



THE TOWN OF LIMINGTON

— P.O.Box 240, Limington, ME 04049 —



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SELECTBOARD ON AIR JANUARY 04, 2023

Meeting Called to Order at 7:00 pm by Stanley Hackett.

Approval of meeting minutes for December 21, 2023.

Motion to approve meeting minutes made by Michael Barden second Tammy Ramsdell, approved.

Approval of Warrants for Week #52:

Payroll Warrant #109: \$ 28,548.18

Appropriations Warrant #110: \$ 36,359.33

Week #52 Warrant #109 & 110 Total: \$ 64,907.51

Motion to approve Warrants #109 & #110 for Week #52 made by Michael Barden second Tammy Ramsdell, approved.

Approval of Warrants for Week #1:

Payroll Warrant #1: \$32,721.58

Appropriations Warrant #2: \$93,078.07

Week #1 Warrant #1 & 2 Total: \$125,799.65

Motion to approve Warrants #1 & #2 for Week #01 made by Michael Barden second Tammy Ramsdell, approved.

Purchase Order Requests:

PWD:

A request to pay Kezar Falls Auto for grease guns: \$229.00.

A request to pay Kezar Falls Auto for R2 and unit 10 repairs, bulbs and lamps: \$320.00.

A request to pay Kezar Falls Auto for stock fittings for repairs: \$981.21.

A request to pay Carroll Materials for rip rap: \$324.52.

A request to pay Eastern Salt Company for road salt: \$14,567.91.

A request to pay Steep Falls Building Supply for propane tank refills: \$99.47.

A request to pay Kezar Falls Auto for clamps, booster cables, battery tester, cables; \$480.86.

A request to pay PRC Industrial Supply for hydraulic hoses assembly, swivels, o-rings, fittings: \$152.53.

A request to pay LP Murray for gravel: \$325.00.

A request to pay Good Year Commercial tire for tires, mount, and fuel charge for 550's: \$498.86.

Motion to approve PWD POs made by Stanley Hackett second Tammy Ramsdell, approved.

FIRE & EMS:

A request to pay Fire Tech & Safety for additional shipping charges: \$14.50.

A request to reimburse Owen Sprague for Resin for E6 tank repairs: \$216.24.

A request to pay Maine Air Power for yearly service: \$1,178.20.

A request to pay RSD Graphics for lettering for Fly-car: \$945.00.

A request to pay Hartford Communications for radios for ambulance: \$85.00 (previous approval of \$365 on 12/07/2023)

A request to pay MMC Pharmacy for Oct 2023-Dec 2023 supplies: \$494.64.

A request to pay PT paper for EMS protocol binders: \$239.80.

A request to pay Maine Fire Chief's Association for annual dues: \$100.00.

A request to pay Baxter Healthcare Corp for 3 year service agreement, IV pumps: \$912.00.

A request to pay BoundTree Medical for heated blanket, ac adapter, and thermometer: \$1,589.28.

Motion to approve Fire/EMS POs made by Stanley Hackett second Tammy Ramsdell, approved.

PARKS & REC:

A request to pay Structures North Consulting Engineers, Inc for final inspection of OTH foundation project: \$1,110.99.

Motion to approve Parks & Rec PO made by Stanley Hackett second Tammy Ramsdell, approved.

MUNICIPAL:

A request to pay Modern Pest for 2024 contract: \$1,172.60.

A request to pay NDS for W2 and 1099 forms: \$593.13.

A request to pay RHR Smith for 2023 audit progress billing: \$1,000.00

A request to pay Harris Computer for End of Year training: \$ 75.00.

Motion to approve Municipal POs made by Stanley Hackett second Tammy Ramsdell, approved.

PLANNING BOARD:

A request to pay Maine Today for ad: \$61.13.

Motion to approve Planning Board PO made by Stanley Hackett second Tammy Ramsdell, approved.

FAC:

A request to pay stipends from Sept 2023 to January 2024: \$420.00.

Motion to approve FAC PO made by Stanley Hackett second Tammy Ramsdell, approved.

Old & New Business:

The Select Board will hold an executive session pursuant to 1 M.R.S.A § 405(6)(A) Personnel Matters on JANUARY 11, 2024 at 4:30pm.

Motion to accept Francis Small Heritage Trust payment in lieu of taxes of \$1,100.00 made by Michael Barden second Tammy Ramsdell, approved.

Weekly Update on Select Board activities:

Abatement info

Budget work

Info for town meeting warrant – reviewing and prepping for public hearing.

Informational Bulletin:

Select Board office hours are Thursdays 4pm to 8pm. The on-air meeting time is Thursdays at 7pm.

Nomination papers are due the following positions by January 5, 2024:

Select Board/Assessor/Oversees: 1 position (3-year term)

Planning Board Members: 2 positions (3-year terms)

Davis Memorial Library Trustee: 1 position (5-year term)

There will is a Public Hearing on January 04, 2024 directly following the Select board meeting regarding the Extraction Industry proposed changes, changes to the Zoning Ordinance and Subdivision Fire Protection & Safety Ordinances. These are proposed to be on the ballot March 5, 2024.

Health Officer Position for 2024 is open: interested candidates should see the Select board, or send an email to Assistant@LimingtonMaine.gov. Interested candidates should have a medical background.

