

Town of Monson

Natural Resource Extraction Ordinance

Section 1: Title

This Ordinance shall be known and cited as the “Natural Resource Extraction Ordinance” of the Town of Monson, Maine.

Section II: Purpose

- A. To protect the short-term and long-term quality and quantity of natural resources within the Town of Monson;
- B. To ensure that any proposed large-scale resource extraction activity is subject to appropriate review and approval by the Town of Monson and the State of Maine;
- C. To establish a regulatory framework for the oversight and management of natural resources, and to develop management practices governing the extraction of natural resources to ensure ongoing sustainability and quality and avoid interruption of supply or degradation in the quality of natural resources within the Town of Monson;
- D. To protect the general health, safety and welfare and well-being of all persons dependent on natural resources located in the Town of Monson;
- E. To ensure that natural resource extraction does not adversely impact or impair plant, wildlife, wetlands, meadows, and forested areas dependent on natural resources;
- F. To ensure the ongoing stability and to safeguard the environmental health of surface land in the conservation of topsoil and agricultural activities dependent on natural resources;

- G. To protect private and public property proximate to and within areas of natural resources by regulating structures, facilities, and activities requiring natural resource extraction so there is no undue adverse impact to new and existing roadways (private or public), due to extraction, processing, loading, or transport of natural resources;
- H. To minimize, limit and require mitigation and buffering of noise, vibration, dust, pollution, and other adverse impacts associated with natural resource extraction activities, including the regulation of equipment, vehicles, or transport through natural resource areas;
- I. To provide policies promoting fair use of and equitable access to natural resources.

Section III: Statutory Authority

- A. Title 38 M.R.S.A. §401 etc. seq.
- B. Maine Constitution, Article VIII, and Title 30-A M.R.S.A. §2101 et seq.;
- C. Title 30-A M.R.S.A. §§3001 through 3006.
- D. Title 30-A M.R.S.A. §4311; and
- E. Title 22 M.R.S.A. §2611 et seq.

Section IV: Definitions

In this Ordinance, the words and phrases listed below have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms related to natural resources shall be defined in the following order: as defined by State of Maine Statutes; in accordance with their generally accepted technical meaning within the applicable scientific disciplines; and their common dictionary definition.

Section V: Permits Required/Exceptions/Applications

A. General

The following provisions are intended to ensure the ongoing sustainability or quality and quantity of natural resources to members of the general public within the Town of Monson and to protect the health, safety and well-being of all persons dependent upon natural resources within the Town of Monson.

B. Permit Required

Any person seeking to develop or engage in natural resource extraction activities must first apply for and obtain a land use permit issued by the Planning Board of the Town of Monson.

C. Natural Resource Extraction Not Requiring a Permit

The following natural resource extraction activities and uses do not require a Land Use Permit:

1. Resource extraction associated with agricultural activities for use on farmlands, agricultural or on silvicultural lands for such purposes in the immediate vicinity of an extraction point for such activities and use;
2. Resource extraction associated with drinking and domestic water by private residences located in the Town of Monson;
3. Resource extraction associated with public facilities, schools, treatment facilities, utilities or similar facilities located in the Town of Monson;
4. Resource extraction activities associated with public safety;
5. Resource extraction activities currently supporting ongoing residential, commercial and industrial activities within the Town of Monson, existing as of the date of the adoption of this Ordinance.

D. Application for Permit

1. Application for Land Use Permits shall be subject to the provisions set forth in the Town of Monson Land Use Ordinance Section IV, V and VI and the following application and performance standards.

