Town of
Stockton Springs
Maine
P.O. Box 339
Stockton, Springs, ME 04981

MINERAL EXTRACTION ORDINANCE

Of the Town of Stockton Springs

Attested: Christina M. Hassapelis

Date: April 22, 2009

This page left intentionally blank.

Table of Contents

MINERAL EXTRACTION ORDINANCE 5
Section 1 Title 5
Section 2 Purpose 5
ARTICLE II – AUTHORITY, APPLICABILITY & ADMINISTRATION 5
Section 1 Authority 5
Section 2 Administration 5
Section 3 Effective Date 6
Section 4 Applicability 6
ARTICLE III – EXEMPTIONS 6
ARTICLE IV – APPLICATION 7
Section 1 Existing Operations 7
Section 2 Expansion of existing Operations 8
Section 3 New Operations 9
Section 4 Wavier of Submission 10
Section 5 Application Procedures 10
ARTICLE V – PERFORMANCE STANDARDS 12
Section 1 General Requirements 12
Section 2 Performance Standards 12
ARTICLE VI – PERFORMANCE GUARANTEES 17
Section 1 Types and Contents of Guarantees 17
Section 2 Release of Guarantees 17
ARTICLE VII – MISCELLANEOUS 17
Section 1 *Fees* 17
Section 2 Amendment after Approval 18
Section 3 Enforcement 18
Section 4 Right of Entry onto the Land 18
Section 5 Penalties 18
Section 6 Appeals and Variances 18
ARTICLE VIII – SEVERABILITY AND CONFLICT 19
Section 1 Severability 19

Section 2 Conflict with other Ordinances 19
ARTICLE IX – AMENDMENT OF THIS ORDINANCE 19
Section 1 Initiation of Amendment 19
Section 2 Process of Adoption 19
ARTICLE X – OTHER PROVISIONS 20
Section 1 Public Access to Information 20
Section 2 Adjoining Mineral Extraction Activity Under Common Scheme Development 20
ARTICLE XI – DEFINITIONS 20

MINERAL EXTRACTION ORDINANCE

Section 1 Title

This Ordinance shall be known and may be cited as the Mineral Extraction Ordinance of the Town of Stockton Springs, Maine and will be referred to herein as "this Ordinance".

Section 2 Purpose

The purpose of this Ordinance is to establish minimum removal and reclamation standards, and municipal procedures intended to regulate the removal, processing and storage of topsoil, loam, rock, flat rock, sand, gravel, or other similar materials, other than metallic materials. These standards and procedures are intended to protect the public health, safety, and general welfare; and to minimize the adverse impact of extraction to the town, abutting owners, citizens of the town, and wildlife and natural resources by:

A. Preserving and protecting surface and groundwater quality and quantity;
B. Preserving the value of property;
C. Assuring that mineral exploration and extraction activities are compatible with permitted uses in that particular zone;
D. Assuring protection of wildlife and wildlife habitat; and
E. Protecting the scenic quality of Stockton Springs, its environment and its residents.

ARTICLE II – AUTHORITY, APPLICABILITY & ADMINISTRATION

Section 1 Authority

This ordinance is adopted pursuant and consistent with Title 30-A MRSA, Sections 3001 and 3015 and may be known and cited as the "Mineral Extraction Ordinance" of Stockton Springs.

Section 2 Administration

The provisions of this Ordinance shall be administered by the Town of Stockton Springs's Planning Board and enforced by the Town of Stockton Springs's CEO and Select Board, who will establish, after notice and hearing, and, from time to time, revise a fee schedule for the various applications and permits required by this Ordinance.

Section 3 Effective Date

This Ordinance shall be effective **immediately** after its adoption by vote of eligible voters of the Town of Stockton Springs, Maine at a town meeting.

Section 4 Applicability

A. The provisions of this Ordinance shall apply to all mineral operations (MEOs), except metallic minerals, within the Town of Stockton Springs, Maine, as described in Article 1, and as listed below, unless exempted in Article III.
   1. Existing operations.
   2. Expansion of existing operations.
   3. New operations

B. This ordinance does not apply to "inactive" mineral extraction operations defined as (1) mineral extraction that has ceased for twelve (12) consecutive months prior to the adoption of this Ordinance, and (2) a mineral extraction operation that was not registered pursuant to Article IV. I. A. within twelve (12) months after the adoption of this Ordinance. No inactive mineral extraction operation shall be resumed until the owner or operator obtains a new permit, pursuant to Article IV. 3. for the entire affected area, except those portions previously reclaimed.

