmental Quality Engineering in Drinking Water Standards of Massachusetts, as most recently revised, or, for parameters where no Department of Environmental Quality Engineering standard exists, below current Environmental Protection Agency criteria as published in the Federal Register or, where no such criteria exists, below standards established by the Board of Health in consultation with the Board of Water Commissioners and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation.
- C. Change of use. Changes in activities resulting in the necessity of obtaining an Environmental Protection Agency identification number as a waste generator, changes resulting in crossing the thresholds of § 173-61 or change of proprietorship for a use which exceeds the thresholds of § 173-61 shall constitute change of use and is allowed only under special permit provided under § 173-61 or as provided under § 173-10B for existing nonconforming uses.
- D. Submittals. When applying for a special permit for critical resource use, the following shall be submitted to the SPGA in 10 copies by the date of first publication of the public hearing notices:
- (1) A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises, accompanied by a description of measures proposed to protect from vandalism, corrosion and leakage and to provide for spill prevention and countermeasures.

- (2) A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method.
- (3) Evidence of approval by the Massachusetts Department of Environmental Quality Engineering (DEQE) of any industrial waste treatment or disposal system and of any wastewater treatment system over a capacity of 15,000 gallons per day.
- (4) For underground storage of toxic or hazardous materials, evidence of qualified professional supervision of system design and installation.
- (5) Analysis by a qualified engineer experienced in ground-water evaluation and/or geohydrology, with an evaluation of the proposed use, including its probable effects or impact on surface and groundwater quality and quantity and natural flow patterns of watercourses.

### **§ 173-63. Design and operations guidelines.**

Within Aquifer and Water Resource Districts, the following design and operations guidelines shall be observed, except for single-family dwellings:

- A. Safeguards. Provision shall be made to protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials and indoor storage provisions for corrodible or dissolvable materials.
- B. Locations. Where the premises are partially outside of the Aquifer or Water Resource District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district.
- C. Disposal. Provisions shall be made to assure that any waste containing toxic or hazardous materials disposed on the site is within quantities specified in and in accordance with 310 CMR 30.353, regarding insignificant waste, or subsequent equivalent regulation(s) currently in effect.
- D. (\*) Drainage. Provision shall be made for on-site recharge of stormwater runoff from impervious surfaces unless without degradation to groundwater if a special permit is to be granted for greater than 15% coverage (but less than 30%) in the Aquifer District and for impervious cover greater than 20% (but less than

50%) in the Water Resource District. Such recharge shall include (but not be limited to) infiltration through methods as outlined in the Town of Littleton Low Impact Design/Best Management Practices Manual (latest edition) unless otherwise approved by the Planning Board during site plan review. Where dry wells or leaching basins are used, they shall be preceded by oil, grease and sediment traps. Drainage from loading areas for toxic or hazardous materials shall be separately collected for safe disposal. **[Amended 5-5-2007 ATM, Art. 16; 5-5-2008 ATM, Art. 10]**

- E. Monitoring. Periodic monitoring shall be required by the SPGA, including sampling of wastewater disposed to on-site systems or dry wells and sampling from groundwater monitoring wells to be located and constructed as specified in the special permit, with reports to be submitted to the SPGA, the Board of Health and the Board of Water Commissioners. The costs of monitoring, including sampling and analysis, shall be borne by the owner of the premises.
- F. Ice-control chemicals. Where allowed, storage of ice-control chemicals in quantities requiring state reporting shall be authorized only within a weatherproof shelter having an impervious floor and only if all loading and unloading will be done within that shelter, with provisions made for safe cleanup.

#### **§ 173-64. Violations.**

Written notice of any violation shall be provided by the Building Inspector to the owner of the premises, specifying the nature of the violation and specifying a time for compliance, including cleanup of any spilled materials. The time allowed shall be reasonable in relation to the public health hazard involved and the difficulty of compliance, but in no event shall more than 30 days be allowed for either compliance or finalization of a plan for longer-term compliance. The costs of achieving compliance shall be borne by the owner of the premises or, if uncollectible from the owner, by the responsible occupant.

#### **§ 173-65. through § 173-67. (Reserved)**