

Draft: 7/16/23 – NOTE: This is a very preliminary draft based on Whitefield’s ordinance. The planning board is currently focusing on putting together a framework for Alna’s ordinance. Those issues in green type are those the board has discussed. Topics highlighted in yellow are reminders that more work is needed. The issues in black type have not yet been discussed. The board is likely to continue discussion of the draft ordinance, beginning with Article 8 at the July 18 meeting and workshop although other issues may be discussed. The board welcomes written comments at any time. Once the board has discussed the entire framework, there will be opportunities for public oral comment. Before any adoption of an ordinance, there will be a public hearing. Once a final draft is created, the ordinance will be presented to the voters at either a town meeting or in a referendum vote.

ALNA MINING ORDINANCE

ARTICLE 1

The purpose of this ordinance is to put into law removal and reclamation standards and municipal procedures for regulating mining activities and operations in the Town of Alna in order to protect public health, safety and general welfare, to limit the size of mining operations and the volume of material removed, and to minimize the adverse impact of extraction to the town, abutting property owners, citizens of the town, and wildlife and natural resources.

This Ordinance is declared a necessary public purpose for the following reasons:

1. To preserve public health, safety, convenience and general welfare, and to prevent public nuisances;
2. To protect property values and ensure a fiscal base for public services;
3. To ensure efficient public services;
4. To prevent and control environmental pollution;
5. To protect historic resources;
6. To protect plant and animal species and wildlife habitat;
7. To protect the quantity and quality of the Town’s groundwater and the waters in the Sheepscot River and its tributaries; and
8. To preserve the natural beauty of the Town of Alna.

ARTICLE 2: Authority and Administration

1. Authority: This Ordinance is adopted pursuant to and consistent with Title 30-A M.R.S., Section 3001 et seq., and may be known and cited as the "Alna Mining Ordinance."
2. Administration: The Planning Board of the Town of Alna (hereafter the Board) shall administer this Ordinance. The provisions of the Ordinance shall apply to all of the land area of

all mining operations located in the Town of Alna. The Board shall review and act upon all applications to mine in Alna.

3. Expert consultants: In the event that the Planning Board requires expert opinions, advice or testimony during the course of reviewing the application, it will use due diligence to obtain and utilize free services from governmental or non-profit sources. Should the Planning Board be unable to obtain and utilize such services, or determine that different or supplemental services are required, it may require the applicant to pay for such services.

ARTICLE 3: Applicability

This Ordinance shall apply to all mining activities as defined in Article 16 (M). No mining activities requiring a permit can occur until a development application under this Ordinance has been submitted to, and reviewed and approved by the Planning Board.¹

ARTICLE 4: Exemptions

ARTICLE 5: Project Classes

As a part of its initial review, the Board shall classify each project into one of three classifications: Minimal Impact Development, Minor Development, and Major Development.

1. Minimal Impact Development: Includes mining activities of surface materials such as topsoil and clay, and mining activities in a borrow pit smaller than one half acre where not more than 300 cubic yards are removed for the exclusive, non-commercial use of the property owner on the property.
2. Minor Development: Includes mining activities in a borrow pit less than five acres not covered by section 1.
3. Major Development: Includes mining activities in borrow pits 5 acres or greater, and all quarries and mineral mines.

ARTICLE 6: Submission requirements and application process

TBD

If under Article 2(3) the Town determines that expert services are required, the Town shall give notice to the applicant of the name of the expert, the area of qualification of the expert, the purpose for which the expert is required, and the approximate cost of the expert .]

Commented [Cj1]: Determine, once we have discussed all the standards, whether there are any types of projects which should be entirely exempt from all standards.

Commented [Cj2]: If quarries and mineral mining are prohibited in Article 8(C) this reference to quarries and mineral mining should be deleted.

Commented [Cj3]: Submission requirements will be discussed AFTER we determine the standards.] This incomplete list is simply things that came up during out discussions of standards.

