

WRPD BYLAW

8.2 WATER RESOURCE PROTECTION DISTRICT (WRPD)

8.2.1 Purpose. The purpose of the Water Resource Protection Districts (WRPD) is to:

1. Promote the health, safety and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions and businesses of the Town of Middleborough;
2. Preserve and protect existing and potential sources of drinking water supplies;
3. Prevent temporary and permanent contamination of the environment; and,
4. Protect, preserve, conserve and maintain the water and natural resources of the Town and to prevent their pollution.

8.2.2 Overlay District. The Water Resource Protection Districts shall be considered as overlying other zoning districts. Any use prohibited under existing Zoning Bylaws applicable to the portions of the district so overlaid shall continue to be prohibited under this WRPD Bylaw.

8.2.3 Special Permit Required. The Board of Selectmen shall be the Special Permit Granting Authority.

8.2.4 Establishment and Delineation. For the purposes of this Section, there are hereby established within the Town Water Protection Districts, Z1, Z2, Z3 and Z4 which are delineated on Middleborough's Zoning Map as set forth in Section 2.4.

8.2.5 Definitions. For definitions applicable in the WRPD, see Section 10.1.2.

8.2.6 WRPD Z1 Use Regulations.

1. Public water supply uses are permitted in WRPD Z1 as defined in 310 Code of Massachusetts Regulations (CMR) 22.00. No other uses are allowed in this Zone.

8.2.7 WRPD Z2 Use Regulations.

1. WRPD Z2 – Permitted Uses: The following uses are permitted within WRPD Z2, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:

- a. Conservation of soil, water, plants and wildlife.
- b. Foot, bicycle and/or horse paths and bridges.

- c. Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted.
- d. Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.
- e. Maintenance, repair and reconstruction of any existing structure, except uses subject to Section 8.2.7.2 (Prohibited uses) or Section 8.2.7.3 (Special Permit Uses).
- f. Residential development except uses subject to Section 8.2.7.2 (Prohibited uses) or Section 8.2.7.3 (Special Permit Uses).
- g. Farming, gardening, nursery, conservation, forestry, harvesting and grazing, except uses subject to Section 8.2.7.2 (Prohibited uses) or Section 8.2.7.3 (Special Permit Uses).
- h. Construction, maintenance, repair and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, clear wells and tunnels. Underground storage tanks related to these activities are not permitted with the exception of propane storage tanks.
- i. Storage of petroleum products within a freestanding container or storage tank either of which must be on an impervious surface within buildings it will heat.

2. WRPD Z2 – Prohibited Uses – the following uses are prohibited in WRPD Z2:

- a. Landfills and open dumps as defined in 310 CMR 19.006 Solid Waste Management and disposal of solid wastes as defined herein.
- b. Landfills receiving wastewater residuals and/or septage (wastewater residuals “monofills”) pursuant to MGL Chapter 21 Sections 26-53 Hazardous Waste; MGL Chapter 111 Section 17 - Public Health; and, MGL Chapter 83 Sections 6-7 - Sewers, Drains and Sidewalks and regulations promulgated there under.
- c. The removal of soil, loam, sand, gravel or any other mineral substance within four (4) feet of historical, high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey or by Title V Soil Evaluation, defined by 310 CMR 15.00, witnessed by the Middleborough Health Department, except for excavations necessary for building foundations or utility works.

