

AGENDA
SEBAGO BOARD OF SELECTMEN MEETING
DECEMBER 16, 2021
MEETING AT 6:00 PM
TOWN HALL

ALL REGULAR BOARD OF SELECTMEN MEETINGS ARE HELD THE 1ST AND 3RD TUESDAY OF EACH MONTH.

Reminder to the attending public: Select board meetings are open to the public, but the public may not speak unless recognized by the Chair or Vice Chair only during public comment. Comment time is limited to 2 minutes per speaker. Matters related to personnel will not be heard or discussed.

**PUBLIC HEARING-MORATORIUM EXTENSION:
PROHIBITION ON NEW MINES, GRAVEL PITS AND QUARRIES WITHIN
VILLAGE DISTRICT OF THE TOWN**

CALL TO ORDER

- I. ROLL CALL**
- II. PLEDGE OF ALLEGIANCE**
- III. ADJUSTMENTS TO THE AGENDA**
- IV. CONSENT AGENDA**
- V. OLD BUSINESS**
 - A.**
- VI. NEW BUSINESS**
 - A. Moratorium Extension: Prohibition on new Mines, Gravel Pits and Quarries within Village District of the Town Approval**
 - B. Additional Appointments to Ordinance Review Committee**
- VII. REPORTS FROM TOWN OFFICIALS**
 - A. Town Manager**
 - B. Selectmen**
 - C. Department Heads**
- VIII. COMMENTS FROM THE PUBLIC**
- IX. ADJOURNMENT**

TOWN OF SEBAGO
MORATORIUM EXTENSION:
PROHIBITION ON NEW MINES, GRAVEL PITS AND QUARRIES WITHIN
VILLAGE DISTRICT OF THE TOWN

WHEREAS, the Citizens of the Town of Sebago, at Town Meeting on November 23, 2021, enacted a Town wide moratorium prohibiting new gravel extraction, mining and quarrying activities in the Town; and

WHEREAS, a question has arisen as to the Moratorium's expiration date and whether it has unintentionally expired; and

WHEREAS, the Select Board wishes to remove any ambiguity regarding the Moratorium, clarify its expiration date, and extend the moratorium to a full 180 days from the date of approval of this Extension; and

WHEREAS, the emergency conditions warranting the Moratorium have not abated but continue and as State Law (30-A MRS Section 4356 (3)) authorizes the Select Board to extend an approved Moratorium in such circumstances; and

WHEREAS, the Town requires one hundred and eighty (180) days for Town staff to fully develop, draft, review and propose necessary amendments to the Town's land use ordinance and to draft, develop and propose a comprehensive regulatory ordinance to address the effects of mining, quarrying and extraction industries within the Village District specifically, and elsewhere in Town; and

WHEREAS, in the judgment of the Select Board, these facts and conclusions outlined above create a continuing emergency within the meaning of 30-A M.R.S. § 4356 (1 and 2), and require the following Moratorium Extension as immediately necessary for the preservation of the public health, safety and welfare;

NOW THEREFORE BE IT ORDERED, that pursuant to 30-A MRS Section 4356 (3), the Town of Sebago enacts the following Emergency Moratorium Extension:

1. Findings. The Town has consulted with its Manager as well as the Code Enforcement Office and has determined that mining, quarrying and extractive industries are currently allowed in the Town's Village District. The Town finds that existing land use regulations governing extractive industries like mining, quarrying and gravel pits is inadequate and insufficient to protect the Village District from the adverse effects of such operations. As a result, the location, scope

and scale of such extraction activity is not adequately regulated or controlled. In particular, there are no limits to the land area that can be mined, quarried or used for extraction of resources; there are no limits on the depth of such mining, quarrying, or extraction; the hours of operation for such activities is not set or limited; there is no regulation or limits on mining or quarry blasting; there are no route or weight limits on the trucks which may be traveling through Town; and there is no means to assure protection of ground water from contamination. The Town also finds that it needs specific regulations addressing the impacts of extraction industries.

2. Moratorium. Except for those individuals, parties, entities, businesses or operations who are conducting resource removal through mining, quarrying or excavation in the Town as of November 2, 2021, no new mines, quarries, gravel pits or other extractive industry, business or operations of any kind, including but not limited to those that extract earth, rock, minerals, ores, sand, or gravel, shall be permitted, allowed or authorized in the Village District of the Town of Sebago. The Town expressly intends that this Moratorium apply to any and all proceedings, applications, licenses and permits pending before any Town Agency, Body, Board, or Commission as of November 2, 2021, notwithstanding 1 MRS Section 302.

3. Existing Businesses or Operations. Any person, entity, business, or operation that has been conducting mining, quarrying, gravel removal or other extractive removal of earth, rocks, minerals, ores, sand, gravel or other resources within the Village District prior to November 2, 2021 may not in any means, manner or fashion expand, enlarge or alter its operations or undertakings until the expiration of this Moratorium Extension.

4. Scope of Moratorium. This Moratorium is intended to apply to any person, entity, operation or business that will mine, quarry or extract and remove earth, sand, gravel, minerals, ores, rock or other resources and materials from under the surface of the earth within the Village District or which will otherwise extract and remove earth, sand, gravel, rock, minerals, or other resources or materials through surface removal and mining within the Village District.

5. Duration. This Moratorium Extension is intended to expire in one hundred and eighty (180) days from its enactment date.

BE IT FURTHER ORDERED, that to the extent any provision of this Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium that shall remain shall be considered valid; and

BE IT FURTHER ORDERED, that this Moratorium Extension take effect immediately upon passage.

AS VOTED by the Select Board this _____ day of December, 2021.

SELECT BOARD:

Charles Frechette

Tim Mayberry

Chris Parker

Ann Farley

Phil Lowe

ATTEST:

Michele Bukoveckas
Town Manager

Maureen Scanlon
Town Clerk