¹ The project may also need permits pursuant to Alna’s Subdivision and Site Review Ordinance, Shoreland Zoning Ordinance, Flood Plain Ordinance, and/or Road Ordinance.

Require public hearing for all major developments.

The applicant for permit approval of a mining operation shall present a reclamation plan for the operation of the activity and the restoration of the land.

Hydrogeologic study: The Planning Board may require the submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.

Wildlife and Plant Habitat: Need to include submission requirement [easier submission requirement for Minimal Impact projects than for Minor and Major.]

The applicant must submit a site layout plan including a description of all roads and access points, including state, town, and private roads, and a designation of which roads and access points may be for seasonal use only. The applicant must also indicate whether any state permit is required. The applicant must also provide an estimate of the average and peak number of vehicle trips/day over the course of one year.

ARTICLE 6: Standards

Mining Activities must comply with the following standards: [Insert table showing which standards apply to which class of project: "Minimal," "Minor," or Major.]

Commented [Cj4]: As we discuss each standard, consider which classes need to comply with it.

A. Property lines: No part of any mining activities shall be permitted within 100 feet of any property line without written agreement from the adjacent property owner or public road except drainage ways to reduce run-off into or from the extraction area. Natural vegetation shall be left and maintained on the undisturbed land. [Minor and Major]

B. Slopes: No slopes steeper than three (3) feet horizontal to one (1) foot vertical shall be permitted during any mining operations unless a fence at least five (5) feet high is erected to limit access to such locations. All final grades shall be at a slope no greater than three (3) feet horizontal to one (1) foot vertical. Quarry faces must be treated in such a manner as to leave them in a condition that minimizes the possibility of rock falls, slope failures and collapse. [All three]

C. Liability insurance: Before commencing removal of any earth materials, the owner or operator of the mining activities operation shall provide a Certificate of Insurance to the Town of adequate insurance against liability arising from the proposed extraction operation, and such insurance shall be maintained throughout the period of operation.

Commented [Cj5]: Need more information about what is adequate.

D. Hours of operation: The hours of operation for any and all activities shall not be earlier than 8:00 AM and not later than 5:00 PM Monday through Saturday. Depending upon the location of

the site, the hours of operation may be revised by the Planning Board. Any blasting activities shall take place between 8:00AM and 5:00PM.

Commented [Cj6]: See Article 8 (C) which prohibits quarrying. Need to reconcile the two. If quarrying allowed, more this sentence to blasting standards section.

E. Noise: The applicant shall demonstrate that noise from the operation does not exceed 75 dB at the property line between the hours of 8:00 AM and 5:00 PM Monday through Saturday and 50 dB at the property line at all other times, except for emergency or safety equipment such as back- up beepers, or specifically approved blasting operations. [Applies to all three.]

Commented [Cj7]: If quarries including blasting are allowed, we will need additional standards for short duration blasting noise.

Sound levels shall be measured at least four feet above ground at the property boundary of the source. Measurements of sound pressure level limits are to be made using the sound equivalent level of one minute (leq) (measured in dBA scale). [Applies to Minor and Major]

Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4) "American Standard Specification for General Purpose Sound Level Meters," and shall have been calibrated at a recognized laboratory within the past year. [Applies to Minor and Major]

F. Dust: Dust generated by activities at the excavation site, including dust associated with traffic to and from the excavation 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. The Town of Alna shall not grant a variance from the provisions of this subsection. Visible emissions from a fugitive emission source may not exceed an opacity of 20% for more than 5 minutes in any one-hour period. [Applies to all 3]

Air Quality: A mining operation shall not produce emissions of dust, dirt, fly ash, fumes, vapors or gases that could damage human health, animals, vegetation or property, or that could soil or stain persons or property at any point beyond the operation's lot line. Mining operations shall not produce offensive or harmful odors perceptible beyond their lot lines either at either ground level or at a habitable elevation. [Applies to all 3]

G. Secured vehicles: Loaded vehicles, regardless of owner or operator, exiting the property shall be suitably secured to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Road Commissioner. No mud, soil, sand, rocks or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles. [Applies to Minor and Major]

Commented [Cj8]: Ask Jeff Verney.