- d. Facilities that generate, treat, store or dispose of hazardous waste subject to MGL Chapter 21C and 310 CMR 30.000 - Hazardous Waste Regulations as amended, except for
- i. Very small quantity generators as defined under 310 CMR 30.000 - Hazardous Waste Regulations;
 - ii. Household hazardous waste centers and events under 310 CMR 30.390 - Hazardous Waste Regulations;
 - iii. Waste oil retention facilities required by MGL Chapter 21 Section 52A - Hazardous Waste; or,
 - iv. Water remediation treatment works approved by DEP in accordance with 314 CMR 5.00 - Ground Water Discharge Permits for treatment of contaminated ground or surface waters.
- e. Automobile graveyards, junkyards and salvage yards, as defined in MGL Chapter 140B Section 1 - Control of Certain Junkyards.
- f. Stockpiling and disposal of snow or ice removed from highways and streets outside of WRPD Z2 that contain sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.
- g. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than one hundred ten (110) gallons of sewage per ten thousand (10,000) square feet of lot area per day, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design.
- h. Petroleum, fuel oil and heating oil bulk stations and terminals such as gas stations, including but not limited to those listed under Standard Industrial Codes 5171 and 5983.
- i. All lots in WRPD Z2 not connected to the Town's sewer system, having an area less than 60,000 square feet.
- j. Notwithstanding the provisions of subsections (g.) and (i.) above, any development that is the subject of an Open Space and Resource Preservation Development District Special Permit issued pursuant to Section 8.2 of this Zoning Bylaw, may use the "aggregate lot size" to meet the conditions of (g.) and (i.) above for each lot. The term "aggregate lot size" shall be defined as the total square footage of the Open Space and Resource Preservation Development divided by the number of building lots allowed by the Planning Board.

3. WRPD Z2 Special Permit Uses – Except as specified in Section 8.2.7.1 – Permitted Uses or Section 8.2.7.2 – Prohibited Uses, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z2 only upon issuance of Special Permit by the Special Permit Granting Authority (SPGA) in conformance with the requirements stated below. The following uses and activities are prohibited and may only be allowed upon the issuance of a Special Permit by the SPGA if the use or activity is in conformance with the specific requirements stated below and under such other conditions as the SPGA may require:

a. Enlargement or alteration of existing uses and structures that do not conform to the Water Resource Protection District are prohibited, but may be allowed by Special Permit provided that the enlargement or alteration of all uses and structures with the exception of single and two-family uses and structures does not increase the non-conformity or create a new non-conformity. Enlargement of existing structures shall not be permitted by a Special Permit if a variance from Title 5 of the State Sanitary Code is necessary.

b. Storage of sludge and septage, as defined by 310 CMR 32.05-Land Application of Sludge and Sewage is prohibited, but may be allowed by Special Permit, when such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.

c. Storage of deicing chemicals is prohibited, but may be allowed by Special Permit when such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

d. Storage of animal manure is prohibited, but may be allowed by Special Permit, when such storage is covered or contained in accordance with the specifications of the Natural Resource Conservation Service.

e. Storage of commercial fertilizers, as defined in MGL Chapter 128 Section 64 - Agriculture is prohibited, but may be allowed by Special Permit, when such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate.

f. Storage of liquid hazardous materials, as defined in MGL Chapter 21E or storage of liquid petroleum products except that specified in 8.2.7.1.f above is prohibited, but may be allowed by Special Permit, only when such storage is above ground level and on an impervious surface; and,

i. In a free standing container or above ground tank(s) within a building;

ii. Outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold

either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater; or,

iii Within a vehicle which is used to transport and store bulk amount of liquid hazardous material or liquid petroleum products within a building or if outdoors, in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of the truck(s) or 110% of the largest truck's storage capacity, whichever is greater.

g. Treatment or disposal works subject to 314 CMR 5.00 Ground Water Discharge Permits for wastewater other than sanitary sewage are prohibited, including, but not limited to, treatment or disposal works related to activities under Standard Industrial Classification (SIC), Codes set forth in 310 CMR 15.004(6) (Title V) but may be allowed by Special Permit for the following uses only:

i. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);

ii. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water and operated in compliance with 314 CMR 5.05(3) or 5.05(13);

iii. Publicly owned treatment works.

h. Automobile service and repair shops including those accessory to new and used car dealerships are prohibited, but may be allowed by Special Permit.

i. Any building, structure, excavation or other land disturbing activities within one hundred (100') feet of a "fresh water wetland" as defined by MGL Chapter 131 Section 40 Massachusetts Wetlands Protection Act or a "wetland" as defined by 33 CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, as of the effective date of this Bylaw are prohibited, but may be allowed by Special Permit if said buildings, structures, excavation or other land disturbing activities are necessary for:

i. Limited projects as defined by 310 CMR 10.53 (3);

ii. Creation of wetland replacement or flood storage mitigation;

iii. Installation of drainage structures such as detention/retention basins, berms, water quality swales, where no practical

alternative is available and disturbs less than 15% of the one hundred (100') foot area;

- iv. Maintenance and construction of trails, creation of public parks or resource improvements projects such as the cleaning of streams;
- v. A primary use or use necessary but incidental thereto, provided that the majority of the disturbed area is located outside the one hundred (100') foot area and there are no reasonable alternatives, disturbs less than 15% of the one hundred (100') foot area within that portion of any lot and does not involve any building, structure or land disturbing activity within twenty-five (25') feet of a freshwater wetland except for those activities necessary for (i) through (iv) above with the issuance of a Special Permit. No part of a subsurface sewerage disposal system shall be located within one hundred (100') feet of any fresh water wetland.

