



Administrative Assistant to the Selectmen

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Gravel Ordinance Work Group

Background

In March 2013 the Lamoine Town Meeting enacted a new Gravel Ordinance that regulates mining activity. It increased the allowable setbacks to 100-feet from abutting property lines, required more water monitoring (depth and quality), and transferred aspects of the site plan review ordinance. Though the ordinance passed, the town meeting recognized that some amendments to the ordinance would need to occur, though there was no specific area identified.

Within weeks of adoption, several gravel operators filed suit against the Town of Lamoine, claiming the new ordinance, among other things, took away significant land value. Meanwhile, the Planning Board has tackled three areas it identified as needing amendment and will present those to the Board of Selectmen for possible inclusion at the March 2014 town meeting.

In meetings between the Plaintiffs' attorney (Ed Bearor) and the town's attorney (Dan Pileggi), the idea of a Work Group to deal with the ordinance and identified areas of dispute was floated as a way to work toward a solution. The two attorneys identified key stakeholders that should be involved as the Planning Board, Conservation Commission, Selectmen, and gravel operators. It was suggested that the size of the Work Group be no larger than 9.

Goals – The Work Group will:

- State what goals each member desires
- Initially identify all areas of contention within the current ordinance
- Discuss solutions that may resolve some or all of the contentious provisions of the ordinance
- Draft a report to present to the Board of Selectmen which may consider a special town meeting dedicated to work on the Lamoine Gravel Ordinance

Process

1. The Board of Selectmen shall appoint members to the Work Group, keeping in mind the representation goals mentioned above. Members ideally will not be an advocate for any particular ideology but will work toward the goals outlined above. The Selectmen shall determine whom to appoint and the size of the Work Group. Members do not need to be residents of the Town of Lamoine, nor will they be required to be administered an oath of office. The Selectmen through their Administrative Assistant will coordinate the date and time of the first meeting.
2. The Work Group will meet face to face at the Lamoine Town Hall in public and televised sessions. Members of the public are welcome to attend and observe. It shall be up to the chair with input from the Work Group members as to whether non task-force members will be able to speak during meetings. A 1.5 hour time limit to all meetings shall be imposed.

3. A Selectman will chair the Work Group and lead the discussion. The Work Group shall choose scribe/secretary who will keep meeting notes and arrange for drafting of the presentation document and other paperwork as necessary.
4. The chair shall coordinate through the Administrative Assistant to the Board of Selectmen dates and times for subsequent meetings. Communication of most documents, agendas, etc. shall be made via e-mail coordinated through the town office. All documents shall be considered public documents unless specifically deemed confidential by the Maine Freedom of Access Act.
5. Drafted document language shall be distributed to all Work Group members via e-mail sent by the Lamoine Town Office prior to the scheduled meetings. The Work Group may call upon the resources of the Lamoine Town Office for assistance with drafting and distribution as needed. The Administrative Assistant to the Selectmen will be tasked as the liaison for such activity.
6. The Work Group may consult with recognized experts (without compensation) during the process. If an expert is required and compensation is to be agreed upon, the Board of Selectmen must grant approval on any such compensation agreement prior to such consultation.
7. Final written recommendations will be transmitted to the Board of Selectmen.
8. The Work Group recognizes that the Board of Selectmen has the final authority on deciding whether any proposed amendments will be offered to the voters of the Town of Lamoine for adoption and determining the method for calling a town meeting.

Schedule

- *January 23, 2014* – Appointments to Work Group made, initial meeting scheduled
- *February 2014* – Initial meeting to state goals, review process
- *February - April 2014* – Working meetings to draft final document
- *May 2014* – Draft report for the Board of Selectmen
- *June 2014* – Possible special town meeting to consider amendments (if any).

Issues – Issues to be discuss include, but are not limited to:

1. Setback from abutting property lines which previously was 50 feet (10-feet with abutter permission), and increased to 100-feet in the new ordinance, with a 50-foot grandfathered setback for 3-years.
2. Monitoring wells which require one well for each 5 acres of excavation permitted. The previous ordinance required one well to monitor depth to groundwater and no water quality testing.
3. The renewal process which has clarified that permits expire after 3 years and the application process does not differentiate between a new permit and a permit for an existing operation
4. Setback from certain identified natural resources which is now 250-feet.