C. Mineral extraction operations (MEOs) less than one acre are allowed as a permitted use with Planning Board approval in the following zones: Rural Zone.

   MEOs over one (1) acre or that include processing are allowed as a permitted use with Planning Board approval in the Rural Zone and Aquifer Protection Overlay.

   MEOs are prohibited in the following zones: Residential Zone, Recreational Zone or Mixed Use.

ARTICLE III – EXEMPTIONS

This Ordinance shall not apply to the following:

A. Mineral exploration whose sole purpose is the determination of the nature and/or extent of mineral resources, accompanied by hand-sampling, test boring, ~~or other methods which~~ create ~~minimal~~ disturbance. Test holes shall be filled in immediately after use:

B. MEOs that affect less than five thousand (5000) square feet of surface area, or the removal or handling of less than two hundred (200) cubic yards of material in less than twelve (12) months;

C. Storage or Stockpiles of winter abrasives (sand) used for the maintenance of private or public roads. This applies to the stockpile or storage area itself and not any associated mineral extraction activity or area;
D. Removal or filling of material incidental to construction, alteration or repair of a structure, or in the landscaping incidental thereto:
E. Construction of farm and fire ponds, and water management berms; and
F. Inactive areas where previous mining had last occurred at least 12 months prior to the adoption of this Ordinance.

ARTICLE IV – APPLICATION

Section 1 Existing Operations

A. Within one hundred and eighty (180) days of the approval of this Ordinance, all MEOs existing as of that date, shall be registered with the Planning Board, and submit the following:
   1. Registration fee as listed in the Town of Stockton Springs Fee Schedule
   2. Names and addresses of the current owner of the MEO and the operator, and a copy of the deed or lease, if the operator is not the property owner.
   3. Evidence that the MEO qualifies as an existing operation, a location map and site plan drawn to scale showing property boundaries, stockpile areas, existing reclaimed and un-reclaimed lands, proposed maximum acreage of all affected lands, all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas; a description of the parcel including size and deed description, a copy of the lease or other document showing that an operator who is not the owner has a legal right to excavate on the property. The names and addresses of abutting property owners, a statement signed and dated by the owner or operator certifying that the MEO will be operated in compliance with this ordinance.

      If a Notice of Intent to Comply has been filed or will be filed within 120 days of the effective date of this ordinance, and approved by the State of Maine Department of Environmental Protection a copy of said document shall be sufficient to comply with the requirements listed above.
      A site location of development permit approved by the Board of Environmental Protection shall also suffice for the requirements listed above.

B. Any operation not registered, or which fails to qualify to be registered, pursuant to this section, shall be deemed closed, and may not operate, after such 180 day period. If operations continue or resume after such 180 day

period the owner or operator shall be subject to the civil penalties allowed in 30-A M.R.S.A., Section 4452 assessed for each day after the 180-day period.

Section 2 Expansion of existing Operations

A. Requirements

No MEO existing at the time of passage of this Ordinance may expand beyond existing state permitted boundaries without first obtaining an Expansion of Existing Mining Permit from the Planning Board. For operations less than five (5) acres in active excavation area as of the effective date of this ordinance, expansion is defined as before an excavation exceeds 5 acres in reclaimed and un-reclaimed land. For operations larger than five (5) acres, expansion is defined as before an excavation exceeds 10 acres in reclaimed and un-reclaimed land. Before expanding an MEO beyond an area that exceeds a total of 10 acres of reclaimed and un-reclaimed land and before each additional 10-acre expansion, the owner or operator shall notify the planning board of the owner's or operator's intent to expand and must request an inspection. The inspection shall be carried out by the town of Stockton Code Enforcement Officer within 30 days of the request and a report shall be presented to the planning board within 15 days of the inspection. The operator may continue excavation activities after 45 days unless the CEO has issued a stop work order. The failure of the CEO to conduct a site inspection within 30 days is not a sufficient basis for a stop-work order.

