

**Town of Lamoine, Maine**

*606 Douglas Hwy.*

*Lamoine, ME 04605*

207-667-2242

e-mail [town@lamoine-me.gov](mailto:town@lamoine-me.gov),

website [www.lamoine-me.gov](http://www.lamoine-me.gov)



## Lamoine Gravel Ordinance 2013

Adopted at the annual town meeting

March 13, 2013

Amended April 10, 2014

Attest: A True Copy

*/s/ Stuart Marckoon, Deputy Town Clerk*

## **Lamoine Gravel Ordinance**

### **SECTION 1. PURPOSE**

The purpose of this Ordinance is to define and regulate the excavation, extraction, processing, storage and transportation of sand, gravel, crushed stone, soil and loam in the Town of Lamoine, such that said activities so defined and regulated

1. protect the health, safety and welfare of the public;
2. preserve and protect the quality and quantity of surface water and ground water, and the aquifer in which the ground water is contained, for current and future use of the residents of the Town;
3. minimize adverse impacts on neighboring properties and the quality of life of the residents of the Town;
4. minimize adverse impacts on wildlife, existing natural features and historic areas within the Town; and
5. preserve the usefulness of the land and its capacity to be an asset to the Town and its residents.

### **SECTION 2. AUTHORITY**

This ordinance is adopted pursuant to and consistent with Title 30-A MRSA, Sections 3001 et. seq. and may be known and cited as “Lamoine Gravel Ordinance”.

### **SECTION 3. EFFECTIVE DATE**

The effective date of this Ordinance shall be at such time as it shall be signed by a majority of the Board of Selectmen of the Town of Lamoine, pursuant to authority of a duly called and validly held Town Meeting. Permits applied for and/or granted prior to the effective date of this Ordinance shall remain subject to the provisions of the Lamoine Gravel Ordinance and Site Plan Review Ordinance effective at the time of application until such time as these permits expire.

### **SECTION 4. VALIDITY AND SEVERABILITY**

Should any section or provision of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not invalidate any other section or provision of this Ordinance, and to this end the provisions of this Ordinance are hereby declared to be severable.

### **SECTION 5. CONFLICT WITH OTHER ORDINANCES**

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a higher standard, the provisions of this Ordinance shall prevail.

### **SECTION 6. APPLICABILITY**

This Ordinance shall apply to all existing and proposed activities where the scope of excavation, extraction, processing, storage and transportation of sand, gravel, crushed stone, soil and loam (said materials hereinafter “Gravel”) exceeds or will exceed one acre, or from which more than five hundred (500) cubic yards of material have been or will be removed.

### **SECTION 7. ADMINISTRATION**

- A. Permit Required.

No person shall engage in, or permit, the excavation, extraction, processing, storage or transportation of Gravel (said activities hereinafter "Gravel Operations") where the scope of such Gravel Operations exceeds or will exceed one acre or from which more than five hundred (500) cubic yards of Gravel have or will be removed without first obtaining a permit (said permit hereinafter "Gravel Permit") from the Lamoine Planning Board.

B. Application Fee.

An application fee for a Gravel Permit required by this Ordinance shall be paid with the application. The amount of the fee is established by Lamoine Board of Selectmen; a Schedule of Fees is located at the Town Office. The fee, which is non-refundable, shall be paid to the Town of Lamoine, shall accrue to the Code Enforcement Fund and shall be used for the administration and enforcement of Town ordinances. An application shall not be considered by the Planning Board until such fee has been received by the Town.

C. Application

An applicant for a Gravel Permit shall provide, in writing, all information required below. A fully executed original and nine copies of the application shall be submitted to the Lamoine Town Office not less than fourteen (14) days prior to a regularly scheduled meeting of the Board. The application shall contain the following:

1. General information.

(Note: Items a. – g. shall be entered on the Lamoine Gravel Ordinance Permit Application cover sheet. Answers to items h. – k. shall be inserted in the body of the application.)

