

**Proposal to Amend Madbury
Zoning Ordinances, Article IX-A
Wellhead and Aquifer Overlay District**

13 Jan 20

Proposed Amendment Will Appear On The March 10, 2020 Ballot As:

Article 2: To vote to amend Town Zoning Ordinances as recommended by the Planning Board (Majority vote required)

“Amendment 1: Are you in favor of the adoption of Amendment No. 1, as proposed by the Planning Board, for the Town Zoning Ordinances to revise Article IX-A (The Aquifer and Wellhead Protection Overlay District) to clarify the ordinance’s language, organization, and requirements and to align the ordinance’s public water system wellhead protective area with State of New Hampshire’s sanitary wellhead protective radii standards?”

Summary of proposed changes:

Please note that these changes do not add to, or delete from, the ordinance’s existing Permitted, Prohibited, or Conditional Uses, or its Exemptions. Additionally, minor format changes, such as paragraph numbering and titling, are not listed below.

Sections 1 and 2:

No changes

Section 3:

Paragraphs A and B: Text and reference updates made to clarify and better organizes the sources of district boundaries.

Paragraph A.3: Paragraph added for better organization. Paragraph establishes that land within a 400-foot radius of a Public Water System well is in the overlay district. This listing was previously in Section 6.

Section 4:

Old Paragraph B: Paragraph was deleted to eliminate redundant language.

Paragraphs A and B: Style changes made to clarify remaining language.

Section 5:

Paragraph A: Paragraph was restructured to align with other proposed changes.

Paragraph B.1: Reference to hazardous waste facilities was removed since the State’s regulation program preempts municipal hazardous waste legislation in New Hampshire.

Paragraph B.7 (Old B.8): Text updated to clarify that only commercial motor vehicle service or repair shops are prohibited.

Paragraph C: Retitled for clarity

Paragraph C.1: Updated the quantities of regulated substances at which a permit and spill prevention plan are required in order to align with Federal hazardous materials emergency response guidance. Change from 100 to 55 gallons and from 800 to 660 pounds.

Paragraph C.2: Eliminated redundant language.

Paragraph D: Paragraph added to consolidate where exemptions are listed in the ordinance. Items in the paragraph were previously in Section 5 Paragraph A and Section 6.

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Section 6.

Paragraph changed to replace the current fixed 400-foot protective area around public water supply wellheads with the state's sanitary wellhead protective radii standard, which ranges in size from 75 to 400 feet based on the amount of water withdrawn from the well.

Section 7:

Paragraph A: Updated Best Management Practices for Agriculture publication references.

Paragraph E: Improved organization by moving Spill Control Plan requirements to this paragraph from less appropriate location in Paragraph K. Update plan requirements based on SRPC model ordinance.

Paragraph K: Deleted spill plan per Paragraph E note.

Section 8:

New paragraph added to record existing applicability to preexisting non-conforming uses.

Section 9 (Old Section 8):

Deleted reference to regulated substances since requirements are covered in Section 7.E.

Additional Information:

A full copy of the proposed amended ordinance is attached.

This amendment was approved for submission to the voters by the Planning Board during a Public Hearing on January 15, 2020.

Information from the Public Hearing is available at the Planning Board web site under the "2020-01-15" link at: http://www.madburynh.org/MadPlan/show_meetings.php.

Current Zoning Ordinances are available at Town Hall or on the Planning Board web site at: http://www.madburynh.org/Madbury/docs/Booklet_2017/pdfs/Part_4_Zoning_Ordinances_2017.pdf

Respectfully Submitted,
Madbury Planning Board

Attached: Draft Amended Zoning Article IX-A