H. Roads: All access/egress roads between the mining activities site and public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least 300 feet from such public ways. All roads must comply with the standards in the Alna Road Ordinance. The

average and peak number of vehicle trips/day must not result in safety hazards or an unreasonable adverse impact on the character of the town. [Applies to Minor and Major]

Commented [Cj9]: Should we set a vehicle limit (30 trips/day?)

I. Debris, shelters: No equipment debris, junk, or other material not needed for mining activity shall be permitted at the mining activities site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed following completion of active extraction operations. [Applies to all 3]

J. Spill containment plan:

1. A spill prevention, control, and countermeasures plan shall be required for all size projects. The plan shall be submitted to the Planning Board for approval prior to the movement of any mechanized equipment to the site. [Applies to all 3]

[Sections 2 – 6 below apply to Minor and Major]

2. Petroleum Products Storage

a. If any petroleum products or other materials with potential to contaminate groundwater are to be stored on the site, a Spill Prevention Control, and Countermeasures (SPCC) Plan shall be submitted. A SPCC Plan shall be developed in accordance with DEP regulations, Section 5A of Chapter 378 Performance Standards for the Storage of Petroleum Products (CMR 378) and shall be submitted with the application and kept with the permit in the Town's records.

b. Any petroleum products, highly flammable or explosive liquids, solids or gasses to be stored on site, shall be located in bulk, above ground, anchored tanks or containers, having a roofed, secondary containment system, adequate to contain 110% of the full contents of such container, for control of spills and leaks, and must be located at least 100 feet from any lot line, or town road and at least 75 feet from any interior road.

c. The use of underground tanks is strictly prohibited.

3. Machinery Maintenance

a. Crankcase oil, hydraulic fluids, and similar products shall not be changed, stored or disposed of within the excavation area, unless specifically covered in the SPCC Plan.

b. Routine maintenance operations, such as refueling or oil changes, may be allowed for fixed equipment such as screeners, crushers and wash facilities provided that a secondary containment system in accordance with the SPCC Plan, adequate to contain 110% of the full contents of said equipment, is installed.

4. Any discharge or leak of petroleum product over a gallon shall be immediately reported to the Code Enforcement Officer and a report kept with the permit in the Town's records. All discharges or leaks of any size shall be cleaned up promptly according to the spill containment and cleanup provisions of CMR 378, Section 5H.

5. A copy of the Spill Prevention Control, and Countermeasures Plan shall be kept available on site at all times.

6. The applicant shall demonstrate to the Planning Board's satisfaction the applicant's ability to implement the SPCC plan.

K. Removal or burial of debris: All organic debris, brush, stumps, boulders, and similar materials shall be removed or disposed of in a location delineated on the site plan. The grinding of stumps and brush for use as erosion control material is appropriate, provided it is stored in a designated area delineated on the site plan until used. [Applies to all 3]

L. Storm drainage: All mining activities shall be internally drained, and the extraction footprint shall be operated in such a manner as to safely hold a volume of precipitation equal to that which may be expected from a 25-year, 24-hour storm event for the region based upon the USDA Natural Resources Conservation Service. [Applies to Minor and Major]

M, Water courses: Mining activities shall not impede or accelerate water flows into or out of existing natural water courses. All water from existing water courses shall leave the site at the original natural drainage points. [Applies to all 3]

N. Reclamation: A reclamation plan is required for all minor and major developments and must be complied with. The operation shall be phased so that the total non-vegetated extraction area does not exceed 3 acres for a minor development and 5 acres for a major development at any given time. The total project area including stockpiles, structures and access roads shall not exceed 5 acres for a minor development and 10 acres for a major development at any given time. The plan shall include dates by which the various temporary and permanent conservation practices will be initiated, and must be reviewed and evaluated by the Knox/Lincoln County Soil and Water Conservation District and the Alna Planning Board before it will be considered acceptable. [Applies to Minor and Major]

Commented [Cj10]: Should these figures apply only to borrow pits and, if quarrying or mineral mining are allowed, should the number be different?

