

Appendix D

**Kennebunk, Kennebunkport and Wells Water District Memo  
(dated November 17, 2000)**

*(as it appeared in the April 2002 Adopted Comprehensive Plan)*

# Kennebunk, Kennebunkport and Wells Water District

Trustees:  
Thomas P. Oliver, President  
K. C. Bach  
R. Littlefield

David A. Sweet, Superintendent  
Wayne A. Brockway, Treasurer  
Normand R. Labbe, Asst. Supt.

PO Box 88, 92 Main Street  
Kennebunk, Maine 04043

Phone 207-985-3385  
Fax 207-985-3102

November 17, 2000

TO: Steering Committee, Comprehensive Plan  
FROM: David Sweet  
RE: Branch Brook Aquifer Protection Zone

At your request, we have reviewed the existing Wells Zoning Ordinance and offer the following recommendations regarding land-use activities we believe are compatible with our goal of protecting the Branch Brook Aquifer, and highlight some uses we believe are not compatible. In addition, we have some suggestions regarding the configuration of the Branch Brook aquifer protection zones.

As you know, the existing aquifer protection zones only cover the area within 800 feet of Branch Brook and does not include the tributaries. We would urge you to consider that the protective area should include the entire aquifer since all of the ground water and surface water within the aquifer/watershed contributes to the flow of Branch Brook and needs to be protected.

Although a 200 day travel time zone is recommended to be designated as the high risk area, the brook is extremely vulnerable from contaminated surface water runoff from any point within the watershed especially when the ground is frozen. It is, however, recommended that two zones be created. The first would encompass the area between the brook and the 200 day travel line and the second would include the remainder of the aquifer. Today's land-use planning approach of utilizing available scientific data to establish zones is favored over the setback method at the State and National level as the best way to identify sensitive areas needing protection. The aquifer limits or zones could be reconfigured so that RP-BB would encompass that area that is within the 200 day travel time and the remainder of the aquifer would then be reclassified as BBA.

The aquifer is presently zoned as RP-BB, BBA, RA and R. The existing land use table lists 35 uses that are permitted within the RA and R zones (Note: Some

of these require plan review). This means that among the land uses the present ordinance would allow, medical care facilities, public/private schools, recreational vehicle parks, junkyards (automobile grave yard) and underground fuel tanks are included. Clearly, some of the uses that are presently allowed within the aquifer zone should be prohibited.

We have reviewed the existing land use table and have listed those uses that we believe would allow the landowner reasonable use of his or her property, and at the same time provide an acceptable level of protection for Branch Brook.

### Recommended Land Uses

1. Single family dwelling \*
2. Public utility facility Pr
3. Passive recreation
4. Accessory uses
5. Forest management Pr
6. Timber harvesting Pr  
Establish setbacks from brook  
Restrict from steep slope
7. Home occupation Pr  
Storage of hazardous materials not allowed
8. Mineral extraction BBA, PR
9. Transmission Tower Pr
10. Yard Sale

Pr = Permitted use with plan review

- \* Since Branch Brook is such a small stream it is extremely sensitive and therefore the density of use or its cumulative effect should be given careful consideration. Single family housing that is allowed in zone RP-BB should be of low density. Lot sizes and setbacks should be determined to assure absolute protection. Cluster zoning as a planning tool should be avoided. In zone BBA these numbers could be less stringent, thus allowing a higher density.

It is suggested that ordinances already in place in other communities could be used as guide-lines.

As previously reported, the Branch Brook aquifer within the Town of Wells contains approximately 3612 acres. The area within the 200 day travel time zone totals 2080 acres. The District owns approximately 434 acres of this land, leaving 1646 acres of which a portion is already protected by the ordinance now in place. The remaining acreage represents less than 4 percent of the total land area in the Town of Wells.

We appreciate this opportunity to comment on the existing ordinance and to make recommendations that will be considered for the comprehensive plan update. If we can provide you with any additional information, or answer any questions, please call.