B. The applicant shall submit the following to the Planning Board;
   1. Application fee as listed in the Town of Stockton Springs Fee Schedule.
   2. Names and addresses of the current owner of the MEO and the operator, and a copy of the deed or lease, if the operator is not the property owner.
   3. A site plan, prepared by a licensed surveyor, showing the following:
      i. Date plan prepared, scale of drawings, with north arrow (indicate true or magnetic).
      ii. Boundaries of land showing lot lines, total acreage, existing and proposed excavation areas, structures on property, anticipated depth and height of final excavation, areas to be used for storage of topsoil and other overburden, location of proposed hazardous material storage areas, location of public and private streets, parking areas, roadways and rights of way, location of proposed access roads, exposed ground water on site, all temporary and permanent structures located on the property.
      iii. A plan showing how security at the site will be controlled.
      iv. Location of residences and wells within 200 feet of property boundaries that were in existence at the time of application.

v. Blasting plan pursuant to MRSA Title 38 490-Z (O).
vi. A plan showing, in addition to location of hazardous materials, provisions for safe storage of such material. No hazardous materials shall be located or stored such that they will enter the ground and surface water.
vii. An erosion and sedimentation control plan, prepared with standards contained in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, as amended.
viii. A reclamation plan pursuant to Section 2-13 of Article V of this Ordinance.

Section 3 New Operations

A. The applicant shall submit the following to the Planning Board;
1. A site plan, prepared by a licensed surveyor, showing the following:
i. Date plan prepared, scale of drawings, with north arrow (indicate true or magnetic).
ii. Boundaries of land showing lot lines, total acreage, existing and proposed excavation areas, structures on property, anticipated depth and height of final excavation, areas to be used for storage of topsoil and other overburden, location of proposed hazardous material storage areas, location of public and private streets, parking areas, roadways and rights of way, location of proposed access roads, exposed ground water on site, all temporary and permanent structures located on the property.
iii. A plan showing how security at the site will be controlled.
iv. Location of residences and wells within 200 feet of property boundaries that were in existence at the time of application.
v. Blasting plan, if any.
vi. A plan showing, in addition to location of hazardous materials, provisions for safe storage of such material. No hazardous materials shall be located or stored such that they will enter the ground and surface water.
vii. An erosion and sedimentation control plan, prepared with standards contained in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, as amended.
viii. A reclamation plan pursuant to Section 2-13 of Article V of this Ordinance.
ix. A hydro geological evaluation, prepared by a qualified professional, which shows the depth of ground water throughout the site.
x. A traffic study which sets forth what the maximum estimated volume of traffic into and out of the MEO will be, which describes the kinds of

trucks and equipment which will be going into and out of the MEO, which describes any existing or potential traffic hazards on roads servicing the site, and applicant's plans to address them, and which describes the ability of such roads, physically to withstand the additional traffic generated by the site. The traffic study shall consider the actual existing traffic condition in the vicinity of the MEO.

Section 4 Wavier of Submission

Where the Board makes written finding of the fact that there are special circumstances of a particular MEO such as but not limited to operations permitted by the Maine Department of Environmental Protection under, Site Location of Development (MRSA) Title 481 through 490, Performance Standards for excavation for borrow, clay, topsoil or silt (MRSA) Title 38, Section 490-A through 490-N as amended and Performance standards for quarries (MRSA) Title 38, Section 490-W through 490 EE as amended, and any variances from the standards of the aforementioned articles thus approved by the commissioner, and in MEOs that affect an area less than one (1) acre and over five thousand (5000) square feet, it may waive portions of the submission requirements, providing the public health and safety and welfare are protected, and waivers do not have the effect of nullifying the intent and purpose of the Comprehensive Plan, or this Ordinance.

Section 5 Application Procedures

A. Application forms for MEOs shall be provided by the Town of Stockton Springs, and submitted to the CEO, who will submit them to the Planning Board within *seven* days.
   1. Within thirty (30) days of receiving the application, the Planning Board shall notify the applicant whether the application is complete, or if incomplete, the additional material needed for completion. Determination of completeness by the Planning Board in no way binds the Board as to the adequacy of the application to meet the criteria of the Ordinance.
   2. The application shall be accompanied by a fee as listed in the Town of Stockton Springs Fee Schedule

B. Public Hearing
   Mineral extraction applications for new operations shall require a Public Hearing and expansions of existing operations may require a Public Hearing. At the expense of the applicant the Planning Board shall:
   1. Advertise a Public Hearing ten (10) days in advance in a local newspaper, and post notices in appropriate places.
   2. Notify by certified mail at least ten (10) days in advance of the Public Hearing each abutting property owner of the property for which application is being made.