Commented [Cj11]: Need to check with KLCS&W Conservation District to confirm their willingness.

O. Disturbed areas: All disturbed areas shall be reseeded and restored to a stable condition adequate to meet the provisions of the Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers (2016) and the Maine Erosion and Sediment Control Field Guide for Contractors (2014) as amended or revised, published by the Maine Department of Environmental Protection. [Applies to all 3]

P. Topsoil, loam, revegetation: Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with a variety of vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the reclamation.

Q.

R. Groundwater Protection: The proposed extraction must not adversely impact either the quality or quantity of groundwater for either drinking water or groundwater flowing into the Sheepscot River or any of its tributaries. Unless previously permitted to excavate to within 2 feet of the seasonal high water table, no excavation or extraction shall occur within 5 feet of the seasonal high water table. The applicant shall provide documentation of the groundwater table in their application to enable review and monitoring of this provision. Groundwater may not be artificially lowered to allow for quarrying or mineral extraction. [Applies to all 3]

Commented [Cj12]: Last sentence not needed if quarrying and mineral extraction prohibited.

S. Wildlife and Plant Habitat: Mining Activities shall not impair, disturb, or displace any federally or state listed rare or endangered form of animal or plant life; nor shall it destroy or impair any wildlife habitat that could be avoided by modification of the proposed development.

T. Discharges: No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as oil or scum, color, odor, taste, or unsightliness or that may be harmful to human, animal, plant, or aquatic life. [Applies to all 3]

U. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impacts on neighboring properties and dark skies. [Applies to all 3]

V. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings, structures, and applicable facilities at all times. [Applies to all 3]

W. Visual Screening: Exposed storage areas, soil, gravel or rock extraction areas, exposed machinery, service areas, truck loading areas, pipelines or electrical transmission lines, utility buildings and other structures shall incorporate setbacks, screen plantings or other screening methods to prevent them from detracting from surrounding properties. Utility buildings and all other structures shall have siding that is residential in appearance including clapboard siding in wood, metal or vinyl, shingles or shakes, board and batten and other sidings commonly found on site-built housing.

Commented [Cj13]: Is it better to require on-site constructed buildings and structures that are consistent with permanent, rural structures and can be converted to other uses or to require temporary buildings and structures that must be removed when the mining activities cease? Perhaps it depends on the proposed life of the project (e.g. multi-year or less than 2 years?)

X.

Y. **Utilities:** The development shall not impose a burden upon public utilities that could be avoided by modification in the development.

Z. **Impact on places listed on the National Register of Historic Places:** The number and/or weight of vehicles passing through or by places listed on the National Register of Historic Places must not cause unreasonable adverse impacts on the historic places.

Article 7. Imposition of conditions

In granting approval for a mining operation, the Planning Board may impose reasonable conditions to safeguard the neighborhood and the municipality. Such conditions may include but shall not be limited to:

- A. **Routes:** Routes of transporting materials.
- B. **Roads:** Cleaning, repair and resurfacing of roads used in removal activity which have been adversely affected by such activity.