The SPGA shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare and shall be in compliance with the provisions of Section 8.2.11 below. A lot shall be deemed to be that lot described by deed to shown on a plan duly recorded at Plymouth County Registry of Deeds at the time that any such land disturbing activity shall first occur after May 1, 1992. The SPGA shall determine to its satisfaction that any land disturbing activity or activities shall be in compliance with this provision and to that end may reasonably require any of the following:

- a. Determination of Applicability by the Conservation Commission;
- b. A plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above, the area which is within twenty-five (25) feet of the wetland, the total area and location of that portion of any lot within one hundred (100) feet of any wetland and the land disturbing activity or activities proposed within the one hundred (100) and twenty-five (25) foot zones.
- j. Any use that will render impervious more than 15% but not more than 25% of any lot is prohibited, but may be allowed by Special Permit provided that a system for groundwater recharge is provided to recharge the amount of water that was naturally recharged prior to development from the land area made impervious greater than 15% and which does not degrade groundwater quality. Pre-development run-off rates from a lot shall not exceed post-development runoff rates for storms up to and including the one hundred (100) year storm. Except for single or two (2) family residential uses, all parking areas shall be impervious and be equipped with oil, grease and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structure

or drainage outfalls. Stormwater from parking areas if recharged, shall be via infiltration basins or similar above ground vegetated systems and dry wells/leaching structures shall be used only where other methods are infeasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 50% of any lot area shall be maintained as a Natural Vegetation Area.

8.2.8 WRPD Z3 Use Regulations.

1. WRPD Z3 - Permitted Uses: Except as specified in 8.2.8.2 Prohibited Uses and 8.2.8.3 Special Permitted Uses below, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z3.

2. WRPD Z3 - Prohibited Uses - The following uses are prohibited in WRPD Z3:

a. Landfills and open dumps as defined in 310 CMR 19.006—Solid Waste Management and disposal of solid wastes as defined herein.

b. Landfills receiving wastewater residuals and/or septage (wastewater residuals "monofills") pursuant to MGL Chapter 21 Sections 26-53 - Hazardous Waste; MGL Chapter 111 Section 17 - Public Health; and, MGL Chapter 83 Section 6-7 - Sewers Drains and Sidewalks and regulations promulgated there under.

c. The removal of soil, loam, sand, gravel or any other mineral substances to within two (2') feet of historical high groundwater as detailed from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey or by Title 5 Soil Evaluation, defined by 310 CMR 15.00, witnessed by the Middleborough Health Department, except for excavations necessary for building foundations, utility works, agricultural uses or repairs allowed under Title 5, 310 CMR 15.00.

d. Facilities that generate, treat, store or dispose of hazardous waste subject to MGL Chapter 21C and 310 CMR 30.000 – Hazardous Waster Regulations as amended, except for:

i. Very small quantity generators as defined under 310 CMR 30.000- Hazardous Waste Regulations;

ii. Household hazardous waste centers and events under 310 CMR 30.390-Hazardous Waste Regulations;

iii. Waste oil retention, facilities required by MGL Chapter 21 Section 52A - Hazardous Waste; or

iv. Water remediation treatment works approved by DEP in accordance with 314 CMR 5.00 - Ground Water Discharge Permits for treatment of contaminated ground or surface waters.

e. Automobile graveyards, junkyards and salvage yards, as defined in MGL Chapter 140B Section 1 - Control of Certain Junkyards.

f. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 440 gallons of sewage per 20,000 square feet under one ownership per day, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design.

g. Stockpiling and disposal of snow or ice removed from highways and streets outside of WRPD Z3 that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.

h. All lots in WRPD Z3 not connected to the Town's sewer system having an area less than 20,000 square feet.

i. Notwithstanding the provisions of (f) and (h) above any development that is the subject of an Open Space and Resource Preservation Development District Special Permit issued pursuant to Section 8.2 of this Zoning Bylaw, may use the "aggregate lot size" to meet the conditions of (f) and (h) above for each lot. The term "aggregate lot size" shall be defined as the total square footage of the Open Space and Resource Preservation Development divided by the number of building lots allowed by the Planning Board.