C. Planning Board Decision on the MEO Activity Application

1. Within thirty (30) days of a Public Hearing, or within sixty (60) days of having received a complete application, the Planning Board shall issue a decision that the various standards for MEOs have been met, granting or denying approval of the proposed MEO activity, or approving, with conditions on such terms as it may deem advisable, to satisfy this Ordinance. In all instances, the burden of proof shall be on the applicant.
2. Upon approval of the MEO permit, the Board shall sign all five (5) copies of the of the final site plan. The site plan copies shall be distributed to: a) the applicant, b) the Planning Board, c) the tax assessor, d) the CEO, and e) the Town.
3. Approval, by the Planning Board, of an MEO, does not show evidence of acceptance, by the Town of Stockton Springs, of any road, easement, or open space on such plan.

Section 6 Inspections

Annual Inspections

The CEO, or his/her designee, shall conduct an annual inspection prior to the anniversary date of the original permit, to determine whether the permit holder has complied with, or deviated from, the approved plan. An annual compliance fee is required as listed in the Town of Stockton Springs Fee Schedule. Reports shall be provided to the Planning Board, Select Board, and permit holder. In case of non-compliance, the CEO may issue a STOP WORK ORDER, EXCEPT FOR REMEDIAL ACTION, until such time as compliance is achieved.

Section 7 Conditions and Limitations

A. General

Before a mineral extraction activity begins, the applicant shall obtain all applicable permits required by town, state, or federal regulations, laws, or ordinances regulating such developments. Violation of other permits necessary for operation shall be considered a violation of this Ordinance.

Before a Final Plan has been approved, the following is not permitted:

1. No material from any MEO may be sold.
2. Development of the infrastructure of the MEO is not permitted, including buildings, roads, and utility installations.

B. Expiration

Mineral extraction permits shall expire one (1) year from the date of issuance, unless the mineral extraction activity has commenced.

C. Plan Revisions
Plan revisions, after approval, shall be made as provided for in Article VII, Section 2, of this Ordinance.

D. Expert Consultant
In the event the CEO and/or Planning Board require expert consultation, the charges for same shall be the negotiated among the applicant/operator, Planning Board, and the CEO.

E. Transfer of Mineral Extraction Permit
When an MEO ownership is transferred, within 30 days:
1. The transferor shall notify the Planning Board of the transfer,
2. The transferee shall file a Notice of Intent to Comply similar to that required by the MDEP – 38 M.R.S.A. 490 –C (borrow, clay, topsoil, or silt excavations) and 490-Y (quarries), and
3. The transferee must provide a performance guarantee pursuant to Article VI. Section 1 of this Ordinance.

ARTICLE V – PERFORMANCE STANDARDS

Section 1 General Requirements

A. Mineral extraction operations shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this article conflict with specific provisions of State laws or other town ordinances, the stricter provisions shall prevail.

B. The owner and/or operator of a mineral extraction activity shall be responsible, both jointly and severally, for ensuring the maintenance of all infrastructures, structures and their sites.

C. In all cases, the applicant shall have the burden of proof that all requirements, standards, and conditions of this Ordinance and subsequent approval are met.

D. When the CEO and/or Planning Board determine there is a need for testing or measurements of standards, all reasonable testing shall be at the town's expense.

Section 2 Performance Standards

A. Unless otherwise noted, and not required in the application requirements, these standards apply to all MEOs over 5000 square feet.

B. Existing MEOs, after registering with the Town, may continue to operate at their present permitted size and not be regulated by the standards that apply to expansions and new operations.

C. The owner or operator must comply with the performance standards in this section unless a variance from the performance standards has been approved

by the Maine Department of Environmental Protection and the Town of Stockton Springs Planning Board.

