

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

**Aquifer Protection District
Purpose – Permitted Uses – § 242-502A-D**

§ 242-502. Aquifer Protection District, AP.

A. Purpose:

It is the purpose of the Aquifer Protection District to protect public health by preventing contamination of the ground and surface water resources providing water supply or potential water supply to the Town of Brookfield.

B. Lands to which these regulations apply:

These regulations apply to all land within the boundaries of the IR-80SE District and all Aquifer Protection Districts delineated on a map on file in the offices of the Zoning Commission which shows both primary and secondary recharge areas of the designated aquifer and is entitled "Aquifer Protection District, Town of Brookfield effective January 1, 2000." *[revised 1/2/00]*

C. Compliance:

Within Town boundaries, the Aquifer Protection Districts shall be superimposed on existing zoning districts. The provisions of these regulations shall be in addition to all other requirements of applicable statutes, codes, regulations or ordinances. In the event of conflict between the provisions of this regulation and any other Town regulation, the more restrictive requirement shall control.

D. Permitted Uses: *[revised eff. 1/2/00, 9/21/12, 12/16/16]*

- (1) All uses permitted within the underlying district, except as cited in Subsection D(2) below.
- (2) The following uses or activities are specifically prohibited: *[revised 8/23/01]*
 - (a) Road salt storage and loading facilities.
 - (b) Manufacture, storage, warehousing or transportation of toxic, hazardous or contaminant materials as a primary activity.
 - (c) On-site disposal of toxic, hazardous, contaminant or industrial waste into the soil or groundwater regime.
 - (d) Truck terminals, depots, yards and servicing facilities of a transportation line or company as a primary activity, but excluding warehousing and distribution services.

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Approval Considerations – § 242-502D**

- (e) Sanitary landfills, junkyards, salvage yards and other solid waste disposal.
- (f) Contractor’s yards.
- (g) Motor vehicle service or washing stations of a commercial nature.
- (h) Automotive and boat sales, repair or storage. Boat storage may be permitted provided the following precautions are designed, constructed and followed *[revised eff. 9/21/12]*
 - [1] All boat storage shall be within a weather tight building.
 - [2] No repair work on any boat shall be permitted.
 - [3] Internal fire protection walls shall be provided and no area protected by such walls shall exceed 12,000 square feet *(eff. 12/16/16)*
 - [4] A fire alarm system shall be installed and maintained. It shall be connected to a twenty-four (24) hour answering service. Fuel fume detectors shall also be installed on the ground level and shall be connected to the alarm monitoring system.
 - [5] The floors shall be Portland cement concrete and depressed a minimum of ten (10) inches with Portland cement concrete “curbs (minimum ten (10) inches high). All concrete shall be sealed against water, oils and fuel. All construction joints shall be sealed.
 - [6] A 20,000 gallon storage tank shall be provided and have a high overflow connected to a catch basin if possible. All floor areas shall drain to this tank.
 - [7] All drain plugs shall be left in any boats on the ground level.
 - [8] All batteries shall be removed from the boats prior to the boat being placed within the building.
 - [9] All personal items containing any flammable materials shall be removed from the boats prior to the boat being placed within the building.
- (i) Disposal of snow from outside of the district.
- (j) Uses or processes whereby other than standard domestic wastes generated on the site are discharged into the groundwaters of the Town of Brookfield
- (k) “Underground storage of fuel and other flammable or hazardous material: except that pre-existing underground storage may be continued as a pre-existing, non-conforming use provided that there is evidence that no leakage has occurred.” *[revised 5/24/01]*
- (l) Etching, plating, coating, finishing, degreasing, chemical cleaning, and the like.

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Required Data – § 242-502D-F**

- (m) Unless specifically regulated by the Department of Environmental Protection, or prohibited by the State or Brookfield Health Department, the storing of hazardous substances for purposes of retail consumer sale or individual private use is excepted from this prohibition.