Transfer Station hours are Saturday and Sunday from 9 a.m. to 4 p.m. and Wednesday 12-4 p.m. **A Transfer Station sticker must be attached to your vehicle windshield for the disposal of ALL items.** Transfer Station Stickers are available at the Town Office for \$20.00. No sticker is required to use the swap shop. The Transfer Station does NOT accept brush or yard clippings

General Assistance Office is open on Wednesdays from 9-11am. Applications are available anytime from the Town Clerks office during their normal business hours. Applications must be filled out and accompanied with supporting documentation and must be signed.

Planning Board meets at the Municipal Complex the first and third Monday evenings at 7pm.

Parks & Rec Cards and Coffee is held at the Old Town Hall building every Wednesday from 9:30am -11:30am. Come meet some new folks, play some games. If you have questions or suggestions, please reach out to Madison Moody our Recreation Director at M.Moody@LimingtonMaine.gov

Horne Pond Fishing Derby: Derby is scheduled for February 10, 2024 with a weather date of February 24, 2024. Mark your calendars!

Christmas Light Contest was won by Jeremy and Allie Mundy! Congratulations!! There were lots of beautiful lights around town.

Open to the Public:

No Public comment at Select Board meeting.

Motion to Adjourn Select Board meeting at 7:10 pm made Michael Barden second Tammy Ramsdell, adjourned.

Public Hearing on January 04, 2024 directly following the Select board meeting regarding the Extraction Industry proposed changes, changes to the Zoning Ordinance and Subdivision Fire Protection & Safety Ordinances. These are proposed to be on the ballot March 5, 2024.
**** Public Hearing can be heard online at SRCTV.org.****

Motion to Adjourn at Public Hearing at 9pm made by Michael Barden second Tammy Ramsdell, adjourned.

Stanley Hackett, Chair

Michael Barden III

Tammy Ramsdell

Proposed changes to the Zoning and Subdivision Ordinances – 2023

Changes in the Zoning Ordinance:

Page 54 – 6.D.3.D. – Should read “eight (8) copies” (.

Page 56 – 6.H.2. – Add the following:

- A. All necessary State permits shall be obtained by the applicant prior to the CEO issuing a building and/or an occupancy permit.
- B. No permits shall be issued until all the conditions of the Notice of Decision have been met.
- C. A bond shall be posted – when deemed necessary by the Planning Board – prior to any permits being issued.
- D. Time frames for meeting the conditions will be determined.

Page 59 – 6.K.3. Should read “eight (8) copies”

Page 66: 29.a) Single family dwelling, tiny home or two-family dwelling including driveways.

Page 67 – on chart – f. Medical Marijuana Home Production – change it from CO to PB across the graph. (The CEO can't issue Conditional Use Permits, the PB does and this is a necessary process for the use.)

Page 75 – 8.G.2. Foundations – Correct the last line to read “8.H.4. Relocation, below” -- not 8.G.4.

Page 70 – Note E: No building permit shall be issued if there is a current land use or zoning violation.

Page 71 – Dimensional Requirements Table

3. Minimum setback (feet):

Add: D. An accessory building must have a minimum of thirty feet (30') setback from an existing dwelling.

Add on page 69 of the ZBL – General Land Use

The Maine Universal Building and Energy Code (MUBEC) is hereby adopted and shall be adhered to for all building and electrical permits issued.

Definition:

Tiny Home: A structure that must be no larger than 400 square feet, excluding lofts. This includes necessary structures such as porches and decks as well as plumbing, electrical and heating systems, and must be on a foundation or a trailer for use as a permanent foundation. If the tiny home is on wheels, it must be approved by the Department of Motor Vehicles for highway operation and safety.



Limington Fire/EMS

SUBDIVISION ORDINANCE

TOWN OF LIMINGTON

March 1, 2022 version

Beginning on page 34

B. Fire Protection and Public Safety

B.1 Authority

A. Except for exemptions cited herein, ~~this s~~Section ~~D~~ shall be applicable to the following structures constructed after November 6, 2018:

1. Residential subdivisions regulated by 30-A MRSA §4403 and subdivisions exempt by 30-A MRSA §4401.4 and 4401.4D -1, D-2, D-3, and D-4 [Probate and family divisions] consisting of:

a. ~~Three (3) or more lots located more than 1,500 linear~~**1200 road feet by established an approved or legally nonconforming travel way from a designated and operational Fire Department water supply of at least 15,000 gallon capacity.**

~~b. Between four (4) and seven (7) lots located more than 1,500 linear feet by established travel way from a designated and operational Fire Department water supply of at least 15,000 gallon capacity.~~

2. Commercial and institutional structures ~~within~~ excess of 4,000 square feet of area, excepting agricultural buildings.

B.2 Performance Standards

A. Residential Fire Protection Water Supply (cistern, Dry Hydrant, or existing water supply).

1. Proximity to Fire Protection Water Supply:

All residential buildings governed by B.1. shall be located within 1,200 ~~linear-road~~ feet by ~~established~~ **an approved or legally nonconforming** travel way of a designated and operational Fire Department water supply of at least 15,000-gallon capacity.

2. Alternative Water Supply Required:

Proposed new residential structures failing to meet the standard B.2.A.1 will be required to provide one of the following ~~remedies~~**alternatives**:

a. Install a residential fire sprinkler system in all residential units in conformance with the standards of NFPA 13D or latest published edition of NFPA;

b. Install an enclosed concrete or polycarbonate cistern with a minimum 15,000 gallon capacity on site or within 500 feet ~~by established travel way of the principal structure and provide Fire Department vehicular access to the cistern;~~ **1200 road**

feet by an approved legally nonconforming travel way of all new dwellings within the subdivision development.

