



Town of Amherst, New Hampshire
Office of Community Development

Building · Code Enforcement · Planning · Zoning · Economic Development

**Conditional Use Permit Application and Plan Checklist for the
Aquifer Conservation and Wellhead Protection District**

Each Conditional use Permit Application submitted to the Planning Board for review shall contain the following information on one or more pages at a scale suitable to illustrate relevant details of the project, as well as a report demonstrating compliance with the requirements of Section 3.18 Conditional Use Permits and Sections 4.13.H and I of the Aquifer Conservation and Wellhead District.

Part I: Zoning Ordinance, Section 3.18 Conditional Use Permits

1. That the property in question is in conformance with the dimensional requirements of the zone and that the proposed use is consistent with the Amherst Master Plan.
2. That the proposal meets the purposes of the ordinance under which the application is proposed.
3. That there will be no significant adverse impacts resulting from the proposed use upon the public health, safety, and general welfare of the neighborhood and the Town of Amherst.
4. That the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than any use of the property permitted under the existing zoning district ordinances.
5. That the proposed use will not adversely affect the ground water resources of Amherst, in particular the Aquifer Conservation District as defined in Section 4-13 of the Amherst Zoning Ordinance.
6. The applicant shall file a Non-Residential Site Plan Review application in accordance with the “Non-Residential Site Plan Review Regulations” with the Amherst Planning Board.

Part II: Zoning Ordinance, Section 4.13.I Performance Standards

7. For any use that will render more than 15 percent of the total parcel area Impervious, a stormwater management plan consistent with New Hampshire Stormwater Manual Volumes 1-3, December 2008, as amended; published by NH Department of Environmental Services, shall be prepared and submitted to the Planning Board.
8. Conditional uses, as defined under Article 4.13 H shall develop stormwater management and pollution prevention plans and include information consistent with *Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators* (US EPA, Feb 2009, as amended). The plan shall:
 - a. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the *Innovative Land Use Planning Techniques: A Handbook for Sustainable Development*, Section 2.1 Permanent (Post-Construction) Stormwater Management, (NHDES 2008, as amended);
 - b. Minimize, through a source control plan that identifies pollution prevention measures, the release of Regulated Substances into stormwater;
 - c. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Environmental Site Assessment in conformance with ASTM E 1527-05; and

- d. Maintain a vertical separation between the bottom of a stormwater management facility which infiltrates or filter, of not less than four feet above seasonal high water table elevation as determined by a Licensed Hydrogeologist, Soil Scientist, Engineer or other qualified professional as determined by the Planning Board.
- 9. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, July 2008, as amended;
- 10. All Regulated Substances stored in containers with a capacity of more than five gallons must be stored in product-tight containers on an Impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and the out-of-doors;
- 11. Facilities where Regulated Substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;
- 12. Outdoor Storage areas for Regulated Substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from Surface Water or storm drains; and outside of protective radii of wells;
- 13. Secondary Containment must be provided for Outdoor Storage of Regulated Substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);
- 14. Containers in which Regulated Substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
- 15. Prior to any land clearing or alteration of terrain, any inactive wells on the property shall be identified and must be decommissioned in accordance with Part We 604 Abandonment of Wells of the New Hampshire Water Well Board Rules, as amended. Proposed site activity shall not impact the integrity of any well located on the property.
- 16. Blasting activities shall be planned and conducted in a manner consistent with best management practices published by the NHDES to minimize Groundwater contamination.
- 17. All transfers of petroleum products from delivery trucks and storage containers over five gallons in capacity shall be conducted over an Impervious Surface having a Positive Limiting Barrier at its perimeter.
- 18. At the option of the Planning Board, monitoring wells may be established for all industrial and commercial uses utilizing or storing hazardous or toxic materials. The number and location of monitoring wells shall be determined by the Planning Board. The required frequency and protocol for sampling and testing of Groundwater shall be specified by the Planning Board.
- 19. Storage of pesticides, herbicides, fertilizers, manure, and other potentially dangerous leachables shall be setback from water supply wells in accordance with state regulations including Chapter PES 500, managed in accordance with NH Best Management Practices for Agriculture, and controlled in a manner determined by the Planning Board. Appropriate and applicable Best Management Practices shall be implemented as recommended by the New Hampshire Department of Environmental Services.
- 20. When an industrial or commercial use within the ACWP District changes to one which involves the use, storage, or disposal of hazardous or toxic materials (Regulated Substances), Non-Residential Site Plan Review shall be required.
- 21. Not more than seventy percent (70%) of the total area of any lot or parcel shall be rendered Impervious.
- 22. Sodium chloride salt stored and used for deicing activities shall be properly managed and applied in accordance with accepted best management practices as published by NHDES to minimize impacts to

groundwater and reduce the amount necessary for public safety. Alternatives such as calcium magnesium acetate (CMA) and/or potassium acetate (KA) are encouraged.

- 23. Floor drains are prohibited unless drain is directed to a dry well used to temporarily store fluids until such time they are legally removed.
- 24. An impermeable barrier membrane (minimum of 20 mil) shall be installed beneath slab floors to prevent the infiltration of any spilled liquids within the building from percolating into the ground. The Planning Board has the discretion to impose any other requirements as necessary to achieve the stated purpose.

Part III: Zoning Ordinance, Section 4.13.H Application Procedures

- 25. A North arrow and date of site plan preparation;
- 26. Property boundaries and total parcel area;
- 27. The location of ACWP District boundaries;
- 28. Names and addresses of applicant, owners, abutters, and holders of conservation restrictions and easements on abutting properties;
- 29. Limits of wetlands, vernal pools, and Aquifer Conservation and Wellhead Protection District Boundaries;
- 30. Soil mapping units;
- 31. Topographic contours at intervals not more than two feet;
- 32. Existing and proposed development, including removal of vegetation and alteration of terrain;
- 33. Stormwater management accommodations, both existing and proposed. The applicant shall demonstrate: (a) post-development peak stormwater discharge volumes exiting the site are less than or equal to pre-development discharge volumes for the ten-year return frequency design storm; (b) volume of site generated stormwater to be infiltrated on site under post-development conditions is greater than or equal to the volume infiltrated under the pre-development condition based on evaluation of the two year return frequency design storm; and (c) stormwater management facilities shall provide for the removal of sediment;
- 34. Identification of potential risks to the District anticipated as a result of proposed site development together with proposals for mitigation;
- 35. Identification of hazardous materials to be stored or used on site together with a plan for proper management of the same; and
- 36. If required by the Planning Board, provisions for monitoring of groundwater and/or surface water quality.