1. **Significant wildlife habitat.** Affected land may not be located in a significant wildlife habitat as defined in Title 38 M.R.S.A. Section 480-B, or in area listed pursuant to the Natural Areas Program, Title 12, Section 544.
2. **Solid waste and sewage disposal.** Solid waste, including stumps, wood waste and land-clearing debris generated on the affected land must be disposed of in accordance with Maine Department of Environmental Protection (MDEP) Regulations, Chapter 13 including any rules adopted to implement those laws.
3. **Groundwater protection.** To provide an adequate buffer for ground water and allow for filtration of impurities from surface water, excavation may not occur within 5 feet of the seasonal high water table.
   a. A benchmark sufficient to verify the location of the seasonal high water table must be established and at least one test pit or monitoring well must be established on each 5 acres of un-reclaimed land.
   b. For new MEOs of five (5) acres or more, a hydro geologic evaluation performed by a qualified professional, which shows the depth of groundwater throughout the site.
   c. Separations between excavations and private and public water sources shall conform to MDEP standards contained in 38 M.R.S.A. 490-D, Performance Standards for Excavations for borrow, clay, topsoil or silt, or 38 MRSA 490-Z Performance Standards for Quarries.
   d. Refueling operations, oil changes, other maintenance activities requiring the handling of fuels, petroleum products and hydraulic fluids and other on site activity involving storage or use of products that, if spilled, may contaminate ground water, must be conducted in accordance with the Department of Environmental Protection's spill prevention, control and countermeasures plan and follow Performance Standards for the Storage of Petroleum Products as outlined and included in MDEP's Chapter 378 as amended. Petroleum products and other substances that may contaminate groundwater must be stored and handled over impervious surfaces that are designed to contain spills. Routine maintenance operations are allowed for fixed equipment such as screeners, crushers and wash facilities provided that precautionary measures such as portable drip pans or vacuum devices are used.
   e. Crankcase oil, hydraulic fluids, or similar products shall not be changed, stored, or disposed of within any work site within the Aquifer

District unless specifically covered in an SPCC Plan developed in accordance with MDEP regulations.

4. **Natural buffer strip.** Existing vegetation within a natural buffer strip may not be removed. If vegetation within the natural buffer strip has been removed or disturbed by the excavation or activities related to the mineral extraction operation prior to submission, that vegetation must be reestablished as soon as practical.
5. **Protected natural resources.** A natural buffer strip must be maintained between the working edge of an excavation and a river, stream, brook, great pond, coastal wetland or freshwater wetland as defined in Title 38 M.R.S.A, Section 480-B. The width requirements for natural buffer strips are as follows:
   a. A natural buffer strip at least 100 feet wide must be maintained between the mineral extraction operation and the normal high water line of a great pond classified as GPA, a river flowing to a great pond classified as GPA.
   b. A natural buffer strip at least 75 feet wide must be maintained between the working edge of the excavation and any river, stream, brook, coastal wetland or significant wildlife habitat contained within a freshwater wetland consisting of or containing:
      (1) Under normal circumstances, at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water, except for artificial ponds, or impoundments; or
      (2) Peat lands dominated by shrubs, sedges and sphagnum moss.

   For the purpose of this subsection, the width of a natural buffer strip is measured from the upland edge of a floodplain wetland. If no floodplain wetlands are present, the width is measured from the normal high water mark of the river, stream or brook. The width is measured from the normal high water mark of a great pond and upland edge of a freshwater coastal wetland.
6. **Public and private roads.** A natural buffer strip at least *100* feet wide must be maintained between the working edge of an excavation and any public road, or right-of-way and a strip at least 50 feet wide must be maintained from the edge of any private road or right-of-way.
7. **Property boundary and buffers.**
   a. A natural buffer strip at least 100 feet wide (quarries) and 50 feet wide (excavations for borrow, clay, topsoil or silt) must be maintained between an excavation and any property boundary. With the abutter's written permission, the natural buffer strips can be reduced to 10 feet, except the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground.

b. The natural buffer strip between excavations owned by abutting owners may be eliminated with the abutter's written permission, provided the elimination of this buffer strip does not increase the runoff from either excavation across the property boundary. Any permission to reduce a buffer must provide that it remains in effect until mining ceases and must be recorded in the registry of deeds.

All property boundaries must be identified in the field by markings such as metal posts, stakes, flagging or blazed trees.

8. **Erosion and sedimentation control.** All reclaimed and un-reclaimed areas, except for access roads, must be naturally internally drained.
   a. All erosion and sedimentation control must conform to standards outlined in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, as amended.
   b. Stockpiles consisting of topsoil to be used for reclamation must be seeded, mulched or otherwise temporarily stabilized.
   c. Sediment may not leave the parcel or enter a protected natural resource.
   d. Grubbed areas not internally drained must be stabilized.
9. **Water quality protection and storm water management.** Standards of the laws governing storm water management and waste discharge must be met as provided in Performance Standards for excavation for borrow, clay, topsoil or silt (MRSA) Title 38, Section 490-D as amended, and Performance standards for quarries (MRSA) Title 38, Section 490-Z as amended
10. **Traffic.** The following provisions govern traffic:
    a. Entrances and exits of the mineral extraction operation onto a public way must be located, posted and constructed in accordance with standards for roadways adopted by the Town of Stockton Springs's Ordinances.
    b. Any excavation activity that generates 100 or more passenger car equivalents at peak hour must comply with applicable permit requirements under site location of development (MRSA) Title 38 Article 6, as amended.
11. **Noise.** Noise levels may not exceed applicable noise limits in rules adopted by the board of environmental protection, chapter 375.
12. **Dust and Air Pollution.**
    a. All air pollution control shall comply with minimum State requirements and all applicable equipment must have a current MDEP Air Emissions License.
    b. Dust generated by activities at the MEO site, including dust associated with traffic to and from the MEO site, must be controlled by sweeping, paving, watering or other best management practices for control of

