

Town of Wells, Maine Review Checklist

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Project Name/District: Bills Lane Pit - Rural District – Tax Map 47, Lot 39

Date of Review: 07/13/23; 08/04/23

Prepared By: Office of Planning & Development

Company Name: Town of Wells

**Article VII
Performance Standards**

§ 145-53. Mineral Extraction.		Application Meet Requirements			
		Yes	No	NA	Comments
A.	Prior to April 24, 1994, any mineral extraction use which is not operating under the control of an approved site plan shall:			NA	
	(1) Submit to the Code Enforcement Officer either:				
	(a) A plan prepared by a surveyor or professional engineer licensed by the State of Maine showing the boundaries of the lot, the limits of the area of the existing operation and existing topography of the subject site within 100 feet of any excavation or storage area at two-foot contours (contour information shall not be required for stored materials); or				
	(b) A file containing the following information: [1] Tax map and lot number of the lot; [2] A copy of the deed of the lot; [3] A sketch of the lot showing the approximately size and location of the mineral extraction use; and [4] A series of photographs showing the area of the mineral extraction use, its entrance(s) from the public road(s) and all working faces. The area included in each photograph shall be identified on the sketch of the lot; or				
	(2) Discontinue mineral extraction operations. [Amended 4-28-1995]				
B.	Any mineral extraction use legally operating on April 24, 1993, may:				
	(1) Continue to operate according to an approved site plan;	Y			Site Plan Approval for a 17.85 acre Mineral Extraction use exists. The extraction area is proposed to be increased by 4.7 acres for a total of 22.55 acres.
	(2) Continue to operate and expand the use by one acre in area without an approved site plan, provided that the use has complied with the requirements of Subsection A(1)(a). Any increase in area of more than one acre may only be done according to an approved site plan. The Planning Board shall recognize the legal nonconforming status of those portions of a site on which the mineral extraction use was present and on those portions may not impose any conditions which would exceed the requirements in effect when the use was established; or			NA	Site Plan approval granted in 2018.

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	(3)	Remove up to 500 cubic yards of material in any two-year period from the lot without having obtained an approved site plan and without paving the entrance road as required in Subsection D(3), provided that the use has complied with the requirements of Subsection A(1)(b). No more than 500 cubic yards may be removed from any lot in any two-year period unless mineral extraction is a permitted use in the district in which the lot is located and an approved site plan has been obtained for the expanded use. [Amended 4-28-1995]			NA	Site Plan approval granted in 2018.
C.		Up to 100 cubic yards of material may be removed annually from a parcel of land for use on another parcel of land in the same ownership without having obtained site plan approval and without paving this entrance road as required in Subsection D(3).			NA	Site Plan approval granted in 2018.
D.		All mineral extraction uses shall comply with the performance standards listed below. Any legally existing mineral extraction use which does not conform to these performance standards may continue to operate but may not increase the nonconformities.	Y			