(Document page 35)

B. ~~Non-Residential Fire Protection Water Supply~~ Fire Protection Water Supply for Commercial and Institutional Structures

1. Proximity to Fire Protection Water Supply:

Commercial and institutional structures in excess of 4,000 square feet in area must be located within 1,200 linear ~~road~~ feet by established **an approved or legally nonconforming** travel way of a designated and operational Fire Department water supply of at least 15,000-gallon capacity, **or a greater capacity if recommended by the Fire Chief, due to the subject property's size, use, fire load, and/or number of buildings served.** The Fire Chief and/or Planning Board may require a water supply in excess of 15,000 gallons based on building size, use, fire load, and/or number of buildings served by the water supply. **Based on building size, use, fire load, and/or number of buildings served by the water supply, the Fire Chief may recommend to the Planning Board, a capacity larger than 15,000 gallons.**

2. Design Standards:

All hydrants shall be designed and constructed in conformance with NFPA 24 ~~or the~~ latest published edition of NFPA 24. No hydrant shall be serviced by a water supply main of less than six (6) inch diameter.

3. Costs & Responsibilities:

a. The applicant shall be responsible for expenses associated with the installation, maintenance, and/or lease of ~~fire hydrants~~ **the water supply** located in private ways, driveways, and private property.

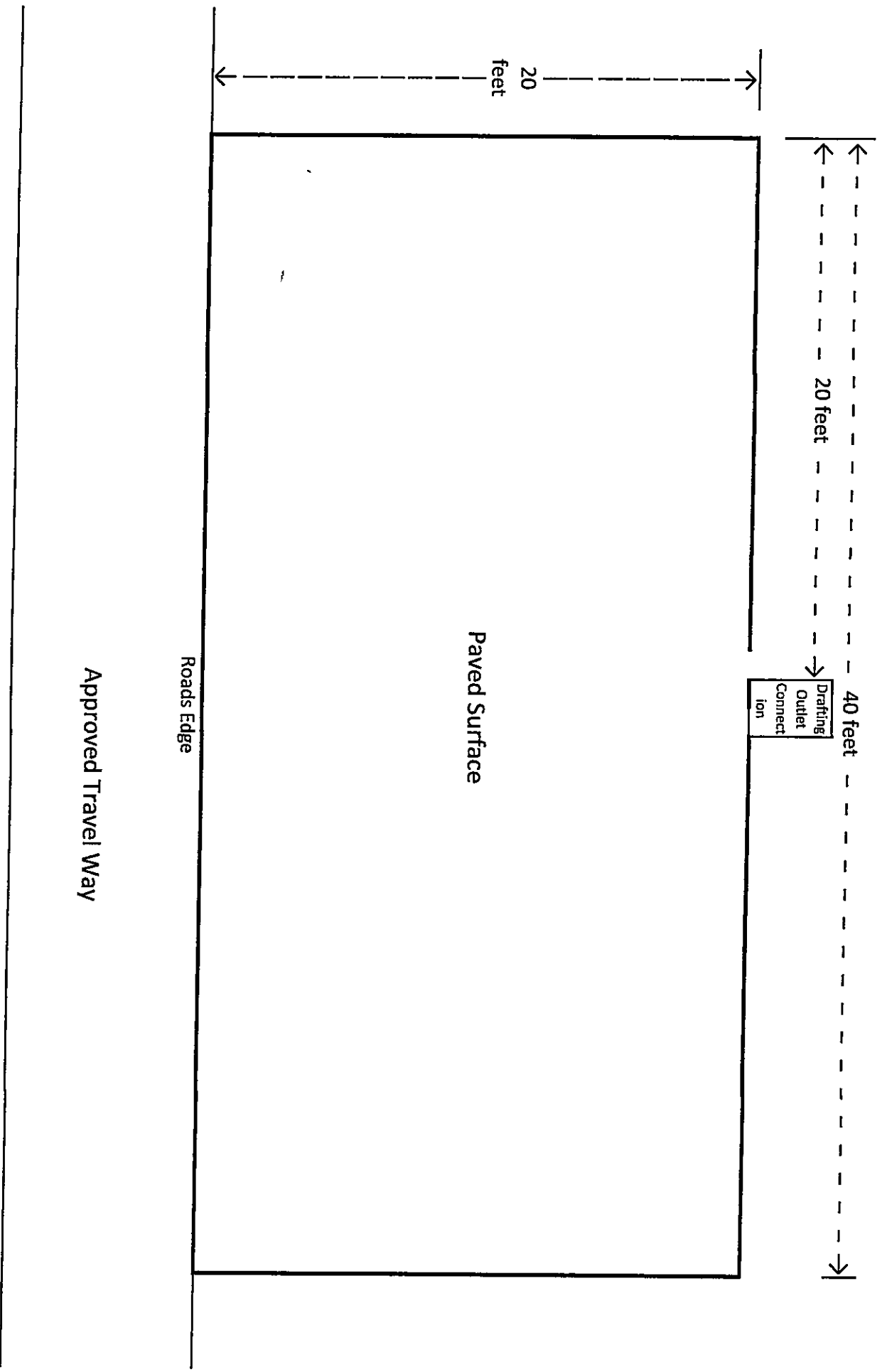
b. Applicants shall also be responsible for the installation and lease costs associated with a ~~hydrant~~ **water supply** installed in the right-of-way of a Town -or State road for a period of three (3) years, where upon all lease costs shall be assumed by the Town of Limington.