- a. Name and current address of owner of record of the Parcel on which Gravel Operations are proposed.
- b. Name and current address of the applicant (individual, firm or corporation) seeking the Gravel Permit, if different from the parcel owner.
- c. Name assigned to the proposed Gravel Operations.
- d. Length of permit applied for (may not exceed three [3] years).
- e. The Land Use District in which the Parcel is located.
- f. The assessors' tax map and lot number of the Parcel on which Gravel Operations are proposed.
- g. A copy of the deed, option to purchase, lease, or other evidence of the applicant's title, right or interest in the Parcel.
- h. The status of the current property tax payment.
- i. Names and addresses of all owners of property within five hundred (500) feet of the property lines of the Parcel on which Gravel Operations are proposed; and the assessors' tax maps and lot numbers of those properties.
- j. The name and registration number of the land surveyor, engineer, soils scientist, and/or similar professional(s), if any, who prepared the Plan (required in C.2. below) submitted on behalf of the applicant.
- k. A statement from a bank or other financial institution indicating that the applicant has sufficient resources to fulfill the obligations required by this Ordinance (including Restoration as hereinafter defined) and any other activities which may be required by the Planning Board.

2. Existing Conditions

- a. The applicant shall provide a to-scale plot plan (hereinafter "Plan") showing:
  - (1) location, bearings and distances of all property lines of the Parcel on which Gravel Operations are proposed.
  - (2) location of all properties abutting the Parcel, the names of the owners of these abutting properties, and the assessors' tax map and lot number of each abutting property.

- (3) existing elevations and contours of the land both within and extending one hundred (100) feet beyond the boundaries of the Parcel at intervals not to exceed ten (10) feet in elevation. The scale used to define contours shall appear on the Plan and be expressed in "feet above sea level".
  - (4) locations, names and widths of existing roads and rights-of-way within or adjacent to the Parcel on which Gravel Operations are proposed.
  - (5) direction of existing surface water drainage (flow) across the Parcel.
  - (6) location of any private water supplies located within three hundred (300) feet of any boundary of the proposed Gravel Operations.
  - (7) location of any public water supply located within 1,000 feet of any boundary of the proposed Gravel Operations.
  - (8) location of open drainage courses (streams and springs), wetlands, stonewalls, graveyards, fences, stands of trees, and other important or unique natural areas and site features within the Parcel on which Gravel Operations are proposed, including, but not limited to, floodplains, deer wintering areas, significant wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, and historic and/or archaeological resources, together with a descriptions of such features.
- b. The applicant shall provide documentation of the average seasonal high water table level (expressed in feet above mean sea level) within the area where Gravel Operations are proposed. The water table shall be determined by use of monitoring wells. At least one monitoring well shall be installed for each five (5) acres, and additional fraction thereof, of proposed Gravel Operations in order to determine the average seasonal high water table of the entire area for which a Gravel Permit is sought.
  - c. The applicant shall provide documentation of water quality as determined from samples taken from each monitoring well. Field parameters measured and recorded at each sampling event shall be pH, specific conductance, turbidity, and temperature. Laboratory analyses shall include iron, manganese, Volatile Petroleum Hydrocarbons and Extractable Petroleum Hydrocarbons. Samples shall be taken by a certified professional hydrologist or registered professional engineer and analyses shall be completed by an approved laboratory.
3. Proposed Pit
 

On the to-scale plot plan required in C.2.a. above, the applicant shall also indicate:

    - a. the portion of the Parcel for which the applicant seeks a Gravel Permit (hereinafter called the "Gravel Pit" or "Pit").
    - b. the location, bearings and distances of the boundaries of the Gravel Pit.
    - c. location of all setbacks and buffers within the Parcel.
    - d. the area, in acres, of the Pit.
  4. Proposed Operations
 

On the to-scale plot plan required in C.2.a. above, the applicant shall also indicate, with color, grids or other means:

    - a. the area(s) of proposed Gravel Operations during the life of the permit.
    - b. the area(s) of proposed Restoration during the life of the permit.
    - c. if applicable, the area(s) of Gravel Operations during the life of the immediate prior permit.
    - d. if applicable, the area(s) of Restoration during the life of the immediate prior permit.
    - e. the buffer strip(s) to be maintained as required in Section 8. A.