3. WRPD Z3 – Special Permit Uses –The following uses and activities are prohibited and may only be allowed upon the issuance of a Special Permit by the SPGA if the use or activity is in conformance with the specific requirements stated below and under such other conditions as the SPGA may require:

a. Enlargement or alteration of existing uses and structures that do not conform to the Water Resource Protection District are prohibited, but may be allowed by Special Permit provided the enlargement or alteration does not increase the existing non-conformity or create a new non-conformity with the exception of single and two-family uses and structures. Enlargement of existing structure shall not be permitted by Special Permit if a variance from Title V of the State of Sanitary Code is necessary.

b. Storage of sludge and septage, as defined by 310 CMR 32.05-Land Application of Sludge and Sewage is prohibited, but may be allowed by Special Permit, when such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.

c. Storage of deicing chemicals is prohibited, but may be allowed by Special Permit when such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

d. Storage of commercial fertilizers, as defined in MGL Chapter 128 Section 64 - Agriculture is prohibited, but may be allowed by Special Permit, when such storage is within a structure designated to prevent the generation and escape of contaminated or leachate.

e. Automobile service and repair shops include those accessory to new and used car dealerships are prohibited, but may be allowed by Special Permit.

f. Petroleum, fuel oil and heating oil bulk stations and terminals such as gas stations, including but not limited to those listed under Standard Industrial Codes 5171 and 5983 are prohibited, but may be allowed by Special Permit.

g. Storage of liquid hazardous materials, as defined in MGL Chapter 21E or storage of liquid petroleum products, except that specified in Section 8.2.8.3.f above is prohibited, but may be allowed by Special Permit, only when such storage is above ground level and on an impervious surface; and,

i. In a free standing container or above ground tank(s) within a building;

ii. Outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater; or,

iii. Within a vehicle which is used to transport and store bulk amounts of liquid hazardous material or liquid petroleum products within a building or if outdoors, in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of the truck(s) or 110% of the largest truck's storage capacity, whichever is greater.

This provision shall not apply to storage of petroleum products within a freestanding container or storage tank on an impervious surface within buildings it will heat.

h. Treatment or disposal works subject to 314 CMR 5.00 Ground Water Discharge Permits for wastewater other than sanitary sewage are prohibited, including, but not limited to, treatment or disposal works related to activities under Standard Industrial Classification (SIC) Codes set forth in 314 CMR 15.004(6) (Title 5) but may be allowed by Special Permit for the following uses only:

i. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);

ii. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water and operated in compliance with 314 CMR 5.05(3) or 5.05(13); or,

iii. Publicly owned treatment works.

i. Any building, structure, excavation or other land disturbing activities within twenty-five (25) feet of a "fresh water wetland" as defined by MGL Chapter 131 Section 40 – Massachusetts Wetlands Protection Act or a "wetland" as defined by 33 CFR 328.3 and 40 CFR 230.3 the regulations under Section 404 of the Federal Clean Water Act, as of the effective date of this Bylaw are prohibited, but may be allowed by Special Permit if said buildings, structures, excavation or other land disturbing activities are necessary for:

i. Limited projects as defined by 310 CMR 10.53(3);

ii. Creation of wetland replacement or flood storage mitigation;

iii. Installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc; or,

iv. Maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams.

