

Town of Lamoine – Gravel Ordinance

Setback Amendment

Draft 2, August 27, 2015

To see if the Town will vote to Amend the current gravel ordinance, Section 8-A Setbacks as follows:

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 **and quantity** on neighboring properties and residents.

1. A buffer strip of not less than 100 feet in width shall be maintained between the boundary of the Permitted Area and the boundary of the parcel on which the permitted area is located, **except as provided below.**

a. ~~However,~~ **The buffer strip between Permitted Areas 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. ***The buffer strip on a Parcel (or portion thereof) which had been granted (or applied for and subsequently granted), prior to March 13, 2013 a Site Plan Review Permit for gravel extraction, may be reduced to not less than 50-feet provided that:***

- I. ***No equipment that produces an appreciable amount of noise (such as crushers and power screens) may be operated closer than 100-feet from the Parcel Boundary, and***
- II. ***Excavation of the first 50-feet of gravel from the inner boundary of the buffer may not exceed the 2.5:1.0 slope as required and described in Section 8.D.1.a. (Restoration), and***
- III. ***The area excavated as described in section II above is clearly marked on the site map in the application process, a timeline for completion is included in the application process, and the area is restored within six months after completion of excavation.***

c. ***The buffer strip on a Parcel (or portion thereof) which had been granted (or applied for and subsequently granted), prior to March 13, 2013, a Site Plan Review Permit for gravel extraction, may be reduced to not less than 10-feet provided that:***

- I. ***The owner of the abutting property grants written permission for the setback to be reduced to 10-feet and said written agreement is recorded at the Hancock County Registry of Deeds.***
- II. ***No equipment that produces an appreciable amount of noise (such as crushers and power screens) may be operated closer than 100-feet from the Parcel Boundary, and;***
- III. ***Excavation of the first 40-feet from the inner boundary of the buffer may not exceed a 3.5:1.0 slope and the slope of the next 50-feet may not exceed the 2.5:1.0 slope as required and described in Section 8.D.1.a.(Restoration), and;***
- IV. ***The area excavated as described in section III above is clearly marked on the site map in the application process, a timeline for completion is included in the application process, and the area is restored within six months after completion of excavation.***

- d. ~~Excavation in the 100-foot buffer strip may take place not less than fifty (50) feet from the parcel boundary when conditions stated in 8.A.2., 8.A.3., and 8.A.4., are met and if the following conditions are met.~~
- ~~1. The parcel or part thereof on which the permitted area is located had been granted a Site Plan Review Permit for gravel operations;~~
 - ~~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 permit; and~~
 - ~~5. Reclamation of the area designated in (4) above must be completed prior to the expiration of the permit.~~