

TOWN OF CHELMSFORD
GENERAL PROVISIONS, CHAPTER 201
BOARD OF HEALTH
ARTICLE VII
GROUNDWATER PROTECTION ZONE

(Added effective 2/9/88; revised 4/3/95; 8/2/2021, 4/3/2023, 5/6/2024, 6/3/2024)

§ 201-26. Authority and Purpose

These regulations were adopted pursuant to M.G.L c. 111, s. 31 for the purpose of preserving the public health as it relates to standards for groundwater protection within the Town of Chelmsford.

§ 201.27. Establishment of Zone

- A. The Groundwater Protection Zone is comprised of Zone II #566 and Zone II #567 as approved by MassDEP and defined as that area of an aquifer that contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary). The Zone II must include the entire Zone I area. For Springs, the Zone II is that area of an aquifer, which contributes water to the Spring under naturally flowing conditions. If a property owner questions the location of any boundary of the Groundwater Protection Zone, the owner may engage, at his own cost, a professional hydrogeologist, or soils engineer, who must be approved by the Chelmsford Board of Health, to determine if the land in question is a recharge area for present and future use. Changes to the boundary of a Zone II requires approval from MassDEP.

§ 201-28. Environmental Impact Report

If a site exists within the “Groundwater Protection Zone” the applicant may be required by the Health Department to conduct an Environmental impact report/Geohydrologic report consistent with the criteria of the Chelmsford Water District, East Chelmsford Water District, and North Chelmsford Water District’s Standard Operating Procedures. These reports must be prepared by an engineering firm having capabilities in this area. The applicant incurs all costs related to these reports.

§ 201-29. Board of Health Review

- A. The applicant must submit the review from their Local Water District.
- B. The Board of Health may require a Peer Review. This Peer Review will be prepared by a consultant of the Health Department’s choice. The Health Department will submit a cost proposal to the applicant for the Peer Review of the Hydrogeologic study and related documents. To cover the cost of these reviews, a review fee deposit will be required of

the applicant pursuant to the provisions of G. L. c. 44, s. 53G at the time of submission and at any appropriate time in the review process. Should the applicant have any concerns about the scope and cost of the review process, the applicant is strongly advised to consult with the Health Department concerning the scope and cost of any such studies early in the process. Failure to do so could result in delays in the processing of the application. The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. We will send the proposal as soon as we receive it.

1. The Consultant for the Board of Health will review all reports. The consultant will advise the Board of Health on a recommendation to approve or not to approve the project.

- a. Not approved – Project declined

- b. Not approved – Next steps needed to consider approval.

- C. A discussion and review of documents presented will take place at a regularly scheduled Board of Health Meeting.

1. Decision will be voted upon to approve or not approve.

2. Not Approved - Applicant may request an additional Hearing.

§ 201-29.1 Hearing

If a site exists within the “Groundwater Protection Zone” and the Project has been Declined the applicant can request a hearing in writing along with all documentation. Upon receipt of the written request and documentation detailing why the applicant is attesting the denial of the Project, the Board shall set a time and place for the hearing at the next scheduled Board of Health Meeting.

The applicant will incur all Board of Health Consulting Fees, including the Consultant’s Fee to attend the Requested Hearing.

No hearing will be scheduled unless the information submitted has been reviewed and found to be technically complete and accurate.

No Hearing request shall be heard except after the applicant has notified all abutters as well as abutters located across a street or way by certified mail at the applicant’s expense at least (14) days prior to the Board of Health meeting date at which the hearing request will be on the agenda.

The notification shall state the specific hearing sought and the reason(s) therefore, shall indicate the date, place, and time of the hearing, and shall indicate that the abutters may view the specific documents at the Health Department during regular business hours.

Cancellation of an initial public hearing shall require re-notification of abutters by the applicant.

At the hearing, the person requesting the hearing shall be given an opportunity to be heard and show why an approval shall occur. After the close of the hearing, the Board shall issue a written decision to sustain, modify, or decline the request and shall mail a copy of the decision, by certified mail, return receipt requested, to the person who requested the hearing. If the Board sustains or modifies the request, it shall be carried out within the time allotted in the original order or in the modification.