C. Automatic Fire Sprinkler Systems

1. Fire Sprinkler Design Standards

All Automatic Fire Sprinkler Systems shall conform to the following design criteria:

- a. NFPA 13D or latest published edition for one and two family residential dwelling units;
- b. NFPA 13R or latest published edition in all residential structures except for one and two family dwelling units;
- c. NFPA 13 or latest published edition in any commercial or nonresidential structure.



← 20 feet →

← 40 feet →

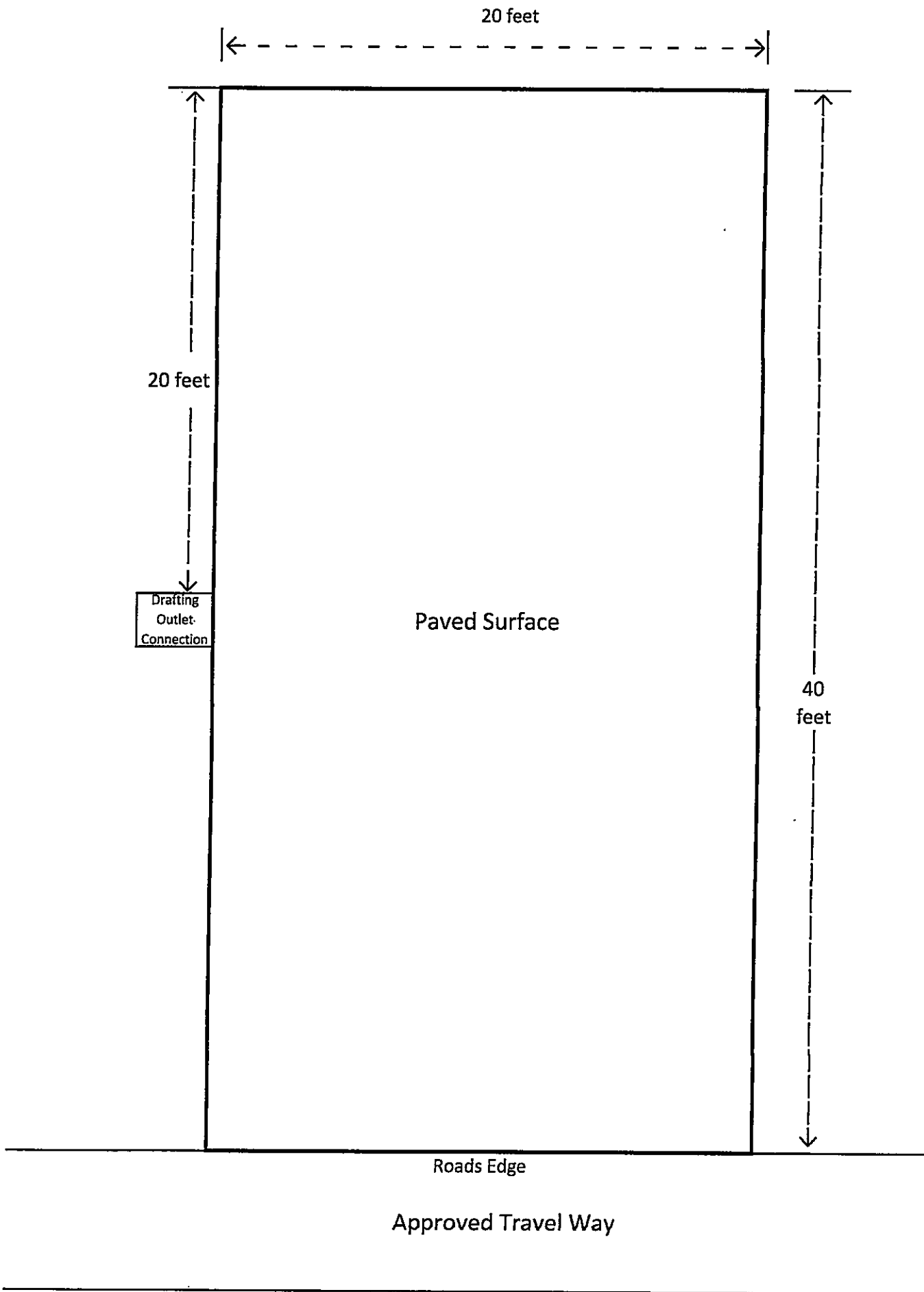
Drafting
Outlet
Connection

Paved Surface

Roads Edge

Approved Travel Way

20
feet



D. Fire Cistern Performance Standards

1. Fire Cisterns *design and installation*:

Fire Water Supply cisterns shall be designed as follows: 36

(Document page 36)

Performance Standards

a. All Cisterns shall be waterproofed prior to installation.

b. The top of the tank shall be buried a minimum of four (4) feet from the surface to ensure frost protection.

~~b-c.~~ Cisterns shall be plumbed with a six (6) inch drafting outlet **with an elbow three (3) feet above the ground. with a A threaded fitting, including a metal cap, will shall be attached to the drafting outlet and shall face the pumping apron.** with long handles and a metal cap mounted on an elbow at least two (2) feet above the surface of the ground.

~~c-d.~~ All plumbing fixtures shall be metal in construction.

~~d-e.~~ A separate vent pipe shall be installed.