fugitive emissions. Dust control methods may include the application of calcium chloride, providing the manufacturer's labeling guidelines are followed. Visible emissions from a fugitive emission source may not exceed an opacity of 20% for more than 5 minutes in any one-hour period.

c. All access/egress roads leading to/from the extraction site to public ways shall be treated to reduce dust and mud for a distance of at least 100 feet from such public ways, as needed.
d. Loaded vehicles shall comply with all State Laws and Regulations and be suitably covered to prevent dust and contents from spilling or blowing from the vehicle. Spillage of extracted materials on public roads shall be the responsibility of the vehicle owner/operator.

13. Reclamation. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Reclamation shall be conducted in accordance with the MDEP's best management practices for erosion and sedimentation control and must follow Performance Standards for excavation for borrow, clay, topsoil or silt (MRSA) Title 38, Section 490-D (14) as amended, or Performance standards for quarries (MRSA) Title 38, Section 490-Z (13)

a. The Planning Board may require a performance guarantee as described in article VI of this ordinance to assure Reclamation is completed.

14. Blasting. Blasting must be conducted in accordance with Performance standards for quarries (MRSA) Title 38, Section 490-Z (14).

a. A copy of the blasting plan as required under Performance standards for quarries (MRSA) Title 38, Section 490-Z (14) shall be submitted to the town.

15. Hours of Operation.

The following shall apply to specific applications of the operation.

Blasting	7 am – 7 pm	Monday-Saturday
Drilling	7 am – 7 pm	Monday-Saturday
Crushing & Processing	7 am – 7 pm	Monday-Saturday
Loading	6 am – 7 pm	Monday-Saturday
Loading Only	7 am – 7 pm	Sunday

a. No operations are allowed at night, on Sunday (except as indicated above) or on the following holidays; Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas unless approved by the planning board or in case of emergency requests the CEO.
b. In the case of emergency requests for sand or gravel from public safety officials, the above hours may be waived.

16. **Security.** Access to the mineral extraction operation shall be strictly controlled with locking gates at the entrance of access roads.

17. **Signs and Lighting.** Signs and lightening must comply with other applicable Zoning ordinance for the town of Stockton Springs. Lighting on the premises shall be shielded in such a manner as to prevent glare from extending beyond the lot lines.

ARTICLE VI – PERFORMANCE GUARANTEES

Section 1 Types and Contents of Guarantees

The Town may require a bond payable to the Town of Stockton Springs with sureties satisfactory to the town or such other security as the planning board may determine adequately secures compliance with this article, conditioned upon the faithful performance of the requirements set for in Article V – Performance Standards for Reclamation. Other security may include a security deposit with the town, an escrow account and agreement, insurance or an irrevocable trust. In determining the amount of the bond or security, the planning board shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of grading and reclamation required. All proceeds of forfeited bonds or other security must be expended by the town for the reclamation of the area for which the bond was posted and any remainder returned to the operator. If a guarantee is already held with the state of Maine for this land the planning board shall waive this requirement.

Section 2 Release of Guarantees

Prior to the release of the Performance Guarantee, the Planning Board shall determine, after consultation with the CEO or a certified engineer or other consultant(s), that the reclamation meets the requirements of that portion of the project requested.

ARTICLE VII – MISCELLANEOUS

Section 1 Fees

a. Application Fee as listed in the Town of Stockton Springs Fee Schedule.
b. An Annual Fee as listed in the Town of Stockton Springs Fee Schedule shall be paid to the town of Stockton Springs:
    i. The town of Stockton Springs will bill each owner/operator one month prior to the annual fee due date each year.

Section 2 Amendment after Approval

No modifications shall be made in an approved Final Plan unless they have been resubmitted to and approved by the Planning Board. The intensity of the review will be determined by the Planning Board, and depends upon the complexity of the proposed alterations.