E. Approval considerations:

- (1) In making a determination of §242-301C(5), the Commission 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 fail.
- (2) The Commission shall solicit the opinion of the Health Department, Town Engineer, Inland Wetlands Commission and the Planning Commission concerning any application involving the Aquifer Protection District.
- (3) Approval shall not be granted until the Commission determines that the groundwater quality of the site resulting from on-site operations will not fall below federal or state standards for drinking water quality or, if existing groundwater quality is already below those standards, that on-site operations will result in no further deterioration.
- (4) The applicant shall submit a report from a licensed engineer setting forth any risk or threat to water quality or the underlying aquifer from the site development, site improvements or on-site operations proposed in the application and procedures and steps to prevent any risk or threat. *[revised 6/18/02]*
- (5) The Commission hereby delegates to the Zoning Enforcement Officer the following authority: When the application concerns itself with a tenant fit up under section 242-502E(1) as it pertains to the design review approval, the requirements of Section 242-301C(3) shall not be applicable where exterior of the building, the parking lot, and appurtenant facilities, such as drainage, lighting and utilities, are not being modified or changed from the previously approved Design Review of the site, the Zoning Enforcement Officer shall review the application and he/she may grant a simple Zoning Compliance Certificate for the permitted use only. *[revised 6/16/11]*

F. Required data:

In addition to that required by other sections of the Code, the following data is required for all applications for design review approval involving areas within Aquifer Protection Districts:

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Required Data – § 242-502F**

- (1) Complete **description** of the type, size and intended content of a storage tank and transfer piping, as well as a listing of all other potentially toxic or hazardous materials to be used or stored on the premises.
- (2) Evidence of **approval by the cognizant regulatory agency** for disposal systems or any wastewater treatment systems over one thousand five hundred (1,500) gallons per day capacity.
- (3) Analysis certifying **compliance** with Subsection E(3) above completed by a technically qualified expert acceptable to the Commission.
- (4) **Distance** to the nearest public or private drinking water supply and nearest watercourses.
- (5) **Availability** of public sewer and proposed hookup location.
- (6) **Location, size, capacity of septic tank**, sewage lift station, force mains and grease traps.
- (7) Expected types and amounts of **discharge** to sewers and to ground and surface water.
- (8) Provision for **stormwater runoff controls**, which must minimize suspended solids and maximize groundwater recharge, including a detailed drainage plan showing the location and points of discharge for building, roof and floor drains, dry wells and drainage pipes, whether pervious or impervious.
- (9) Location and description of **outside storage areas** and materials to be stored.

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**Aquifer Protection District
Performance & Design Standards – § 242-502G**

G. Aquifer Protection Performance & Design Standards

(1) **General:**

All permitted uses shall conform to the standards indicated below. The purpose of these standards is to prevent or minimize potential groundwater pollution from improper waste disposal, releases of hazardous materials, and other sources. An alternative standard or protection method may be approved if it is clearly demonstrated to provide equivalent protection of these standards.

(2) **Exception:**

Storage or use of hazardous materials in quantities normally associated with customary residential or office use as determined by the Commission is exempt from these standards.

(3) **Stormwater Management:**

- (a) No wastewater discharges shall be connected to the stormwater system.
- (b) Stormwater from developed site areas shall be directed to an aboveground outlet point (swales, basins, surface waters). Discharges to drywells or other subsurface leaching structures may be allowed for the recharge of clean stormwater only, such as clean roof drainage.
- (c) Stormwater contact with sources of pollution shall be prevented by use of roofs, covers, berms and directing runoff away from such sources.
- (d) Parking, storage, loading and other areas where releases can occur shall be an impervious surface.
- (e) All sites and parking areas shall require the property owner or site operator to prepare, implement and maintain a Stormwater Management Plan as described in the Department of Environmental Protection document "General Permit for the Discharge of Stormwater Associated with Commercial Activity," part V.B., 8/1/95 as revised. Furthermore, runoff from parking areas shall be collected and contaminants shall be separated therefrom by use of engineered contaminant collection devices, e.g. Vortechs or similar systems. The contaminant materials shall be disposed of in accordance with Department of Environmental Protection regulations. Maintenance on the collector system shall be performed at least annually and collection of contaminant materials shall be performed at least semi-annually. A report prepared by a professional engineer shall be submitted to the Commission annually and shall describe the results of the stormwater management system inspection and any required

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(f) corrective action. A permanent maintenance bond, in an amount designated by the Commission, shall also be required. [8/23/01]

(g) The use of sodium chloride as a de-icing agent is prohibited. [8/23/01]

(4) **Wastewater Discharges:**

No wastewater shall discharge to the ground other than approved domestic sewage systems or other certain discharges approved by state wastewater discharge regulations, such as contaminant separator systems.

(5) **Floor Drains:**

No floor drains shall discharge into the ground. Floor drain discharges may be connected to public sanitary sewers in accordance with DEP or Water Pollution Control Authority approval. Bathroom and kitchen drains connected to a Health Department approved septic systems are excepted from this standard.