- f. the location of all access roads, existing and proposed, from a public roadway to the proposed Pit.
  - g. the location and dimensions of all buildings and structures, existing and proposed, whether temporary or permanent, within the Parcel.
  - h. the size, location, intensity and direction of all outdoor lighting.
  - i. location of any proposed hazardous material storage areas including, but not limited to, fuel storage and handling.
  - j. location of observational well(s), existing or to be installed, to be used to monitor the separation distance between the excavation floor of the Pit and the average seasonal high water table elevation.
5. The estimated longevity of the Gravel Pit based on anticipated removal rates.
  6. A written plan describing how setback and screening requirements as set forth in Sections 8.A. & 8.B. shall be met.
  7. A written plan for monitoring the separation distance between the excavation floor of the Pit and the average seasonal high water table.
  8. A written plan describing any proposed washing operation and its impact on existing ground water quantity and quality.
  9. The type, size and location of any equipment, plans for blasting, or other procedures that are likely to generate appreciable noise at the lot lines.
  10. An estimate of the average daily traffic generated by Gravel Operations during periods of operation.
  11. A written soil erosion and sedimentation control plan prepared in accordance with the standards contained in the latest revision Best Management Practices as established by the State. Indicate any catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers to be installed or created on the Plan.
  12. A written Restoration Plan describing in detail the manner in which the Gravel Pit shall be restored in accordance with the provisions described in Section 8. D.
  13. Copies of all submissions to, and permits or licenses issued by, federal or state agencies with regard to Gravel Operations on the Parcel.
  14. Note: The Planning Board may require additional information from the applicant in addition to that requested in the application as set forth above. See 7.E. below.
- D. Application Requirements Waiver
- The Planning Board may modify or waive any of the requirements set forth in 7.C. above when the Board determines that such modification or such waiver of said requirements would not adversely affect the general health, safety and welfare of the residents of the Town or otherwise be converse to the purposes and intent of this Gravel Ordinance.
- E. Procedure
1. Review of Application for Completeness  
The Planning Board shall review an application for a Gravel Permit to determine whether the application is complete. The Board shall also review the findings of the Code Enforcement Officer's Annual Compliance Inspection(s) for the Parcel in question if the same was previously permitted for Gravel Operations. If the Board determines the application is not complete, it shall inform the applicant of the information necessary to make the application complete.
  2. Site Walk  
Within forty-five (45) days of receipt of a complete application, the Board shall visit the Parcel proposed for Gravel Operations to verify in the field the location of the site, boundaries, natural features, access roads, and other information presented in the application. Following the site walk, the Board may require additional information to be submitted by the applicant.
  3. Public Hearing

Within forty-five (45) days of receipt of a complete application, but after the site walk noted in E.2. above, the Board shall hold a public hearing regarding the application. The Town of Lamoine shall publish, at the expense of the applicant, notice of the date, time, and place of the hearing in a newspaper of general circulation at least twice, the date of the first publication to be not less than ten (10) days prior to the hearing. In addition, the Town shall mail, by certified mail (return receipt requested) and at the expense of the applicant, a notice of the public hearing to all abutters of the Parcel on which Gravel Operations are proposed not less than ten (10) days prior to the hearing. Following the public hearing, the Board may require additional information to be submitted by the applicant.

4. Additional information.

The Planning Board may also require an independent evaluation and/or study in addition to information provided by the applicant. This evaluation and/or study shall be done by a person or firm of the Board's choosing. Said person or firm shall be required to estimate the cost of an evaluation or study and the applicant shall pay to the Town of Lamoine the full estimated cost. At the completion of the evaluation or study, any balance due shall be paid to the Town by the applicant or any balance remaining shall be returned to the applicant.