Article 8. Rock Crushing, Asphalt Batch Plants and Quarrying

A. **Rock Crushing:** Rock crushing operations are considered as an accessory use to the primary gravel extraction enterprise. As such they must meet all of the standards outlined in this Section of this Ordinance. Prior to placement of such a unit within a mineral extraction operation the operator shall apply for an amendment to its existing permit to note the proposed change. The operator must notify all abutters within 1000 feet of any boundary of the property, by certified mail, of the change in operation and the proposed addition of a rock crusher to the operation at the time such amendment request is made to the Town. Information provided in the application shall include data relative to the following:

1. Operating hours for the rock crusher, if different from those of gravel extraction.
2. Noise levels.
3. Active dust mitigation plan. This shall be specific to the rock crusher and in addition to any general dust mitigation measures employed above.
4. Modifications to the SPCC Plan to account for the operation of such equipment.
5. Changes in internal and external traffic flow generated by the proposed change.

B. **Asphalt Batch Plants:** Asphalt Batch Plants are NOT considered as an accessory use at a mineral extraction operation. They require a new permit from the Town of Alna under this

Commented [Cj14]: [This section was combined with section H above.]

Commented [Cj15]: The Planning Board is considering deleting this section because it does not seem applicable to Alna; we welcome public comment on this issue. If it is left in, it will need to be further defined.

Ordinance. In addition to the general application requirements under this Ordinance, the applicant shall provide the following:

1. Operating hours for the asphalt batch plant, if different from those of gravel extraction.
 2. Noise levels.
 3. Active dust mitigation plan. This shall be specific to the asphalt batch plant and in addition to any general dust mitigation measures employed above.
 4. Odor control plans.
 5. An SPCC Plan to account for the operation of such equipment.
 6. Traffic flow generated by the asphalt batch plant. Where such activities occur within the property boundaries of a permitted mineral extraction operation, all traffic patterns for the entire operation must be shown.
- C. **Quarries: Quarrying or the mining of rock or other consolidated material by the use of explosives or mechanical means is prohibited.**
- D. **Mineral Mining:** Mineral mining is prohibited.

ARTICLE 9: Inspections

Inspection of Mineral Extraction operations

- A. The Code Enforcement Officer (CEO) or other person designated by the Planning Board shall conduct onsite inspections of the operations to ensure compliance with all applicable laws, ordinances and conditions attached to permit approvals.
- B. Frequency of inspections shall be at the discretion of the CEO or other inspector designated by the Planning Board but shall, at a minimum, occur every year until the entire site is reclaimed. The CEO shall report to the Planning Board annually on these inspections.
- C. There shall be an annual inspection fee assessed against all mineral extraction activities that are actively on-going within the town. The fee shall be set by the Select Board.

ARTICLE 10: Transferability of Permit

Within thirty (30) days of the date of the transfer, by sale or otherwise, of land upon which a commercial or industrial activity is permitted, the new owner(s) shall apply to the Planning Board for an amendment to the permit, which application shall provide proof of change in title and ownership, and proof of financial capacity of the new owner as provided under Article 8,

Commented [Cj16]: Hours of operation standard mentions blasting. That standard is not needed if blasting is not allowed. Need to reconcile.

Commented [Cj17]: If quarries and mineral mining are prohibited, we need to figure out how to deal with Crooker's existing quarrying operation.

Section 3. B.5 of this Ordinance. In addition, in the following situations the new owner(s) shall provide the following:

2. Mineral extraction activities:

A. An updated Certificate of Insurance as required under Article 9, Section 4.I.C of this Ordinance, and,

B. Proof of sufficient performance guarantees as may be required under Article 9, Section 4.II.F.

ARTICLE 11: General Provisions

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, or where there are special circumstances of a particular plan, or where the proposed activity is subject to the provisions of another ordinance for the Town of Alna where the requirements of that ordinance would essentially duplicate the requirements of this Ordinance, it may waive any provision of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Comprehensive Plan, the Shoreland Zoning Ordinance or any other ordinance or regulation.

For purposes of this Ordinance, hardship is defined as any physical limitation of the property in question, NOT CREATED BY THE OWNER OR A PREVIOUS OWNER, that makes it unnecessarily difficult for the owner/applicant to site the proposed structure/activity in compliance with any one or more provisions of this Ordinance.