Section 3 Enforcement

The CEO may order the owner or operator of a MEO that is not operating in compliance with this ordinance to cease operations until the noncompliance is corrected, stop work order.

Section 4 Right of Entry onto the Land

The CEO shall have the right of entry onto any mineral extraction activity site at reasonable times and after reasonable notice. If the operator, or its employee or agent, interferes with an inspection by the CEO, the CEO may seek an administrative search warrant pursuant to court rule 80E, and the operator shall pay the town a civil penalty of $500.00 plus any legal fees incurred in obtaining that warrant.

Section 5 Penalties

Any person, firm, corporation, or other entity being the owner, or having control or responsibility for any MEO, who violates the terms or conditions of any MEO permit, approved by the planning Board, or who proceeds without a permit, shall be deemed a nuisance, and shall be subject to a civil penalty, expert witness fees, cost of court, and legal fees due and payable to the Town of Stockton Springs, in an amount determined by the court in accordance with the penalty provisions of 30-A M.R.S.A. Section 4452.

Section 6 Appeals and Variances

A. Administrative Appeals and Variances

Variances from the requirements of this Mineral Extraction Ordinance may only be granted by the Stockton Springs Board of Appeals.

B. Appeal to Superior Court

Any aggrieved party having proper standing may appeal any decision of the Appeals Board under this Ordinance to the Superior Court of Waldo County, within 45 days of a written decision in accordance with Maine State Law.

ARTICLE VIII - SEVERABILITY AND CONFLICT

Section 1 Severability

Should any section of this Ordinance be declared, by court of competent jurisdiction, to be invalid for any reason, such decision shall not invalidate any other section or provision of this Ordinance.

Section 2 Conflict with other Ordinances

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, or ordinance, that imposing the most restrictive or higher standard shall govern.

ARTICLE IX - AMENDMENT OF THIS ORDINANCE

Section 1 Initiation of Amendment

A proposal to amend this Ordinance may be initiated by:

A. The Planning Board, by majority vote;
B. The Select Board, through a request to the Planning Board; or
C. The public, through a written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10. When an amendment to this Ordinance is proposed by other than the municipal officers or Planning Board, a fee of one hundred dollars ($100) shall accompany the proposal to cover the cost of review, hearings and advertisements. This fee is non-refundable.

Section 2 Process of Adoption

The process to be followed in adopting an amendment to this Ordinance is as follows:

A. Proposed amendments must first be submitted to the Planning Board for consideration;
B. The Planning Board shall, within thirty (30) days of receiving a proposed amendment, set a date to hold a public hearing on the proposed amendment;
C. Notice of the public hearing shall be given as required by State Law;
D. The Planning Board shall make its official report at a Select Board meeting occurring within sixty (60) days after the public hearing;

E. If the Planning Board votes and reports to the Select Board that the amendment ought not to pass, because in the Board's opinion (i) the amendment is contrary to the Town's Comprehensive Plan, or (ii) it will not act to protect the public health, safety, and general welfare of the citizens of Stockton Springs, its environment, or its wildlife, enactment of that proposed amendment shall require a two-thirds (2/3) vote of the voters present at the town meeting; and
F. Enactment of a proposed amendment having the approval of the Planning Board shall require only a majority of the voters present to enact the amendment.

ARTICLE X – OTHER PROVISIONS

Section 1 Public Access to Information

Except as made confidential by law, the Planning Board will make all documents and records available to the public in accordance with the Maine Freedom of Access Law, (Title 1 M.R.S.A. Section 401 et. Seq.)

Section 2 Adjoining Mineral Extraction Activity Under Common Scheme Development

Adjoining mineral extraction activity under common scheme of development separated by less than 500 feet of unaffected land shall be required to fulfill all the requirements as established in this Ordinance for the total size of the extraction area, including the adjoining site.

ARTICLE XI – DEFINITIONS

Active Extraction Area: The extraction area including side slopes and adjoining areas with overburden removed, excluding roads, structures, stockpile areas, etc. not part of the active mineral extraction operation.
Affected Land: The land area from which the overburden will be or has been removed; land upon which stumps, spoil, or other solid waste will be or has been deposited; and any storage area that will be or has been used in connection with the development, except a natural buffer strip.
Aquifer: An underground bed or stratum of earth, gravel or porous stone that contains water.