~~e-f.~~ A separate fill pipe **shall be on an elbow mounted at least 2 three (3) feet above the ground and fitted with a threaded 2.5 inch wye mounted horizontally.**

~~f-g.~~ A **commercial** sight gauge showing water level in the cistern **shall be part of the vent pipe.**

~~g-h.~~ Cisterns shall be constructed with a cleanout manhole enabling maintenance access to the interior with a locking mechanism to prevent vandalism.

2. Pumping Apron:

a. Apron Design: A paved access apron at least 15 feet long shall be constructed from the cistern — to the edge of the street or private way to provide easy Fire Department access to the dry hydrant and fill pipe. **There shall be a paved access apron from the edge of the approved or legally nonconforming travel way. It shall measure 20 feet wide beginning at the drafting outlet connection. The length shall and extend a minimum of 20 feet on either side of the drafting outlet connection. Refer to figures 1 and 2 below.**

b. **The apron base material shall be 18 inches of MDOT Type D gravel compacted to 95 Proctor.** Bituminous Surface: The apron shall consist of 2.5 inch bituminous concrete surface constructed on 18 inches of MDOT Type D gravel compacted to 95 Proctor.

c. **The paved Surface shall consist of 2.5 inches of bituminous concrete.**

e. **d. Protective Bollards:** Two three inch concrete filled **schedule 40** metal pipe bollards shall be **six-inches in diameter extending five 5 feet above the surface of the apron** shall be installed on either side of the drafting outlet connection in order to protect the fittings from impact from vehicles. **These bollards shall be painted safety yellow.**

E. Approvals and Inspections

1. The Fire Chief or designee and Code Enforcement Officer shall approve:

a. Proposed location of water supply prior to Planning Board approval of Subdivision, or prior to the CEO's issuance of a building permit for a building or development that is not subject to subdivision review.

b. Water supply type and design prior to Planning Board approval of Subdivision, or prior to the CEO's issuance of a building permit for a building or development that is not subject to subdivision review.

2. The Fire Chief or designee and Code Enforcement Officer shall have authority to inspect all phases of construction.

3. The Fire Chief or designee and/or Code Enforcement Officer will conduct inspections during all construction phases, including but not limited to the following:

a. Excavation of site before placement of cistern, or dry hydrant.

b. Dry hydrant or cistern tank shall be inspected and checked for leaks prior to backfilling.

c. The Code Enforcement Officer shall inspect pumping apron prior to paving.

d. The Fire Chief or designee shall conduct final inspection of water supply to ensure all performance standards have been met.

F. Fire Response Accessibility

1. Road & Parking Design:

All private ways, subdivision roads (*whether or not the same are proposed for Town acceptance*), private driveways, and parking lots shall be designed to provide adequate travel way widths and curve/curb radii to accommodate a 100-foot ladder /tower apparatus with a minimum 65 - foot inside turning radius.

2. Fire Lanes:

Buildings of high-density occupancy, public accommodation or hazardous conditions; including but not limited to multifamily complexes, shopping centers, auditoriums, theaters, office buildings, hospitals, lodging, and manufacturing facilities, shall provide 15-foot fire lanes designated as "No Parking Zones" that will enable rapid and ~~37~~ unimpeded access of fire/rescue equipment and personnel to the interior, roof, mechanical room, and/or other critical areas. The Limington Fire Chief or designee shall exercise sole discretion in the location and design of such Fire Lanes.

(Document page 37)

3. Fire Department Connection (FDC)

All buildings fitted with an Automatic Fire Sprinkler System in conformance with NFPA 13 and NFPA 13R shall provide an exterior Fire Department Connection (FDC) in a location readily accessible to responding Fire apparatus. The Fire Chief or designee shall exercise sole discretion on the location of the FDC, and the configuration of road access to the FDC.

4. "Knox Box" Rapid Entry System (RES)

All multi-family ~~uses~~ **buildings** and non-residential buildings, including but not limited to places of public accommodation, manufacturing and fabrication facilities, gated emergency accesses and similar uses shall install a secure Rapid Entry System box, containing keys facilitating rapid entry of fire and rescue personnel to a locked facility. The Limington Fire Chief or designee shall specify the location and number of such Knox Box systems.

3. 5. Exemptions and Additions:

1 a. Exemptions:

Given the proximity of adequate established Fire Department water supplies, the Fire Chief or designee may exempt, *in their sole discretion* a proposed development from providing an on-site water supply, *if the Fire Chief or designee determines that public health and safety are not adversely impacted by such exemption.*

2 b. Additional Requirements:

Given site conditions and constraints, inaccessibility, fire loads, and /or exposures, the Fire Chief or designee may impose additional fire protection standards beyond the minimum requirements specified in Section B in order to maintain neighborhood safety, preserve property, and protect civilian and firefighter lives.

G. Easement Deed

1. ~~When water storage means cisterns are used installed~~, the developer shall provide an executed dry hydrant easement deed to the Town of Limington in a form approved by the Town Attorney.

2. Developer must provide proof of easement deed prior to final subdivision approval.

H. Maintenance of Fire Protection Systems

1. ~~Maintenance of Water Storage Means cisterns~~

a. ~~Water storage means Cisterns and dry hydrants associated with water storage arrangements shall be maintained as required by NFPA 1142, Chapter 8, Section 8.7.1 and 8.7.6. The homeowners associations shall be responsible for the maintenance of the fire protection system, if common storage means are used. Maintenance requirements shall be included in the home owner's association's declaration, which shall be in a form approved by the town attorney.~~

2. Maintenance of Sprinkler Systems

a. Maintenance of individual sprinkler systems shall be the responsibility of the individual owner.