5. Planning Board Decision

Within seventy-five (75) days of receipt of a complete application or, if additional information as noted in E.2, E.3, and E.4 above is required, at a mutually agreed upon later time, but after the Site Walk and Public Hearing, the Board shall grant without conditions, or grant with conditions, or deny the permit. The Board shall grant the permit, either without or with conditions, if the Board makes a positive finding, based on all the information available to the Board, that the proposed Gravel Operations are in conformance with the Performance Standards set forth in Section 8.

F. Length of Permit

Permits may be granted for a period not to exceed three (3) years.

G. Appeals

1. Any decision of the Planning Board may be appealed by any party of standing to the Lamoine Board of Appeals. The appeal shall be in writing and submitted within thirty (30) days of the date of the written decision of the Planning Board and shall be accompanied by the required fee as established by the Lamoine Board of Selectmen.
2. A hearing shall be conducted by the Board of Appeals, which shall act solely in an appellate capacity. Following a hearing, that shall not be de novo, but shall be limited to a review of the record developed before the Planning Board, and the parties' arguments based on that record, the Board of Appeals may reverse the decision of the Planning Board only upon a finding that the decision is clearly contrary to specific provisions of the applicable ordinance. Upon reversal, the matter shall be remanded to the Planning Board for further proceedings consistent with the Board of Appeals' ruling.

H. Enforcement

1. Annual Compliance Inspection

- a. All Gravel Operations shall be inspected annually for the purposes of ensuring compliance with this Ordinance and any additional conditions placed on the permit. The Annual Compliance Inspection shall be conducted by the Code Enforcement Officer (CEO) in the Spring prior to June 1.
- b. The CEO shall issue a *Report of Compliance* if it is determined that the Gravel Operations and Restoration are in compliance with the Ordinance and any conditions which were placed on the permit at the time of issuance. The report shall be written and provided to the Planning Board, Selectmen, and the permit holder.

- c. The CEO shall issue a *Report of Non-compliance* if it is determined that the Gravel Operations and Restoration are not in compliance with the Ordinance and/or any conditions which were placed on the permit at the time of issuance. The report shall be written and copies of the report provided to the Planning Board, the Selectmen, and the permit holder.
2. Notice of Violation
- a. When the CEO finds that Gravel Operations and/or Restoration are not in compliance with the Ordinance and/or any additional conditions which were placed on the permit at time of issuance as described in H.1.c. above, the CEO shall issue to the permit holder a *Notice of Violation* specifying the particular violation(s), ordering the permit holder to cease immediately any further violation(s), and ordering the permit holder to take any necessary remedial actions to bring operations into compliance.
  - b. If within thirty (30) days after issuance of the *Notice of Violation* the permit holder takes such remedial actions which, in the determination of the CEO, bring the Gravel Operations into compliance, the *Notice of Violation* shall be rescinded by the CEO and a *Report of Compliance* issued.
  - c. If thirty (30) days after issuance of the *Notice of Violation* the CEO determines that the permit holder persists in violation and/or has not taken such remedial actions as to bring the Gravel Operations into compliance, the CEO shall issue a *Stop Work Order* requiring immediate cessation of all Gravel Operations authorized under the existing permit. The Planning Board shall then have the authority to seek revocation of the Gravel Permit. If a Gravel Permit is revoked, the pit owner/operator is required to immediately commence such Restoration as is required by Section 8.D. of this Ordinance and as was required by the revoked permit.
3. Right of Entry
- The Code Enforcement Officer is authorized to enter any Parcel on which a permitted Gravel Pit is located for the purpose of monitoring compliance with the provisions of this Ordinance and any additional conditions which were placed on the permit by the Planning Board. If the permit holder denies entry to the CEO, the CEO shall not enter the property without first obtaining an administrative warrant pursuant to the Maine Rules of Civil Procedure. However, failure by or on behalf of the permit holder to grant the CEO access to the Parcel shall be considered just cause for the Planning Board to seek revocation of the Gravel Permit.
4. Prosecution
- a. In the event that the permit holder continues operations after a permit has either expired or been revoked, the Selectmen shall make such complaints to any court of competent jurisdiction as in their judgment are proper or may institute such actions or proceedings at law or in equity as are proper to restrain, remove or punish such violation.
  - b. Continuing Gravel Operations without a permit, whether such permit has expired or has been revoked, shall subject the operator to a fine of five hundred dollars (\$500.00) per day of violation.

