

TOWN OF SEBAGO MORATORIUM:

PROHIBITION ON NEW MINES, GRAVEL PITS AND QUARRIES WITHIN THE TOWN OF SEBAGO

WHEREAS, the Town of Sebago desires to preserve to the Town's special rural character; and

WHEREAS, the Town has a significant portion of undeveloped lands that enhance and help preserve this special character; and

WHEREAS, a large-scale commercial quarrying operation on a 200-acre lot has been recently proposed for development in one rural area; and

WHEREAS, although the Town has enacted specific regulatory ordinances governing such matters as cemeteries, dogs, fireworks, parking and street lights, it has not enacted a specific ordinance regulating the nature, scope, and manner of mining, quarrying and extraction industries; and

WHEREAS, the lack of adequate land use provisions and Town regulations poses substantial and adverse burdens upon the community from future mining, quarrying and extraction within the Town including, but not limited to:

1. Possible ground water contamination;
2. Heavy truck traffic which may damage roads;
3. Noise and vibrations from possible blasting and from trucks passing through the Town;
4. Dust rising from mining, quarrying or extractive operations; and
5. Disruption to adjacent neighbors and abutters due to unregulated hours of operation.

WHEREAS, without proper control and regulation these and other possible adverse effects will unduly burden the Town and its public facilities and resources; 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 Town; and

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

WHEREAS, question has arisen whether the First Moratorium enacted by the Town on November 23, 2021 has expired by its terms, all without the Town having completed its work resolving the emergency;

NOW THEREFORE BE IT ORDERED, that the Town enacts the following Successor Moratorium to take effect immediately upon approval by the Town at Special Meeting:

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. The Town finds that existing land use regulations governing extractive industries like mining, quarrying and gravel pits is inadequate and insufficient to protect the Town 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 are 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 Town of Sebago. The Town expressly intends that this moratorium apply to any and all pending proceedings, applications, licenses and permits filed with or requested from the Town, or with any Town Agency, Body, Board, or Commission, as of November 2, 2021, notwithstanding 1 MRS Section 302. No permit, license or approval to mine, quarry or excavate granted or issued by any Sebago Official, Board, Body, Agency or Committee after November 2, 2021 shall be valid or lawful, and shall be a nullity.

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 prior to November 2, 2021 may not in any means, manner or fashion expand, enlarge or alter its operations or undertakings for one hundred eighty (180) days.

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 Town or which will otherwise extract and remove earth, sand, gravel, rock, minerals, or other resources or materials through surface removal and mining within the Town.

5. Duration. This Emergency Ordinance shall expire in one hundred and eighty (180) days however, the Town reserves those rights to extend this Moratorium, per 30-A MRS Section 4356 (3) for additional period(s) of time prior to its termination.

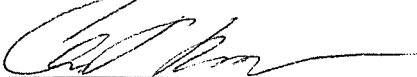
6. Severability. To the extent any provision of this Moratorium is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium shall be considered valid and enforceable to the extent possible; and

BE IT FURTHER ORDERED, that this Moratorium be considered for final adoption and approval by the Town at a Special Town Meeting January 25, 2022.

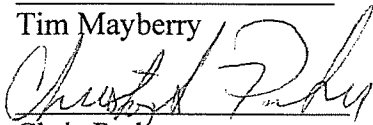
BE IT FURTHER ORDERED, that this Moratorium take effect immediately if approved at the Special Town Meeting, and it is intended to apply retroactively to November 2, 2021.

AS VOTED by the Select Board this 28th day of December, 2021.

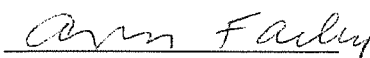
SELECT BOARD:


Charles Frechette

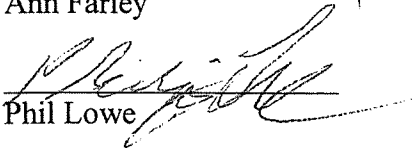
Tim Mayberry


Chris Parker

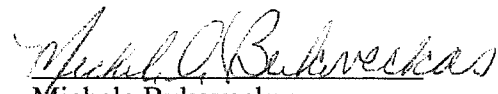
Ann Farley

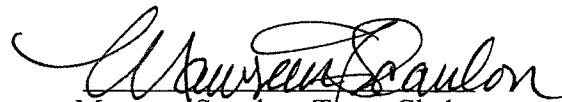

Ann Farley

Phil Lowe


Phil Lowe

ATTEST:


Michele Bukoveckas
Town Manager


Maureen Scanlon, Town Clerk