The SPGA shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditioned upon safeguards and requirements to protect water resources, health, safety and welfare and shall be in compliance with the provisions of Section 8.2.11 below. The SPGA shall determine to its satisfaction that any land disturbing activity or activities shall be in compliance with this provision and to that end may reasonably require any of the following:

a. Determination of Applicability by the Conservation Commission;

b. A plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above and the area which is within twenty-five (25) feet of the wetland.

j. Any use that will render any lot more than 40% impervious is prohibited. Alterations resulting in more than 25% but less than 40% impervious area may be allowed by Special Permit provided that post-development runoff rates from a lot shall not exceed pre-development runoff rates for storms up to and including the one hundred (100) year storm. Except for single or two family residential uses, all parking areas shall be impervious and equipped with oil, grease and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structure or drainage outfalls. Stormwater from parking areas, if recharged, shall be via infiltration basins or similar above ground vegetated systems and dry wells/leaching structures shall be used only where other methods are infeasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 35% of any lot area shall be maintained as a Natural Vegetation Area. This provision does not apply to lots within the Business District.

8.2.9 WRPD Z4 Use Regulations.

1. WRPD Z4 – Permitted Uses: Except as specified in 8.2.9.2 Prohibited Uses and 8.2.9.3 Special Permitted Uses below, those principal and accessory uses authorized in the underlying district are permitted in WRPD Z4.

2. WRPD Z4 – Prohibited Uses: The following are prohibited in WRPD Z4:

a. Facilities that treat, store or dispose of hazardous waste subject to MGL Chapter 21C and 310 CMR 30.000 - Hazardous Waste Regulations as amended but do not generate said hazardous waste are prohibited, except for:

i. Very small quantity generators as defined under 310 CMR 30.000 Hazardous Waste Regulations;

ii. Household hazardous waste centers and events under 310 CMR 30.390 Hazardous Waste Regulations;

iii. Waste oil retention facilities required by MGL Chapter 21 Section 52A - Hazardous Waste; or,

iv. Water remediation treatment works approved by DEP for treatment of contaminated ground or surface water.

b. Landfills and open dumps as defined in 310 CMR 19.006- Solid Waste Management are prohibited except as provided in Section 8.2.9.3.c below.

3. WRPD Z4 – Special Permit uses – The following uses and activities are prohibited and may only be allowed upon the issuance of a Special Permit by the SPGA if the use or

activity is in conformance with the specific requirements stated below and under such conditions as the SPGA may require:

- a. Landfilling of sludge or septage as defined in 310 CMR 32.05 - Land Application of Sludge and Sewage is prohibited but may be allowed by Special Permit when such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31- Land Application of Sludge and Sewage.
- b. Storage of sludge and septage is prohibited but may be allowed by Special Permit, when such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31- Land Application of Sludge and Sewage.
- c. Municipal Sanitary Landfill is prohibited but may be allowed by Special Permit.
- d. Any building, structure, excavation or other land disturbing activities within twenty-five (25) feet of a fresh water wetland” as defined by MGL Chapter 131 Section 40 – Massachusetts Wetlands Protection Act or a “wetland” as defined by 33 CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act as of the effective date of this Bylaw are prohibited, but may be allowed by Special Permit if said buildings, structures, excavation or other land disturbing activities are necessary for:
 - i. Limited projects as defined by 310 CMR 10.53(3);
 - ii. Creation of wetland replacement or flood storage mitigation;
 - iii. Installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation and hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc; or,
 - iv. Maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams.

The SPGA shall consider the report and recommendations of the Board of Health, Planning Board and Conservation Commission. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare and shall be in compliance with the provisions of Section 8.2.11 below. The SPGA shall determine to its satisfaction that any land disturbing activity or activities shall be in compliance with this provision and may reasonably require any of the following:

- a. Determination of Applicability by the Conservation Commission; and,

- b. A plan certified by a Registered Land Surveyor which shows the location of all wetlands as set forth above and the area which is within twenty-five (25) feet of the wetland.
- e. Facilities that generate and also treat, store or dispose of hazardous waste subject to MGL Chapter 21C and 310 CMR 30.000 - Hazardous Waste Regulations as amended are prohibited, but may be allowed by Special Permit.
- f. Automobile service and repair shops including those accessory to new and used car dealerships are prohibited, but may be allowed by Special Permit.
- g. Automobile graveyards, junkyards and salvage yards, as defined in MGL Chapter 140B, Section 1 - Control of Certain Junkyards are prohibited, but may be allowed by Special Permit.
- h. Storage of liquid hazardous materials, as defined in MGL Chapter 21E or storage of liquid petroleum products, except that specified in Section 8.2.9.3.j below is prohibited, but may be allowed by Special Permit, only when such storage is above ground level and on an impervious surface and:
 - i. In a free standing container or above ground tank(s) within a building;
 - ii. Outdoors in covered containers or above ground tanks within a building or has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater; or,
 - iii. Within a vehicle which is used to transport and store bulk amounts of liquid hazardous material or liquid petroleum products within a building or if outdoors, in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of the truck(s) or 110% of the largest truck's storage capacity, whichever is greater.