## **SECTION 8. PERFORMANCE STANDARDS**

All Gravel Operations shall conform to the following standards:

### **A. Set-backs**

The purpose of set-backs is to lessen adverse impacts, such as noise, erosion, despoiling of views, and deterioration of water quality on neighboring properties and residents.

1. A buffer strip of at not less than 100 feet in width shall be maintained between the boundary of the Gravel Pit and the boundary of the Parcel on which the Pit is located.
    - a. However, the buffer strip between permitted Gravel Pits on abutting Parcels may be eliminated with the written permission of both owners, provided the elimination of the buffer strip does not increase the runoff from either excavation across the property boundary.
    - b. Excavation in the 100-foot buffer strip may take place not less than fifty (50) feet from the Parcel boundary when conditions stated in A.2., A.3., and A.4., are met and if the following conditions are met:
      - 1) the Parcel or part thereof on which the Gravel Pit is located had been granted a Site Plan Review Permit for a Gravel Pit;
      - 2) the owner of the abutting property grants written permission for the excavation to occur. Such written agreement shall be recorded at the Hancock County Registry of Deeds, making reference to the title deed of the owner of each such abutting Parcel;
      - 3) excavation within the buffer strip may not exceed the 2.5-1.0 slope as required and described in Section 8.D.1.a (Restoration);
      - 4) the area within the buffer strip anticipated to be excavated during the life of the Permit must be specified in the application and will be considered as part of the Pit; and
      - 5) reclamation of the area designated in (4) above must be completed prior to the expiration of the Permit.
  2. A buffer strip of not less than 150 feet in width shall be maintained between the boundary of the Pit and an existing private drinking water supply. A buffer strip of at least 1,000 feet shall be maintained between the boundary of the Pit and any public water supply.
  3. A buffer strip of not less than 100 feet in width shall be maintained between the boundary of the Pit and the nearest edge of any public road, public right-of-way or the nearest edge of any private road serving as the principal road in a subdivision.
  4. A buffer strip of not less than 250 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of any great pond, river or saltwater body, and the upland edge of a coastal or freshwater wetland; a buffer strip of not less than 75 feet in width shall be maintained between the boundary of the Pit and the normal high-water line of a stream. (See Shoreland Zoning Ordinance for these and other restrictions which may apply.)
  5. The Planning Board shall have the authority to require wider buffer areas if it determines that the above set-back distances are insufficient to achieve the purposes of protecting private and public water supplies, screening gravel operations from public view, and protecting water bodies, tributary streams or wetlands as noted in A.2., A.3., and A.4. above.
- B. Screening
- Screening within all required buffer strips as described in paragraph A. above shall be required in order to prevent direct view of Gravel Operations from any private residence and/or business, public road, public right-of-way and private road serving as a principal road in a subdivision and to reduce the volume of noise generated from Gravel Operations affecting neighboring properties. Natural features such as trees, shrubbery, berms and hills shall be maintained as screening where possible. Where such natural features are not present or are insufficient to provide the required screening, the Planning Board may require construction of fences and/ or additional plantings. Where topography makes it impracticable to screen gravel operations from public view, the Planning Board shall have the authority to alter or waive the screening requirement.



