

Comments on the 10/30 draft Mining Ordinance V2

Thank you again for the opportunity to comment on the second draft of the mining ordinance. Here are my updated comments based on a read through of the second version of the draft ordinance:

1. I continue to see a major discrepancy between this draft mining ordinance and our current Subdivision and Site Plan Review Ordinance that dates back to the 1970s. Contained in the Site Plan ordinance is this definition of Mining (Section 2. N.):

Mining: The extraction of sand, gravel, rock, minerals and overburden, excluding excavations for on-site construction, landscaping, and extraction of materials from an area of less than one half (1/2) acre for use on contiguous land under the same ownership; and excluding the extraction of loam and topsoil from an area of less than two (2) acres.

The draft mining ordinance proposes to exempt new commercial mining operations < 2 acres whereas our site plan review ordinance currently requires a permit for all new commercial mining operations.

Question/Issue: Please explain how exempting new commercial mining operations < 2 acres would be in the Town's best interests and consistent with Article 1, Sections 2 and 3 of the draft ordinance.

I believe it is in the best interests of the town, and neighbors and abutters to require new commercial mining operations <2 acres to obtain a permit to operate. Otherwise, we have no idea who they are, where their operation is, how big it is, no performance standards or review criteria and no basis for measuring "expansion", "abandonment", etc. The town should have protections from on-going commercial operations whose business interests might not align with the purpose of the ordinance as articulated in Article 1. Requiring a permit gives us a say.

2. The draft mining ordinance would prohibit **quarries >= 1 acre** (Article IV) yet would exempt a new commercial quarry operation < 1 acre?

For the reasons articulated above, I believe it is in the best interests of the town to prohibit all new commercial quarry operations **OR** require new commercial quarry operations <1 acre to obtain a permit to operate.

I hope that you will continue to provide **additional focused public meetings** where the details of the ordinance can be presented to the public to ensure we fully understand it. I also look forward to opportunities to ask more questions and participate in a collaborative way to jointly craft an ordinance that achieves the purpose of the ordinance.

Jeff Philbrick