All applicable requirements in this section shall be completed prior to the issuance of any occupancy permit. If an assurance-a performance bond has been required, items covered by the bond shall be completed within one year from the date of approval by the Planning Board.

12.I Extractive Industry

The purpose of this section is to regulate the removal, processing and storage of topsoil and/or loam, rock, sand, gravel and other similar natural assets within the boundaries of Limington. These regulations are specifically intended to protect the quality of the groundwater and other water bodies, to prevent the lowering of the water table, to control erosion, and to provide for the health and safety of the public through appropriate management and utilization of these natural resources

It is also the intent of these regulations to require the rehabilitation of expansion and new excavation operations so that the new excavations are reclaimed to a condition which is suitable and amenable to best practice land management and shall not detract from the appearance or value of nearby property.

12.I.1 Permit Not Required

The following activity shall be allowed without a Conditional Use Permit from the Planning Board:

- 12.I.1.A The removal or transfer of less than one hundred (100) cubic yards of material from or onto any lot in any twelve (12) month period.
- 12.I.1.B The removal or transfer of material incidental to construction, alteration or repair of a building for which a permit has been issued or in the grading and landscaping incidental thereto, and
- 12.I.1.C The removal or transfer of material incidental to construction, alteration or repair of a public or private way or essential service.

12.I.2 Permit Required

- 12.I.2.A Unless exempted above, topsoil, rock, sand, gravel and similar earth materials may be removed from locations where permitted under the terms of this Ordinance only after a Conditional Use Permit for such operations has been issued by the Planning Board. All other extractions, processing and storage shall require a permit. See the Land Use Table for permitting authority.
- 12.I.2.B The removal or transfer of one hundred (100) cubic yards to five hundred (500) cubic yards of material from or onto any lot in any twelve (12) month period in permitted areas requires a permit. See Land Use Table for permitting authority.

12.I.3 Submission Requirements

- 12.I.3.A Applications to the Planning Board for a Conditional Use Permit for the excavation, screening, crushing, or storage of soil (including topsoil), peat, loam, sand, gravel, rock or other mineral deposits shall be accompanied by a plan prepared according to the performance standards herein, in compliance with applicable State laws and accompanied by all required State permits and licenses.

Existing operations which have not yet received a Planning Board permit pursuant to the Gravel Pit Ordinance of Limington, now superseded by this Ordinance, have sixty (60) days from the effective date of this Ordinance to apply to the Planning Board for a permit.

The submission requirements and the approval standards shall be the same as for new operations, provided however, the Planning Board may grant a waiver from such standards where necessary to avoid undue hardship, so long as any such waiver does not

*Existing operations - Grandfather
* one complaintant will req this yearly*

jeopardize the health, safety, and welfare of the community as otherwise provided in the Ordinance.

12.I.3.B The applicant shall submit a site plan, drawn by an engineer to a scale of one (1) inch equals ~~one hundred (100)~~ sixty (60) feet plans of the proposed extraction site showing the property lines and names of abutting owners and ways, indicating not greater than five (5) foot contour intervals, relating to the U.S. Geodetic Survey date.

12.I.3.B.1 The location and slope of the grades, existing and as proposed upon completion of the extraction operation; and

12.I.3.B.2 The site plan must also include the following information:

- A. ~~Fencing~~ Boundaries of proposed areas for excavation.
- B. ~~Buffer strips~~ Present use of the entire parcel, including existing excavated areas.
- C. ~~Signs~~ Present use of adjacent properties.
- D. ~~Lighting~~ Type and location of all existing and proposed surface water, including drainageways.
- E. ~~Parking and landing areas~~ Location of all proposed access and egress roads, temporary and permanent structures and parking areas.
- F. ~~Entrances and exits~~ Location and proximity of all great ponds, rivers, streams and wetlands with two hundred and fifty (250) feet of the proposed activity.
- G. ~~A written statement of the proposed method, regularity, working hours, and~~ The location of existing wells, streams and contours within the parcel and beyond the border of the parcel for two hundred (200) feet.
- H. ~~Proposed rehabilitation and restoration of the site upon completion of the operation.~~ The depth of seasonal highwater table at the site of the proposed excavation as determined by at least one test pit borings or test holes to substantiate that the groundwater will not be disturbed. ~~such test pit may not occur within five (5) feet of the seasonal highwater.~~
- I. The location of all proposed OHM (oil and hazardous materials) storage areas. OHMs shall be located on impervious surfaces and shall be stored in accordance with Maine DEP standards.
- J. Plans for controlling access to the site. A solid gate with a Knox box shall be located at the main entrance.
- K. Fencing (type, height, length) and stated purpose.
- L. Signs and proposed lighting.
- M. Buffer strips/areas for shielding the excavation from surrounding properties and for protecting wetlands, ponds, streams, rivers, and

lakes are required. There shall be a one hundred (100) foot buffer strip from a road and fifty (50) foot buffer strip from a property line. Existing vegetation within a natural buffer strip may not be removed. The Planning Board may require that trees be planted for a visual buffer between the project and adjacent properties if a natural buffer does not exist. A natural uncut buffer must be preserved.