This provision shall not apply to the storage of petroleum products within a freestanding container or storage tank on an impervious surface within buildings it will heat.

- i. Non-sanitary treatment works which discharge to the ground and that are subject to 314 CMR 5.00 – Ground Water Discharge Permits are prohibited, but may be allowed by Special Permit.
- j. Petroleum, fuel oil and heating oil bulk stations and terminals such as gas station, including but not limited to those listed under Standard Industrial Codes 5171 and 5983 are prohibited, but may be allowed by Special Permit.

8.2.10 Administration and Procedures.

1. The SPGA shall adopt rules and regulations relative to the issuance of special permits.
2. Upon receipt of the application, including plans, related information and calculations, the SPGA shall transmit one copy of all submitted materials to the Planning Board, Health Department, Building Department, Conservation Commission and Department of Public Works for their written recommendations. Boards, Commissions and Departments shall have thirty (30) days to comment to the SPGA.
3. Where applicable the following information shall be submitted with every application for Special Permit:
 - a. Site plan prepared specifically for a WRPD Special Permit stamped by both a Registered Land Surveyor and Professional Engineer including but not limited to: existing and proposed topography, the extent of impervious areas, extent and area of natural vegetated areas, existing and proposed drainage facilities, layout and design of sewage disposal facilities.
 - b. Pre and post development drainage characteristics for surface run off and groundwater recharge, including calculations for all drainage designs;
 - c. Location of and distance to the public supply wells affected by the subject site;
 - d. Soil characteristics underlying the site and within the area between the site and the public supply wells;
 - e. Provisions and conditions designed to prevent and correct conditions detrimental to public and private water supply, health, safety and welfare;
 - f. A stormwater management plan as outlined by DEP Stormwater Management Standards and any additional requirements of the Town of Middleborough;
 - g. A plan with calculations for any spill containment structures required herein;
 - h. Evidence adequate to demonstrate that the project in no way, during construction or thereafter, will adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection Districts or otherwise impact the water resources of the Town;
 - i. Evidence that the project has been designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site;

j. Methods to prevent against loss of recharge including but not limited to preservation of ground cover, infiltration of runoff, alternative drainage designs, minimization of lawn areas, and preservation and creation of natural vegetation areas; and,

k. The SPGA may require additional information including but not limited to calculations, on-site testing, groundwater monitoring, groundwater modeling etc. necessary evaluate impacts from the proposed project.

The SPGA shall not grant a Special Permit under this section unless the application materials include, in the SPGA opinion, sufficiently detailed, definite and credible information to show compliance with the requirements, purpose and intent of this Bylaw and information to support positive findings in relation to the standards set forth in this section.

8.2.11 Decision. After notice and public hearings and after due consideration of the reports and recommendations from the town boards/departments, the SPGA may grant a Special Permit provided that the proposed use meets the standards specified in this Bylaw and any regulations or guidelines adopted by the SPGA and provided that the SPGA finds that the proposed use:

1. Is in harmony with the purpose and intent of the WRPD Bylaw and will promote the purposes of the Water Resource Protection Districts;
2. Is appropriate to the natural topography, soils and other characteristics of the site to be developed;
3. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas or water resources of the Town; and,
4. Will not adversely affect existing or potential water supply.

The SPGA shall document the basis for any departures from the recommendations of the town boards or agencies in its decision.

8.2.12 Limit of Authority. This Section does not limit the existing authority of the Conservation Commission pursuant to MGL Chapter 131 Section 40.

8.2.13 Exemption. Middleborough's Business District shall be exempt from the provisions of Section 8.2.7.3.j.