



Administrative Assistant to the Selectmen

Stu Marckoon
606 Douglas Hwy
Lamoine, ME 04605
(207) 667-2242

town@lamoine-me.gov

To: Selectmen, Planning Board
From: Stu Marckoon
Re: April 16, 2013 Gravel Ordinance Workshop
Date: March 26, 2013

After an unexpected and lengthy discussion about the newly passed Gravel Ordinance at the Selectmen's meeting of March 21, 2013, the Selectmen and Planning Board chair agreed to hold a workshop on Tuesday, April 16, 2013 at 7:00 PM at the Lamoine Town Hall. The purpose of this workshop is, I believe, to identify areas of the Gravel Ordinance that may need fixing.

Prior to the workshop there probably ought to be some ground rules laid out about how to accomplish this. After the discussion at the Selectmen's meeting last week, there were a couple of things discussed about the workshop meeting process:

1. **Who will run the meeting?** I would suggest that the Chair of the Selectboard might be the meeting "facilitator" so to speak. In the pecking order of municipal government, the Selectmen are at the top, and it would make sense in my mind if the Chair acted in this capacity.
2. **Who is invited to the meeting?** Obviously the Planning Board and Selectmen should be present. The Code Enforcement Officer should attend as a resource, and I would like to be part of the process to both offer some suggestions and act as the secretary, so to speak. Any member of the public may attend, obviously, since this is a public meeting, but input should be limited. As mentioned toward the end of the discussion, written comments and suggestions are most helpful.
3. **What should the format for the meeting be?**
 - a. **Public Input** - Might I recommend that 15-minutes at the top of the meeting be dedicated to listening to the members of the public about problems they see with the new ordinance and suggestions on how to solve those problems. (Later in this memo I will list out what general areas of discourse we've heard in the office.)
 - b. **Ordinance Goals** - Next it might be helpful to state the goals of the Gravel Ordinance – stepping back to take a look at the big picture and how graveling fits in with the town. This would go more in depth than the purpose section of the ordinance.
 - c. **Planning Board Process** - It would then be helpful to hear a brief presentation from the Planning Board about what process they followed and the reasoning behind the changes that are contained in the new ordinance.
 - d. **Amendment Goals** - Finally, the meeting should identify areas of the ordinance which might warrant an amendment proposal to the town meeting, and a strategy to compile the amended ordinance if needed.
4. **What should the time line be?** – It is a bit unrealistic to expect that any amendment might be ready for a vote for June 11, 2013. In the past there has been discussion about having a special town meeting just for ordinance matters, and this might be the time. There has been concern expressed that this would

be dragged out, either intentionally or not, and perhaps a goal of the workshop is to set a deadline to offer up something to the town.

Ordinance Observations

In no particular order these are some of the post passage comments that we're hearing.

1. The setbacks create a hardship for small pit owners/operators.
2. The increased setbacks create a "taking" of valuable land from the landowner.
3. The renewal process that requires a completely new application creates a very costly process for small pit owners/operators, not to mention becomes extremely time consuming for the Planning Board to administer.
4. The process of requiring and administering an escrow account is not well defined and creates an accounting dilemma for the town. (My observation)
5. Operational hour restrictions are too strict.
6. The new rules create a competitive advantage for large pit owners/operators.
7. The ordinance is not "business friendly".
8. It's not clear which rules govern the operation of presently permitted pits.

While I have some ideas on how to accommodate some of the items observed above, it might not be particularly helpful to offer them in this memorandum, and after listening to discussion, they might not even be advisable.

sm