- N. A standard boundary survey of the property lines
- O. Names and addresses of owners of abutting properties.
- P. Existing elevations a not greater than five (5) foot contour intervals as well as the location and slope of the grades proposed upon completion of the extraction operation.
- Q. Proposed fencing, buffer strips, signs and lighting.
- R. Parking and loading areas, entrances and exits.
- S. A written statement of the proposed method, regularity, working hours.
- T. Proposed plans and specifications for the reclamation and restoration of the site upon completion of the operation.

12.I.3.C The Planning Board may require the additional submission of A hydrogeologic study is required by the DEP if an owner applies from a variance to excavate below the seasonal high water table under Chapter 378 to determine the effects of the proposed activity on groundwater movement and quality within the general area is required. Additionally, an estimate of the elevation of the seasonal highwater table within the excavation site is required.

12.I.3.D Plans for the proposed extraction site shall include:

- 12.I.3.D.1 A standard boundary survey of the property lines.
- 12.I.3.D.2 Names and addresses of owners of abutting properties.
- 12.I.3.D.3 Existing elevations at not greater than five (5) foot contour intervals as well as the location and slope of the grades proposed upon completion of the extraction operation.
- 12.I.3.D.4 Proposed fencing, buffer strips, signs and lighting.
- 12.I.3.D.5 Parking and loading areas, entrances and exists.
- 12.I.3.D.6 A written statement of the proposed method, regularity, working hours.
- 12.I.3.D.7 Proposed plans and specifications for the rehabilitation and restoration of the site upon completion of the operation.

12.I.4 Rehabilitation Reclamation Plan

A proposed plan and specifications for the reclamation and restoration of the site upon completion of the operation is required.

12.I.4.1 A separate reclamation and restoration site plan and written narrative to include seeding, planting, final grading, shaping and surface stabilization plans, showing contours (five (5) foot intervals) of the site upon completion of the operation. Such plans must be designed by a licensed professional civil engineer. The plan shall provide for drainage, erosion and sedimentation control and cost estimate.

The area of the working pit may not exceed ten (10) acres. Before any subsequent excavation can occur, restoration and reclamation of the denuded site must be completed and inspected by the CEO of Limington. The reclamation may exclude access roads.

See 12.I.5.P

12.I.5 Performance Standards

All activity shall adhere to best management practices.

12.I.5.A No part of any extraction operation shall be permitted within one hundred and fifty (150) feet of any property or street line, or three hundred (300) feet from a dwelling unit, except that drainage ways to reduce run-off into or from the extraction area may be allowed up to one hundred (100) feet of such line. Natural vegetation shall be left and maintained on the undisturbed land.

12.I.5.B If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out. Measure shall be taken to prevent or halt the breeding of insects.

12.I.5.C No slopes steeper than three (3) feet horizontal to one (1) foot vertical shall be permitted at any extraction site unless a fence at least six (6) feet is erected to limit access to such locations.

12.I.5.D Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the ~~Planning Board~~ CEO of adequate insurance with a company licensed to do business in the State of Maine, in an amount not less than \$1,000,000 against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation. Proof of liability insurance shall be submitted to the CEO annually.

12.I.5.E Any topsoil and subsoil suitable for purposes of re-vegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion according to the Department of Environmental Protection's publication "Maine Erosion and Sediment Control Best Management Practices Manual for Designers and Engineers" October, 2016 or most recent guidelines. ~~erosion prevention performance standards of this section.~~

12.I.5.F Sediment shall be trapped by diversions, silting basins, terraces and other measures designed by a professional engineer.

12.I.5.G All sites must be internally drained. The sides and bottom of cuts and fills shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the ~~Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specification~~ the Department of Environmental Protection's publication "Maine Erosion and Sediment Control Best Management Practices Manual for Designers and Engineers" October, 2016 or most recent guidelines.

12.I.5.H Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit written approval from the Maine Department of Marine Resources, the Department of Environmental Protection, and/or the Department of Inland Fisheries and Wildlife, as applicable, prior to consideration by the Planning Board.

- 12.I.5.I The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure operational compatibility with nearby residences.
- 12.I.5.J Loaded vehicles shall be suitably covered 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 **Public Works Director** ~~Road Commissioner~~. No mud, soil, sand, or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles.
- 12.I.5.K All access/egress roads leading to or from the extraction site to public ways shall **be paved the first one hundred (100) feet and surfaced with reclaimed asphalt the next two hundred (200) feet.** ~~treated with suitable materials to reduce dust and mud for a distance of at least three hundred (300) feet from such public ways.~~
- 12.I.5.L No equipment debris, junk or other materials shall be permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection herewith shall be removed within thirty (30) days following the completion of active extraction operations.

12.I.5.M The following setbacks must be maintained between the excavation and any water supply in existence prior to the excavation:

12.I.5.M.1 Dug well or point driven well 200 feet

12.I.5.M.2 Well drilled into saturated bedrock 100 feet

12.I.5.N Refueling operation, oil changes and other maintenance activities requiring the handling of OHM (oil and hazardous materials), if more than 1,320 gallons of storage capacity that, if spilled, may contaminate groundwater, shall be conducted in accordance with the Maine DEP spill prevention, control and countermeasures plan. A spill prevention, control and countermeasures plan must be available at the site.

12.I.5.O Noise levels shall follow the standard outlined in this Town Ordinance 11.J.1-2.

12.I.5.P The applicant's plans shall specify a close out and rehabilitation plan. Reclamation should begin as soon as possible in accordance with the time limits established in the close out/reclamation plan. A yearly report shall be filed with the Code Enforcement Office indicating the progress of the reclamation until the pit is closed and the reclamation, including all planting, has been completed.