B. In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

C. The Applicant must obtain a Performance Guarantee Bond, payable to the Town of Alna. The amount shall be sufficient to cover the cost of any proposed reclamation, erosion control or other activities as required by the Planning Board. The amount and conditions of the performance guarantee shall be determined with the advice of one or more of the following: 1) A licensed Civil Engineer, 2) Town Selectboard, 3) Town Attorney, and/or 4) Any other person the Planning Board deems necessary to set a reasonable rate.

D. All projects must be constructed as described in either the Notice to Build or Development Permit as approved by the Town. Persons proposing to make any changes must contact the Code Enforcement Officer or Board for either approval or, if appropriate, to file a new Notice to Build and/or application for permit amendment. The project must be at least 15% completed within one year of approval by the Town. If the work does not reach this point within this timeframe, either a new Notice to Build or permit amendment is required.

ARTICLE 12. Validity, Effective Date, Conflict of Ordinances

A. Validity: Should any section or provision of this Ordinance be declared by the courts to be invalid, 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.

B. Effective Date: ____, 2023

C. Conflict of Ordinances: This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health, welfare or safety, the provisions of this Ordinance shall prevail.

ARTICLE 13: Appeal

If the Planning Board shall disapprove an application or grant approval with conditions that are objectionable to any person, affected directly or indirectly, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance have been misconstrued or wrongfully interpreted, any person, affected directly or indirectly, may appeal in writing from the decision of the Planning Board to the Alna Board of Appeals established in accordance with Title 30-A M.R.S. Section 2691, as adopted by the Town of Alna in a special Town Meeting, _____. Said appeal must be made within 30 days of the date the Planning Board voted on the decision.

ARTICLE 14: Amendments

This Ordinance may be amended by a majority vote in a special or regular Town Meeting of Alna.

ARTICLE 15: Enforcement

The CEO shall also investigate all complaints of alleged violations of this ordinance. Findings of that investigation shall be presented to the Planning Board, in writing, and shall detail the nature of the initial complaint, all activities conducted to ascertain the validity of the complaint and findings of that investigation.

The Planning Board of the Town of Alna shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectmen of the kind or nature of the violation and the development and the Selectmen of the kind or nature of the violation and the correction of same if possible. Said notification shall be deemed to have been made when sent to the owner or lessor by certified or registered mail.

The Selectmen are charged with the prosecution for all violations of the provisions of this Ordinance. In cases where such notices are not promptly complied with after receipt of said notices, the Selectmen shall make such complaints to the courts as, in their judgment, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove, or punish such violations.

Construction or other activities requiring submission and approval of a Notice to Build or permit that begin before such submission and approval shall incur a penalty fee before the Town will consider the after-the-fact Notice to Build or permit application. The Select Board shall set this penalty fee along with application fees.

In accordance with 30-A M.R.S. §4452 and M.R. Civ. P. 80K, any person or corporation who violates any of the provisions of this Ordinance or fails to comply with any of the requirements thereof, upon conviction, may be penalized by a fine of not less than \$25 nor more than \$100, and each day on which such violations shall continue shall constitute a separate offense.

ARTICLE __: Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation, or statute, the more restrictive provision shall control.

ARTICLE 16: Definitions

As used in this Ordinance, unless the context otherwise indicates, the following words shall have the following meaning:

- A. **ACCESSORY STRUCTURE OR USE:** A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. Accessory structures, except those that require direct access to the water, must also meet all setback requirements. A guest house without kitchen facilities is an accessory structure.
- B. **ACTIVE EXTRACTION AREA:** The pit itself, the actual hole in the ground, including side slopes and adjoining areas with overburden removed, excluding roads, structures, stockpiles, etc., which is being worked to produce minerals and/or that is yet to be reclaimed.
- C. **AQUIFER:** A geologic deposit that yields useful quantities of groundwater to wells and springs. A significant aquifer is one that is defined and mapped by the Maine Geological Survey with a sustained yield of over 10 gallons per minute.