Blasting: The use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formations.
Borrow Pit: A development undertaken for the primary purpose of excavating borrow, clay, topsoil, and/or silt.
Expansion of Existing Operation: Extraction operations that exceed the existing state permitted boundaries
For operations less than five (5) acres in active extraction area as of the effective date, expansion is defined as before an excavation exceeds 5 acres in reclaimed and un-reclaimed land. For operations larger than five (5) acres, expansion is defined as before an excavation exceeds 10 acres in reclaimed and un-reclaimed land.
Existing State Permitted Boundaries: Permitted Mineral Extraction Operations pursuant to but not limited to operations permitted by the Maine Department of Environmental Protection under, Site Location of Development (MRSA) Title 481 through 490, Performance Standards for excavation for borrow, clay, topsoil or silt (MRSA) Title 38, Section 490-A through 490-N as amended and Performance standards for quarries (MRSA) Title 38, Section 490-W through 490 EE as amended, and any variances from the standards of the aforementioned articles thus approved by the commissioner.
Ground Water: The water beneath the surface of the ground, consisting largely of surface water that has seeped down; the source of water in springs and wells.
Mineral Extraction Operation (MEO): Any excavation or removal, handling, or storage of borrow, clay, topsoil, silt, or rock whether alone or in combination.
Mineral Extraction Site or Area: All of the land area disturbed or otherwise developed for the extraction, handling, removal, processing, or storage of borrow, clay, topsoil, silt, or rock.
Natural Buffer Strip: An undisturbed area or belt of land that is covered with trees or other vegetation.
Normal High-Water Line: ~~That line which~~ is apparent from ~~visible markings~~, changes in the character of soils due to prolonged action of water, or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.
Overburden. The earth and other materials naturally lying over the product to be removed.
Passenger car equivalents at peak hour: The number of passenger cars, or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which the traffic volume generated by the MEO is higher than the volume

during any other hour of the day. For the purpose of this ordinance, one tractor-trailer combination is the equivalent of 2 passenger cars.

Processing: Any washing, screening, crushing, and mixing of *borrow, clay, topsoil, silt, and/ or rock*.

Protected Natural Resource: As defined in applicable State Law, section 480-B, subsection 8.

Quarry: A place where rock is extracted.

Reclamation: The are of land affected by excavations, including but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest, the enhancement of wildlife and aquatic habitat and aquatic resources and the development of the site for residential, commercial, recreational or industrial use.

Road: Public and private owned ways such as alleys, avenues, boulevards, highways, roads, streets, lanes, and other rights of way, as well as areas on mineral extraction activity plans designated as rights of way.

Seasonal High-Water Table: That part of the year when the water table is at its highest level.

Setback: The horizontal distance from a lot line or referred location to the nearest part of a structure or activity.

Setback from Water: The horizontal distance from the normal high water mark to the nearest part of a structure or activity.

Silt or Clay: A material that consists of particles of such a size that 45% or more of the fraction of those particles are able to pass through a 3-inch sieve pass through the United States Standard Number 200 sieve, or a material that exhibits similar erosion potential, difficulty of stabilization or runoff based upon gradations, plasticity, permeability or other relevant criteria.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks, raised walkways, handicapped access ramps, and satellite dishes.

Surface Water: Any water flowing on the surface, either channelized or by sheet flow including, but not limited to, rivers, streams, brooks, ponds, lakes, and any swamp, marsh, bog, or other contiguous lowland where water is periodically collected on the surface.

Topsoil: The top layer of soil that is predominantly fertile and ordinarily moved in tillage or the equivalent of such a layer in uncultivated soils.

Wavier: A relaxation of the terms of the Ordinance where such a wavier would not be contrary to the public interest, where owing to existing conditions or operations, a literal enforcement of this Ordinance would result in an unnecessary or undue

hardship, and where the intent of the Ordinance or item being waivered can be met in some other appropriate manner, as determined by the Planning Board.

Water Table: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

Town of
Stockton Springs
Maine
P.O. Box 339
Stockton, Springs, ME 04981

Town of Stockton Springs

Mineral Extraction Operations Fee Schedule

Mineral Extraction Fees	Fee	Comments
Renewal Fees	$100	Less than 1 acre
	$200	1.0-4.9 acres
	$300	5.0-30 acres
	$600	Over 30 acres
Application Fees	$100	Less than 1 acre
	$250	1.0-4.9 acres
	$500	5.0-30 acres
	$1000	Over 30.1 acres
Expansion Fees	$300	Under 5 acres
	$500	Over 5.1 acres

Effective March 25, 2009