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From: **The Philbricks** <pharmd99@tidewater.net>

Date: Sun, Jun 4, 2023 at 3:30 PM

Subject: Alna Mining ordinance suggestions

To: Jim Amaral <jim.f.amaral@gmail.com>

Good afternoon Jim,

Welcome back (I think) from a trip abroad! Noted below are my suggestions/opinions about items that I would like to see included in our Alna mining ordinance. Please consider them as you continue working through the ordinance and share with the group as applicable.

1. I believe the ordinance should regulate all forms of borrow, gravel pits, topsoil, mining, minerals, quarries, etc. These activities are significant qualitative impacts to natural resources, land, neighborhoods and surroundings and there should be a minimum set of review and standards that scales up based on size of operation.
2. Applicability: This ordinance should apply to all commercial operations as well as personal operations. There can be exemptions of certain requirements or standards based on size threshold, such as personal vs. commercial, small (less than 1/2 acre), medium (1/2 acre to 5 acres), large (5 acre-10 acre) and extra large (over 10 acres) but some form of oversight and minimal standards should apply to all operations.
3. I am in favor of certain activity exemptions for construction of residences, road salt operations, rock walls, personal use under 1/2 acre for residential use of excavated material kept on the same property, but that permits are still required so that the town has records of these activities.
4. Definition of commercial use vs. personal use. Commercial use: anything other than personal residential use which is less than 1/2 acre working pit in aggregate whereby all material remains on the lot of record or an abutting lot of record owned by the same party on record. Commercial use requires an annual business permit.
5. I strongly feel there should be a provision that the CEO may perform an annual compliance inspection at any site, regardless of size. Crooker once started small, and got big. How will the town know if anyone is operating an unpermitted pit, or expands beyond ordinance limits, if there is no provision for a CEO inspection at any time?
6. I would like to see a complete prohibition on quarrying/excavation below the seasonal high water table. Alna is a small, quiet rural community and everyone I have talked with has significant concerns about major excavations below the water table near the Sheepsfoot River. Whitefield prohibited this activity for sound scientific reasons and we should be conscientious neighbors and follow their lead on this prohibition.

7. Quarterly water quality monitoring should be required for medium and larger operations. One monitoring well per 3 acres of operation size should be required.
8. There should be air quality (Dust) regulations on opacity of operations not to exceed 15% in any two minute interval (or equivalent) for all operations
9. All medium and larger operations should be required to obtain performance bonds/escrow
10. All medium and larger operations should be required to perform a pre-blast survey and Hydrologic assessment whereby the expert is selected by town and cost born by applicant.
11. All applicable provisions of the Topsham Blasting Ordinance should be incorporated in this ordinance.....such as the requirement that all loads must be covered by all trucks leaving the operation.
12. There should be noise and vibration limits that match the Town of Whitefield and should be lower that our current levels.
13. There should be a requirement for Reclamation fees/escrow whereby all reclamation costs must be provided up front in escrow, the town earns interest on the escrow amount as impact fees. Reclamation cost estimates to be provided by expert selected by the town and cost born by the applicant.
14. There should be slope limits of less than 2.5 to 1 for final reclamation dimensions on quarries and pits.
15. All applicable language from the Whitefield ordinance should be incorporated in our ordinance, since they are regulating the same large operation.
16. I would like to see caps on quantity of material (yards per year), limits on blasts per month, blasts per day, etc. to promote good stewardship and being a conscientious neighbor. Examples include: Blast hours between 10am-2pm, Hours of operation (noise) limited to 9am-5pm, M-F, no holidays, etc.
17. There should be working pit size limits which are different for total operation size limits, included in the definitions of small, medium and large.
18. There should be the usual section of the ordinance that the more restrictive language applies across multiple ordinances, etc.
19. There should be some form of language stating that all other state, local permits are required prior to the beginning of any operations.

Thank you for considering these,

Jeff Philbrick