2. Additional Application and Performance Standards

a. Written application required. Applications for a permit from the Planning Board to conduct Resource Extraction Activities shall be in writing and accompanied by detailed site plans and project descriptions prepared by an appropriately qualified and licensed professional or Engineer.

b. Right, Title and Interest. Applicants must submit with an application adequate evidence of the applicant's right, title and interest in and to the property or properties on which any resource extraction activity is proposed. Applicants may show sufficient right, title and interest by providing a copy of a deed duly recorded in the Piscataquis Registry of Deeds or a copy of the lease, option, contract or other instrument establishing their right, title and interest. In all cases, such instruments must be provided in their entirety and must be submitted with the application. Reference to purchase price and specific business sensitive financing terms may be redacted from the documentation provided.

c. Extraction methods and quantity. Applications shall include a detailed statement describing the extraction methods proposed and the total maximum quantity of natural resources to be extracted within any 24 hour period from the aggregate of all extraction points as operated by and proposed to be operated by the same individual/entity, or consortium/association of individuals or entities. The description and submissions shall include a detailed summary and maps describing and showing the locations of all existing and proposed points of extraction and the proposed and existing methods of extraction, the depth of extraction methods and a summary description of the characteristics and type of natural resource.

d. Resource use. Applications shall include detailed description of the proposed use for which the resource is to be extracted, including a description of the facilities for the use, processing, transporting, storage, sales or other similar activities with the proposed extraction activity.

e. Transportation. Applications shall include a description detailing the means of transportation, transportation vehicles, and the proposed number of daily trips of the resource extraction vehicles on specified routes with the Town of Monson to and from the extraction points. The Planning Board may require a traffic study to be completed by a qualified, registered traffic or transportation engineer, retained by the Town of Monson, and paid for by the applicant.

f. Related applications and documents. Applications shall include copies of all related applications, exhibits and reports filed with any other agency or department of the State of Maine or United States Government, including, but not limited to, the Maine Department of Environmental Protection, Department of Fisheries and Wildlife, Maine Forest Service, and Department of Health and Human Services rules and regulations.

g. Applications shall include a written Environmental Assessment, addressed to the Town of Monson Planning Board of the property and the impacted areas.

3. Site Plan

A detailed site plan depicting the following:

- a. Dimensions of Property
- b. Impacted Areas
- c. Identified Natural Resources

- d. Exiting Public and Private Roads
- e. Proposed New Roads
- f. Utilities
- g. Other Required Information per Land Use Ordinance

4. Traffic Impact Analysis

Traffic Impact Analysis, if required by the Planning Board, shall be prepared, signed and sealed by a State of Maine certified Engineer with experience in traffic engineering and modeling. The Analysis shall include the following:

- a. Proposed Route
- b. Access to Route
- c. Types and Weights of Vehicles
- d. Expected Vehicle Trips per Day
- e. Peak Hour Volumes
- f. Assessment of Load Capability and Volume Capacity of Road
- g. Mitigation Measures to Neighboring Properties
- h. Recommended improvements to assure an adequate level of service on affected streets, if any, to mitigate the physical degradation of roads sooner than expected life span.

5. Conditions of Permit

No application for Resource Extraction activities shall be issued until and unless the Planning Board affirmatively finds that each of the following performance standards has been or will be met and all other Town of Monson requirements are met. The burden of proof is solely on the applicant.

- a. Technical Expertise and Financial Capability
- b. Sustainability of Natural Resources
- c. Land Subsidence
- d. Monitoring Systems as Appropriate

6. Independent Expert Assistance

If the Planning Board reasonably determines it requires independent expert assistance to assist in its review of the application, or in evaluating the substance of the application or in developing appropriate conditions of approval, it may engage the service of a technical expert to assist the Board. The applicant shall pay to the Town, in advance of the scheduling of any public hearing, a sum equal to the estimated cost of the independent expert. The failure to make payment shall excuse the reviewing authority from scheduling any further review of the application by the Planning Board until such payment is made in full.

7. Surety and Terms of Permit

No permit shall be issued without a surety bond or an equivalent and appropriate security, including anticipated inflation, as determined by the Planning Board in consultation with the Board of Selectmen to secure a performance of the activities permitted to an applicant seeking to engage in resource extraction activities and to ensure compliance with such conditions as the Planning Board may impose in connection with such authority. The bond or surety shall be in an amount recommended by the Board of Selectmen and approved by the Planning Board.

Section VI: When Effective

This article shall become effective immediately upon its adoption and enactment by vote of the legislative body of the Town of Monson at a duly called Town Meeting.