C. Groundwater Protection

1. No Gravel Pit shall be worked at any time at a level less than five (5) feet above the existing water table. The location of the water table shall be established prior to any excavation taking place. (See Section 7.C.2.b. requirement).
2. No ditching, trenching, pumping or other methods shall be used to lower the water table for the purpose of allowing more Gravel extraction than would be permitted without such lowering of the water table.
3. No substance or item harmful to groundwater quality including, but not limited to, salt, creosoted timber, tree stumps, building waste, petroleum products or rubbish shall be dumped in a Gravel Pit.
4. Petroleum products, such as fuel and lubricants, being used in Gravel Operations shall be kept under cover and upon an impermeable spill-proof base sufficient to contain the volume of the petroleum products in the event of a spill.
5. The Planning Board may increase the separation distance required if it determines that the water table of neighboring properties will be adversely affected by gravel extraction to the five-foot minimum separation.

D. Restoration

1. Reclamation Plan

Any area from which Gravel has been extracted and from which no further Gravel extraction is either proposed by the pit operator or eligible for permitting by the Planning Board under the terms of the Ordinance shall be restored to a natural state within the specifications set forth below:

- a. No slopes shall have an incline greater than 2.5 horizontal to 1 vertical (2.5:1). Slopes greater than 2.5:1 shall be regraded, except that a steeper slope may be allowed if slope stability analysis is submitted showing that there will be no failure or sloughing of slopes.
- b. All disturbed surfaces shall be covered with a minimum of four (4) inches of topsoil. Any topsoil which was stripped prior to Gravel extraction and which is retained on premises shall be seeded, mulched, or otherwise stabilized. Additional topsoil shall be obtained from off-site sources if needed to fully cover all disturbed surfaces.
- c. Vegetative material used in Restoration shall consist of native grasses, legumes, herbaceous, or woody plants or a mixture thereof. The owner/operator shall guarantee that if, after two years from the restoration completion date, more than fifteen (15) percent of the planted area does not sustain vegetation, the failed areas shall be replanted. (See *Maine Erosion and Sediment Control BMP, 3/2003*, and any subsequent amendments.)
- d. All structures, such as refueling pads and gates, shall be removed and all access, haul or other support roads shall be subject to Restoration once no longer used.
- e. Restoration activities shall be completed within one year of commencement.

2. Filing of Reclamation Plan

The owner/operator of the Pit shall record the Restoration Plan with the Hancock County Registry of Deeds. Recording the Restoration Plan with the deed to the property will assure the Town of Lamoine that the sale of the property to any other owner for any reason will cause the new owner to comply with the terms of the Restoration Plan unless the new owner applies for and receives a Gravel Permit within six months of assuming ownership of the Pit.

3. Performance Guarantee – Escrow Account

- a. Each permit holder shall pay to the Town of Lamoine \$0.05 (5 cents) for every cubic yard of material excavated and removed from the permitted area. Such payment shall be made annually in an amount based on the number of cubic yards excavated and removed in the previous 12 months as disclosed in the

Annual Report made to the CEO (see paragraph H. below). Such payment shall accompany the Annual Report.

- b. The amount paid to the Town shall be held in a Gravel Pit Restoration account, the sole purpose of which shall be to accumulate and provide funds to pay the costs of required Restoration activities specified in the reclamation plan. The account shall keep record of which permit holder made payments and for which Gravel Pit the payments were made.
- c. Money shall be withdrawn by the Town Treasurer from the Gravel Pit Restoration account to pay for restoration work only after such work is completed to the satisfaction of the CEO. The CEO shall submit a written request to the Town Treasurer, noting the amount of payment to be made, the payee, and the Gravel Pit where restoration took place, and describing the work performed. A copy of the report shall be placed in the appropriate Gravel Pit permit file. The amount withdrawn may not exceed the amount credited to the Gravel Pit on which the Restoration work is undertaken.
- d. The permit holder is liable for all additional costs associated with reclamation if the accumulated funds available are insufficient to cover the actual costs of reclamation.
- e. Should funds remain after a Gravel Pit is fully restored as required by this Ordinance, such funds shall be paid to the permit holder at the time such reclamation is completed.
- f. Should the owner/operator fail to complete required Restoration work, a lien in an amount three times the estimated cost to complete required Restoration shall be recorded against the Parcel.