(6) **Storage, Generation, Use and Handling of Hazardous Materials:**

All areas and operations where hazardous materials are stored, generated, used or handled shall be designed and constructed to prevent ground water contamination including provisions for the control of inadvertent or accidental spills, leaks, or other discharges. The following standards shall apply:

(a) Manufacturing, processing, or other activities using hazardous materials shall be conducted only in a building or structure where the flooring is impervious to the material being used. Suitable containment provisions shall also be constructed for areas in which such activities are conducted. If floor drains are present, they shall be made inoperable prior to conducting such activities.

(b) Generation of toxic or hazardous materials in excess of 100 kilograms per month shall require a permit issued by the Department of Environmental Protection (DEP). Disposal of any material so generated shall be in accordance with DEP regulations.

(c) Pre-existing Underground storage tanks may be replaced subject to the following: [5/24/01]

[1] Tanks shall be double walled fiberglass reinforced plastic or a double walled steel cathodically protected.

[2] Piping and distribution lines shall be protected against corrosion and constructed of double wall pipe or within a secondary containment pipe or conduit.

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- [3] A monitoring or failure detection system shall be employed.
- [4] An overflow prevention or containment area shall be employed.
- (d) Aboveground storage tanks, containers or drums shall be within a building or structure meeting the following requirements:
 - [1] Have an impervious floor and containment area or dike of adequate size to contain the total volume stored.
 - [2] The area shall be protected by a roof and adequate sides to prevent exposure to precipitation.
 - [3] Tank overflow protection devices shall be designed to prevent release of overflow outside of the storage area.
 - [4] Storage areas shall be located outside of flood prone areas or be floodproofed.
 - [5] Have no floor drains.
- (e) Venting systems for evaporation or distillation of hazardous materials shall be designed with a control or recovery system to prevent the discharge of contaminated condensate or drippage.
- (f) Loading or transferring activities shall be conducted on impervious surfaces, roofed, and diked to capture and control any spills or leaks.
- (7) **Bulk Material and Solid Waste Storage:**
 - (a) Bulk storage facilities of non-hazardous materials which may leach into the ground such as deicing salt, sludge, manure, or silage shall have an impervious floor and roof, and be raised or designed to prevent surface water runoff from entering.
 - (b) Solid waste dumpsters shall be on a concrete pad, covered and plugged so as to be watertight.

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(8) **Hazardous and Contaminant Materials Control Plan:**

A control plan and applicable procedures shall be submitted, for approval, that contains the following elements:

- (a) An inventory of all hazardous or contaminant materials which are or will be generated, stored, or used at the facility and a description of the methods and procedures utilized for the receipt, handling, storage, utilization, treatment and disposal of such materials. The inventory shall also state the quantities involved and shall be accompanied by the applicable Material Safety Data Sheets (MSDS).
- (b) Security and inspection measures to control vandalism or accident.
- (c) The locations and types of storage containers used to store hazardous and contaminant materials and a description of leak detection and prevention methods and equipment.
- (d) Procedures for the periodic inspection and maintenance of handling equipment and storage containers.
- (e) A description of the operations at the site, including service, cleaning or manufacturing processes which might result in contamination of surface or groundwater.
- (f) Procedures to contain and clean up spills or leaks of hazardous materials.
- (g) Procedures for the collection after use and off-site disposal of hazardous and contaminant materials.
- (h) Procedures for an emergency response to natural or manmade accidents or disasters including notification of local and state officials.
- (i) Name, address and phone number of the persons responsible for implementing the above plans and procedures.

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(9) **Pesticide and Fertilizer Use:**

Any use which includes more than five (5) acres of land for crop, lawn, garden or landscaping requiring regular application of pesticides or fertilizer shall be accompanied by a management plan indicating the types of materials, application schedule, and conformance with DEP approved best management practices.

(10) **Monitoring:**

If the Commission determines that additional safety measures and monitoring are needed because of hydrological conditions, existing contamination, or a high potential for contamination, then it shall require the installation of monitoring wells, periodic sampling and reporting of analysis of the samples.

H. Inspection:

On a periodic basis or for good and sufficient reason at other times, the Commission shall cause inspections and/or tests to be conducted to verify compliance with applicable federal, state and municipal standards/requirements for drinking water. In the event that such tests indicate noncompliance, the Commission shall require the owner/occupant to immediately cease operations causing such noncompliance and to take timely corrective action at his expense.