Commented [Cj18]: This Article is identical to that in Alna's SZO and BCO.

D. **BLASTING:** The use of explosives to break up or otherwise aid in the extraction of rock or other consolidated natural formations.

BORROW PIT: A place where sand, fill or gravel is excavated.

E. **BUSINESS:** A structure or location used for the production and/or exchange of goods and services for remuneration. A commercial business is one engaged in the exchange of goods or services. The actual exchange of said goods or services might happen primarily off-site while the location itself is primarily a storage and dispatching location such as occurs with many construction-related businesses. An industrial business is one engaged in the manufacture of such goods or services.

F. **CODE ENFORCEMENT OFFICER:** The person appointed by the Select Board to oversee that all ordinances enacted by the Town are properly followed.

G. **COMMERCIAL DEVELOPMENT:** Shall refer to all buildings, or parts thereof, parking lots or any other exterior facilities utilized for, or related to, the buying and/or selling of goods and services.

H. **DEVELOPMENT:** A change in land use involving alteration of the land, water, or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

I. **DISTURBED AREA:** All land areas that are stripped, graded, grubbed, filled, bulldozed or excavated at any time during the site preparation or removal of vegetation for, or construction of, a project.

J. **GROUNDWATER:** All of the water found beneath the surface of the ground present in aquifers and recharge areas.

K. **IMPERVIOUS SURFACE:** A surface that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater.

L. **INDUSTRIAL DEVELOPMENT:** Shall refer to buildings, or parts thereof, parking lots, storage areas, gravel or borrow pits, quarries, mines, roads, pipe lines, electrical transmission lines, and any other exterior facilities or equipment, whether mobile or stationary, involved in the manufacture of a product, in the extraction or processing of any materials utilized in the

manufacture or construction of a product, or in the transportation or transmission of any such materials or products.

M. MINING ACTIVITIES/MINING OPERATION: Any mineral extraction facilities and operations, including the excavation, removal, handling, or storage of on-site extracted sand, gravel, borrow, rock, clay, minerals or topsoil including, but not limited to, sand or gravel pits, clay pits, borrow pits, rock quarries, mineral mines, rock crushing, asphalt batch plants, quarrying, and topsoil removal.

■. MINERAL MINE: A place where ore or metallic minerals are excavated.

N. PLANNING BOARD: The Municipal Reviewing Authority of the Town of Alna, Maine, as defined by 30-A M.R.S. Section 4301, Subsection 12 and re-established by the voters of Alna at their annual town meeting on _____.

■. QUARRY: A place where rock is excavated.

O. RECLAMATION: The restoration to conditions similar to what existed prior to the mineral extraction operation or that will be compatible with what existed prior to the operation on the area of land affected by mining. It is generally governed by a reclamation plan. This may include, but is not limited to, grading and shaping of the land, the planting of trees, the seeding of grass, legumes or crops for harvest, or the enhancement of wildlife and aquatic resources.

P. RECLAMATION PLAN: A written document that depicts how the project area will be restored, or altered for the productive use of the land after excavation is complete. Such a plan shall include final grading and re-vegetation plans, of any given phase.

Q. SEASONAL HIGH GROUNDWATER TABLE: This is the upper elevation at which the groundwater table normally is located during the season of the year when such levels are at their highest. It generally occurs in the spring and fall but could occur at other times.

R. SELECT BOARD: A board composed of the 3 persons elected by the citizens of the Town of Alna to serve as select persons.

S. SETBACKS: The minimum horizontal distance from a lot line to the nearest part of the mining operation.

T. TOWN: Refers to the minor civil division known as Alna, Maine.

U. WATER TABLE: The upper surface of groundwater or that level below which the soil is saturated with water.

Approved at Town Meeting _____(date)

Attested a True Copy, _____, Town Clerk __ (date) _____

DRAFT