#### E. Transportation

1. All vehicles carrying Gravel either to or from a Gravel Pit shall have the load covered and tailgates secured so as to prevent spillage of any part of the load on the public roads within the Town.
2. All access/egress roads leading to or from a Gravel Pit shall be paved or otherwise hard-surfaced for a distance of not less than one hundred (100) feet from the near edge of the pavement of a public road so as to prevent mud, stones, and the like from being brought onto the public road.
3. Except as set forth in E. 2. above, access roads in and around the Pit shall not be oiled, salted, or paved.
4. A minimum sight distance of 12.5 feet for every mile-per-hour of posted speed limit shall be provided where an access/egress road intersects a public road. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of the shoulder line of the public way to a point which is four (4) feet high and four (4) feet from the center line of the public road. (For example, a sight distance of 562.5 feet is required for a road posted at 45 mph.). If the public road is a State road, a Road Entrance Permit issued by the Maine Department of Transportation shall satisfy this standard.
5. The angle of intersection of an access/egress road and a public road shall be a minimum of 60° and a maximum of 90°.
6. The maximum permissible grade within 75 feet of such intersection shall be 5%.
7. Road signs stating "Trucks Entering – 500 feet" shall be installed 500 feet from where access roads intersect public ways. Said signs shall be paid for by the permit holder and installed by permission of and in cooperation with the Maine Department of Transportation.

#### F. Hours of operation

1. Regular hours of operation shall be 6 a.m. to 6 p.m. daily with the exception of Sunday when no Gravel Operations are permitted.
  2. Activities related solely to Restoration are permitted on Sunday between 12 p.m. and 6 p.m.
  3. In emergency situations involving public health and/or public safety, gravel operations may occur, but only after notification is made to and permission granted by the CEO. A written report shall be filed within 24 hours of commencement of such emergency operations describing the nature of the emergency warranting such operations.
  4. Gravel Operations shall not occur on the following holidays: Memorial Day, Independence Day, Thanksgiving Day and Christmas Day.
- G. Noise
1. Noise shall not be objectionable due to intermittence, beat frequency, shrillness or volume beyond the boundaries of the Parcel(s) on which Gravel Pit is located.
  2. Sound pressure levels shall be measured on a sound level meter at all boundary lines of the Parcel on which the Gravel Pit is located.
  3. The sound pressure limit shall not exceed 65 dB at any Parcel boundary line.
- H. Annual Report
1. On an annual basis, not less than thirty (30) days following the anniversary date of the permit, the Gravel Pit owner/operator shall provide a written report to the CEO containing the following:
    - a. The volume of Gravel excavated from the Pit during the previous twelve (12) month period.
    - b. Any Restoration completed during the previous twelve (12) month period.
    - c. Water table levels, expressed in feet above mean sea level, measured within thirty (30) days of the anniversary date of the permit, in all Monitoring Wells/piezometers within the Pit; and the level, expressed in feet above mean sea level, of the lowest point in the Pit floor.
    - d. Water quality data, as determined within thirty (30) days of the anniversary date of the permit, from samples taken from each Monitoring Well/piezometer. Data shall include results of field parameters and analyses, set forth in 7.C.2.c.
- I. Exterior Lighting
1. All exterior lighting shall be designed to ensure safe movement of people and vehicles and to minimize adverse impact on neighboring properties and public ways.
  2. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.
- J. Air Pollution
- Gravel Operations shall not create an emission of dust or dirt at any point beyond the boundary line of the Parcel on which the Pit is located that could damage human health, animals, vegetation or property or that could soil or stain persons or property.
- K. Landscape Preservation
- Environmentally sensitive areas such as aquifers, significant wildlife habitat, wetlands, steep slopes, floodplains, historic buildings and sites, existing and potential archaeological sites and unique natural features shall be maintained and preserved to the maximum extent practicable.
- L. Adverse Effect
- The proposed Gravel Operations shall not adversely affect the value of neighboring properties.
- M. Comprehensive Plan
- The proposed Gravel Operations shall be in conformance with the Comprehensive Plan of the Town.
- N. Additional Standards

The Planning Board shall have the authority to apply additional standards and impose such conditions not otherwise specified in this Ordinance as may be necessary to minimize any adverse effects associated with Gravel Operations on public health and safety and on surrounding land uses and resources.

