

**ARTICLE A AMENDMENTS TO THE ZONING MAP AND ZONING BY-LAW
RELATIVE TO THE AQUIFER PROTECTION**

To see if the Town will vote to amend the Zoning Map by replacing the separate page thereof labeled as “Dartmouth Zoning Map Aquifer Protections Districts”, and which was approved by the June 4, 2013 Town Meeting, with a new page of the Dartmouth Zoning Map that is labeled as “Dartmouth Aquifer Protection Overlay District” and which is dated June 2, 2020, and which page is included with this article and available for review at the Planning Board’s office and the Town Clerk’s office.

And further, to see if the Town will vote to amend § 375-28 of the Zoning By-Law, all dealing with the aquifer protection within the Aquifer Protection District, as follows:

By deleting the first sentence of § 375-28.4A in its entirety and replacing it with the following:

The boundaries of the Aquifer Protection Overlay District and the Zones therein are shown on a separate page of the Dartmouth Zoning Map that is labeled as “Dartmouth Aquifer Protection Overlay District” and that is dated June 2, 2020.

By replacing all instances of both “Aquifer Protection District and “Aquifer Protection Districts” throughout Article 28, including in the title of Article 28 and in the titles of §§ 375-28.3 and 375-28.4, and by replacing the word “district” in § 375-28.3, all with “Aquifer Protection Overlay District”.

By replacing all instances of “Area 1”, “Area 2”, and “Area 3” with “Zone I”, “Zone II”, and “Zone III”, respectively; by replacing the word “areas” with the word “Zones” in the title and the first sentence of § 375-28.3, by replacing each instance of the word “area” with the word “Zone” in § 375-28.4, including in the title thereof; by replacing the word “Areas” with the word “Zones” in §§ 375-28.3, 375-28.4A and 375-28.5B; by replacing the phrase “Aquifer Protection Area” with the word “Zone” in § 375-28.4B; and by replacing the word “Area” with the word “Zone” in § 375-28.6B(3).

By replacing the first instance of “Department of Environmental Protection” with “Massachusetts Department of Environmental Protection (MassDEP)” or “MassDEP”, and replacing all subsequent instances of “Department of Environmental Protection” with “MassDEP”.

By deleting § 375-28.3C, but exclusive of § 375-28.3C(1)-(4), in its entirety and replacing it with the following:

- C. Zone III, land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. These recharge and potential groundwater development areas are a combination of MassDEP approved Zone II areas and

Town of Dartmouth areas, as determined from:

By deleting § 375-28.3C(2) in its entirety and replacing it with the following:

- (2) MassDEP Division of Water Supply Protection

By replacing all instances of “Massachusetts General Laws” with “MGL”.

By replacing all instances of “liquid petroleum” with “home heating oil”.

By deleting all references to “(See the Board of Health for Fuel Storage Regulations)”.

By deleting in § 375-28.5.B(2) The unlettered paragraph in its entirety following § 375-28.5B(f), which paragraph begins with “Provided that storage, listed in Subsection B(2)(a) through (f) above”.

By deleting § 375-28.5B(3) in its entirety and replacing it with the following:

- (3) Landfills and open dumps, as defined in 310 CMR 19.006, or disposal of solid or hazardous wastes as defined in 310 CMR 30.010, composting facilities registered in accordance with 310 CMR 16.04, or composting facilities permitted in accordance with 310 CMR 16.05, or the burial of stumps, or the landfilling of brush.

By deleting § 375-28.5B(8)(c) in its entirety and replacing it with the following:

- (c) Lot coverage calculations for lots in Open Space Residential Development (OSRD) subdivision (as defined in and governed by Article 11 of the Zoning By-law) shall be based on the inclusion of a proportionate share of the permanently protected open space approved as part of the OSRD subdivision.

By deleting § 375-28.6A(2) in its entirety and replacing it with on-site liquefied petroleum gas (LPG).

By deleting § 375-28.6B(7) in its entirety and replacing it with the following:

- (7) For uses that exceed 990 gallons of LPG, the method of installation shall comply with 527 CMR 1.00 of the Massachusetts State Fire Code;

By adding the phrase “and as approved by the Town Engineer or Conservation Commission” to the conclusion of the final sentence of § 375-28.7A(5).

By deleting the final sentence of § 375-28.7F.

And by adding a new § 375-28.7H as follows:

All subsurface infiltration systems shall be constructed with a two-foot minimum separation between the bottom of the structure and maximum groundwater elevation, as

determined by a MassDEP Soil Evaluator in accordance with 310 CMR 15.103(3), and as witnessed by the Board of Health or its authorized agent.

Or take any other action relative thereto.

Sponsor: Planning Board