

SECTION 580

AQUIFER PROTECTION OVERLAY ZONE

The aquifer protection overlay zone shall consist of the land overlying stratified drift aquifers which are present or potential sources of municipal water supply together with the primary and secondary recharge areas associated with them. The intent of the regulations in this section is to prevent the contamination or other impairment of these valuable sources of potable water. This zone will be superimposed on zones otherwise established and it is not the intent of this section to permit uses otherwise prohibited or not in conformity with restrictions imposed in the applicable underlying zone.

Within the designated aquifer protection overlay zone, no land shall be used and no structure, erected, constructed, reconstructed, altered or used except in conformance with this subsection and all other requirements of the applicable underlying zone.
(Amend. of 9-9-80)

580.1 Boundary. The aquifer protection overlay zone shall be all land which is so designated on the Killingly Zoning Map and shall include primary and secondary recharge areas delineated in accordance with assumptions and procedures established by the U.S. Geological Survey, Hartford Office. (Amend. of 9-9-80)

580.2 Allowed uses. All uses which are allowed in the existing underlying zones as permitted or special permit uses are also allowed in the aquifer protection overlay zone with the following exceptions, restrictions and requirements:

- A. Sanitary waste water discharge from on-site septic systems or their equivalent shall not average more than six hundred (600) gallons per acre per day, unless a denitrifying waste disposal system is designed, installed and reviewed by a professional, licensed for such work.
- B. The following uses are prohibited:
 - 1. Road salt storage and loading facilities.
 - 2. Solid materials disposal sites. The location of sanitary landfill or dump for the disposal of solid materials is prohibited in the aquifer protection Overlay zone.
 - 3. Septage disposal sites and lagoons. Disposal of septage in lagoons is prohibited in the aquifer protection overlay zone.

C. Conditioned Uses:

1. Large scale use and/or storage or manufacture of hazardous materials requires the securing of necessary permits from the Department of Energy and Environmental Protection and after the applicant has demonstrated to the commission's satisfaction that the quality of the groundwater will not be affected.
2. Effluent disposal into surface or groundwater associated with any land use requires securing the necessary permits from the Department of Energy and Environmental Protection;
3. Underground flammable and combustible liquid storage tanks are prohibited except after review and approval by the building inspector, fire marshal, and the commission. The applicant will demonstrate to the commission that measures have been taken to prevent accidental contamination of the groundwater.
 - a. Tanks shall be designed and constructed in accordance with the standards of:
 - (1) Underwriters' Laboratories, Inc.
 - (2) Canadian Standards Administration
 - (3) National Fire Prevention Association
 - (4) Connecticut General Statutes and Regulations
 - b. Approved non-corrosive tanks shall be used for gasoline storage at all service stations.
4. New and enlarged manure storage sites require approval from the Department of Energy and Environmental Protection. (Amend. of 9-9-80)

580.3 Permit Approval – Prior to the issuance of a zoning permit in the aquifer protection overlay zone, all proposed industrial and commercial permitted uses in new facilities or for reoccupation, change of use or actual use of existing facilities, shall be subject to site plan review approval by the Director of Planning and Development. Nothing herein shall prohibit the Director of Planning and Development from submitting any such site plan review application to the commission for its review. (Adopted 12/11/00; effective 1/10/01 12:01 AM). Prior to the issuance of a zoning permit in the aquifer protection overlay zone, all proposed industrial, commercial and residential special permitted uses shall be referred to the commission and subject to Special Permit approval.

580.3.1 In reviewing an application for within the aquifer protection overlay zone, the Commission and/or its staff shall take into account the health, safety and welfare of the public in general and the immediate neighborhood in particular. The applicant shall show to the Commission's and/or its staff's satisfaction that adequate safeguards have been incorporated into the proposed facility to protect the aquifer from contamination. Towards this end, the Commission and/or its staff may prescribe reasonable conditions, modifications and safeguards (i.e., spill prevention and control provisions; security provisions; management, operation and inspection procedures) as conditions of approval of an application submitted under these regulations.

In cases where state and/or federal approval(s) is required, local approval shall be conditioned upon said approvals being granted. (Amend. of 9-9-80; Amend. of 2-11-85)

580.3.2 Contents of site plan: In addition to the requirements set forth in Section 470 and/or Article VII of these regulations, the required site plan shall be accompanied by plans and/or a report detailing the following information:

- A. Amount and composition of industrial or commercial wastes including ash from combustion and proposed method of disposal of such waste outside the aquifer protection overlay zone.
- B. Amount and composition of any hazardous materials and other chemical products including but not limited to those identified by Section 3001 of the Resource Conservation and Recovery Act, that are handled, transported, stored or discharged to the air or the ground at the site; provision of Material Safety Data Sheets information.
- C. Floor plan of the proposed facility detailing areas proposed for the storage of hazardous materials and provisions for the secondary containment of accidental spills within the building, including construction or treatment to protect the surface of the floor from deterioration due to spillage of any such material.
- D. Details of areas proposed for the outdoor storage and/or transfer of hazardous materials and provisions for the secondary containment of accidental spills in said areas, including construction or treatment to protect the pavement surface from deterioration due to spillage of any such material.
- E. Security provisions for storage and transfer areas (both inside and outside).
- F. Emergency management plan for the handling of accidental spills. (Amend. of 9-9-80; Amend. of 2-11-85)

- G. Storm water management plan assuring that storm water run-off generated by The subject regulated activity is (i) managed in a manner so as to prevent pollution of groundwater, and (ii) shall comply with all of the requirements for the General Permit of the Discharge of Storm Water associated with a Commercial Activity issued pursuant to section 22a-430b of the Connecticut General Statutes.

580.3.3 – Reserved.

(Amend. of 9-9-80; Amend. of 2-11-85)

580.4 Nonconforming Uses

A. It is not the intent of these regulations to encourage the continued existence of any nonconforming use. Therefore, any such use in existence within the confines of the aquifer protection overlay zone which is not in conformance with this provision (Section 580) may remain until such time that fifty (50) percent or more of the assessed valuation of the property is destroyed by fire, flood, or other natural disaster, or

B. Improvements to the property in excess of ten (10) percent of the assessed valuation will not be permitted unless said improvements are intended to make the existing use more conforming to the intent of this regulation. (Amend. of 9-9-80)

Approved by P&Z Commission on October 20, 2014
Effective Date: Wednesday, November 12, 2014 at 12:01 AM