## **SECTION 9. DEFINITIONS**

### **Discontinued Gravel Pit**

The term 'Discontinued Gravel Pit' shall mean a Gravel Pit which is no longer permitted by the Lamoine Planning Board. A Gravel Pit may be designated as discontinued due to either expiration of or revocation of an existing permit. A permit may be revoked as set forth in Section 7. H. A discontinued Gravel Pit shall be restored according to the provisions set forth in Section 8.D.

### **Gravel**

'Gravel' shall be an inclusive term referring to the materials of sand, gravel, crushed stone, soil and loam which are excavated, extracted, processed, stored and transported in Gravel Operations.

### **Gravel Extraction and Excavation**

The terms 'Gravel Extraction' and 'Gravel Excavation' shall mean the removal of sand and gravel, bedrock or soil from their natural site of geologic deposition or formation.

### **Gravel Processing**

The term 'Gravel Processing' shall mean the screening, sorting, crushing or other processing of geologic material extracted or excavated.

### **Gravel Storage**

The term 'Gravel Storage' shall mean the storage of sand, gravel, crushed stone, or soil stock piles or other forms.

### **Gravel Transportation**

The term 'Gravel Transportation' shall mean using the public roads in Lamoine to haul sand, gravel, crushed stone or soil, except for the purposes of snow plowing and sanding operations.

### **Gravel Operations**

The term 'Gravel Operations' shall be an inclusive term referring to the activities involved in gravel extraction, excavation, processing, storage and transportation.

### **Gravel Pit**

The term 'Gravel Pit', also referred to as 'Pit', shall mean the portion(s) of a Parcel used in the excavation, extraction, processing, or storage of sand, gravel, crushed stone or soil for which a permit is required and issued. Acreage previously excavated which has been restored in accordance with Section 8.D. will not be counted as part of the Gravel Pit in determining pit size for application fee purposes.

### **Groundwater**

'Groundwater' shall mean all water found beneath the surface of the ground. For the purposes of aquifer protection, this term refers to the slowly moving subsurface water present in the aquifers and recharge areas.

### **Monitoring Well, Piezometer**

The term 'Monitoring Well' shall mean a well installed at sufficient depth to permit measurement of the average seasonal high water table and of sufficient capacity to permit withdrawal of acceptable water samples for analysis. A piezometer is an example of a satisfactory monitoring well.

### **Parcel**

The term 'Parcel' shall mean all contiguous land in the same ownership within which a Gravel Pit is located.

Plan

The term 'Plan' shall refer to the to-scale plan, normally prepared by a licensed professional, required by Section 7.C.2. of this Ordinance.

Restoration

The term 'Restoration' shall refer to restoration procedures set forth in Section 8.D.1 of this Ordinance.

Water Table

The term 'Water Table' shall mean the upper surface of groundwater below which the soil is saturated with water.

March 21, 2013

This ordinance was adopted by the Lamoine town meeting held on March 13, 2013 and replaces all previous versions of the Lamoine Gravel Ordinance

/s/	S. Josephine Cooper	}	
		}	
/s/	Cynthia Donaldson	}	
		}	
/s/	Gary McFarland	}	The Lamoine Board
		}	of Selectmen
/s/	Bernard Johnson	}	
		}	
/s/	Nathan Mason	}	

Amended at the annual town meeting held April 10, 2014

/s/	Gary McFarland	}	
		}	
/s/	S. Josephine Cooper	}	
		}	
/s/	Bernard Johnson	}	The Lamoine Board of
		}	Selectmen
/s/	Nathan Mason	}	
		}	
/s/	Heather Fowler	}	