If any substantial change is desired by the owner or operator to the close out/reclamation plan, the plan shall be resubmitted to the Planning Board for review and action, because only the Planning Board is authorized to approve any substantial alteration to a Conditional Use Permit. Substantial shall be defined in the context to include a change in the timetable of more than six (6) months as set forth in the plan.

Within six (6) months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved plans filed with the Planning board.

12.I.P.1 All debris, stumps, boulders, and similar materials shall be removed or disposed of in an approved location or, in the case of inorganic materials, buried and covered with a minimum of two (2) feet of soil.

12.I.P.2 The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

12.I.P.3 Storm drainage and water courses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

12.I.P.4 At least four (4) inches of topsoil or loam shall be retained or obtained to cover all disturbed areas, which shall be re-seeded and properly restored to a stable condition adequate to meet the provisions of the Department of Environmental Protection's publication "Maine Erosion and Sediment Control Best Management Practices Manual for Designers and Engineers" October, 2016 or most recent guidelines. ~~"Environmental Quality Handbook, Erosion and Sediment Control, as amended or revised, published by the Maine Soil and Water Conservation Commission.~~

12.I.6 Performance Guarantees

Prior to beginning excavation on the site, the applicant shall file with the Town a bond payable to the Town of Limington with sureties satisfactory to the ~~Planning Board~~ **Selectboard**, or some other form of security including, but not limited to, an escrow account, a security deposit, a passbook or letter of credit. In determining the amount of the bond or the security, the ~~Planning Board~~ **Selectboard** shall take into consideration the characteristics of the site, the excavation plan, and the rehabilitation plan which may call for a phased plan for closing out each section of the pit as it is exhausted. In no instance shall the amount be less than one hundred and twenty-five (125) percent of the estimated cost of rehabilitation. All proceeds of forfeited bonds or other security shall be expended by the Town for reclamation of the area for which the security was posted and any remainder shall be returned to the operator or owner.

If the operator has partially reclaimed the land, the ~~Planning Board~~ **Selectboard** shall issue to the operator a release of such securities as the Town has held on deposit to cover the part of the reclamation, so long as the remaining amount of security held by the Town is deemed sufficient to cover the cost of the remainder of the reclamation.

Within sixty (60) days after the date of completion of reclamation provided in the mining plan, the operator shall file with the Planning Board a final report containing such information as shall be determined by the Planning Board. Upon the filing of the final report, and upon determination that this article has been complied with, the ~~Planning Board~~ **Selectboard** shall release the securities, if any, still in the Town's possession.

If the owner of a site does not begin to rehabilitate the site within six (6) months of when the reclamation plan schedules, rehabilitation, or discontinues use of the site as designed herein without rehabilitating the site, the Town may enter the site, perform the work required to meet the rehabilitation plan, and place a lien on the property to collect any expenses it incurs for which it does not have performance guarantees.

12.I.7 Existing Operations

Discontinuation of any existing non-conforming operation for a period of more than one (1) year shall result in the loss of "grandfathered" status for that operation. Discontinuation is defined as being the excavation, processing or storage of less than five hundred (500) cubic yards of material.

12.I.8 Renewal Submissions

The Code Enforcement Officer shall require submission of the following for annual permit renewals:

- 1. Proof of Liability Insurance.**
- 2. Payment of renewal fees as established by the Limington Fee Schedule.**

3. Submission of water test results from monitoring pits or on-site wells.
4. Noise level test results (see General Performance Standards 11.J and 11.J.2.).

The cost of the inspection and all tests shall be borne by the quarry operator.

If the Code Enforcement Officer finds the operation is in compliance with the current conditions of approval, a renewal permit shall be granted by the CEO.

A third party engineer may be retained by the Planning Board at the applicants expense to review and make recommendations on the design of the extraction operation.

12.I.9 Five Year Inspection

Every fifth year the pit owner, after an inspection conducted by a Maine licensed professional engineer, shall submit to the CEO a letter confirming compliance with the conditions of the permit. A copy of 12.I of this town Ordinance shall be submitted to said engineer prior to his inspection.

12.I.10 Failure to Comply

If inspections reveal that the operation is in violation of the current conditions of approval, then the CEO shall issue a *Notice of Violation* to the owner or operator and a copy of said letter to the Planning Board.

In addition, the CEO shall notify the Municipal Officers who will take action consistent with the Enforcement and Penalties section of this Ordinance, Article 13, which may include causing the owner or operator to cease operations until the violation is corrected and to levy fines in accordance with 30A M.R.S.A.8 4452, as specified.

If the owner/operator of the quarry has received a *Notice of Violation*, then the annual permit application shall be referred to the Planning Board with findings attached for final action on the renewal application.

The CEO may not issue a renewal permit until all fees have been paid and any violations have been rectified and confirmed in a *Letter of Compliance*.

Change of owner or operator requires a notification to the CEO within thirty (30) days. All prior conditions of operation shall continue to apply.

If the ownership of the operation changes and performance guarantee is returned to the former owner, a new performance guarantee, in accordance with Section 12.I.5.P shall be established with the Town within thirty (30) days of the purchase date.

Any operation shall be deemed closed ninety (90) days after its permit expires or in the event of non-compliance, or if operations cease for a period of more than one (1) year. The site shall then be rehabilitated in accordance with the approved rehabilitation plan.