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		Yes	No	NA	Comments
(1)	<p>A vegetative buffer strip at least 100 feet in width shall be maintained along all lot boundaries, including the boundaries of cemeteries located on the lot on which the mineral extraction use is located. No existing vegetation shall be removed, except that a strip not to exceed 50 feet in width may be cleared for an access road, which shall cross the buffer strip at an angle of between 75E and 90E. Natural vegetation may be removed if the buffer is landscaped according to an approved site plan. The buffer strips between two mineral extraction uses may be removed upon the written agreement of both lot owners and recording of the agreement in the Registry of Deeds and referencing the recorded agreement on their respective site plans. Additional the width of any buffer strip, except those adjacent to streets, may be reduced to not less than 25 feet if the abutting property owner(s) agree(s) to the reduction in writing and said agreement is recorded in the Registry of Deeds. For security reasons, buildings accessory to the mineral extraction use shall be allowed, with the approval of the Planning Board, in the buffer strip along their street frontage as long as they are located at least 100 feet from any site lot line and are visible from the street. [Amended 11-6-2001]</p>	Y*			<p>The plan depicts the 100' wide vegetated buffer along all lot boundaries, except for recently divided off parcels A and B. Parcels A and B have a 60' wide no-cut buffer per a buffer reduction agreement YCRD Book 19099, Page 71.</p> <p>The access road width is 24'. The access road shall be 100 feet in length, <u>additional pavement is required to achieve this length.</u> The entrance has been installed. As-built location of the entrance depicted.</p> <p>A reduction in buffer strip is approved for parcels A and B. All other buffers to remain 100' wide.</p> <p>No accessory buildings are proposed.</p> <p>An entrance gate is required. The gate location is depicted. <u>Was the required Knox box installed?</u> A Knox box is to be installed and prior to its installation shall be reviewed by the Fire Department. See sheet C1 and C2.</p>
(2)	<p>Any topsoil or subsoil suitable for the purposes of revegetation shall be stripped from the location of the extraction operation(s) and stockpiled for use in restoring the location after the extraction operation has ceased. Such stockpiles shall be protected from erosion using practices recommended by the York County Soil and Water Conservation District. Any topsoil in excess of that needed to restore the site may be removed from the site upon completion of the required site restoration work.</p>	Y			<p>See Reclamation Note 5 on sheet C1.</p>

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(3)	The entrance road(s) shall be treated to minimize the generation of dust or mud. Any entrance road constructed after April 24, 1993, shall be paved a distance of at least 100 feet from the edge of the street which provides vehicular access to the operation.	Y*			<p>A 100' long paved entrance is required to be installed. <u>100' of pavement does not exist per as-built location of the entrance. Additional pavement is required.</u></p> <p>Plan note 23 states that the entrance road shall be treated/ swept to minimize the generation of dust or mud onto Bills Lane.</p>	
(4)	No equipment, stumps, debris, junk or other material shall be permitted on the site except those directly related to the mineral extraction use. The temporary storage of loam, clay, sand, gravel or stone from off the premises shall be permitted as an accessory use to a mineral extraction use. The storage of concrete without steel or iron showing and the storage of asphalt for recycling may be allowed with Planning Board and Department of Environmental Protection approval. Any temporary structures erected for use as part of a mineral extraction use shall be removed within 60 days after the cessation of operation. [Amended 4-28-1995]	Y			See plan note 17 on sheet C1.	
(5)	The lowest point of any sand and gravel excavation shall be at least five feet above the seasonal high water table, defined as the highest point of the water table during the wettest month of the year. The operator of the operation shall, at the request of the Code Enforcement Officer, dig a test pit at least five feet deep to demonstrate compliance with this standard. Any area of an excavation site that was mined below five feet above the seasonal high water table before April 24, 1993, shall be deemed nonconforming and may not be expanded either horizontally or vertically. [Amended 4-28-1995]	Y			<p>Reclamation note 2 on sheet C1 states that the operator of the pit shall, at the request of the CEO, dig a test pit to demonstrate compliance with this standard.</p> <p>Three existing monitoring wells are shown on the plan. 1 future monitoring well is identified.</p> <p>A temporary excavation occurred prior to 2022 site plan approval to the water table for dust control but has been rectified/re-established.</p>	
(6)	Vehicular access to any mineral extraction site shall be limited during all inactive periods and nonworking hours by gates, fences, berms, wooded buffer areas or any other functional barriers.	Y			<p><u>Is an on-site driven point well needed to provide water for dust control?</u></p> <p>An entrance gate is required. The gate location is depicted. A Knox box is to be installed and prior to its installation shall be reviewed by the Fire Department. See sheet C1.</p>	

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(7)	Any mineral extraction use shall employ erosion and sedimentation control measures as necessary to protect water bodies, tributary streams and wetlands from sedimentation and adjacent lots from erosion and sedimentation. Said erosion and sedimentation control measures shall be in accordance with the practices recommended by the York County Soil and Water Conservation District.	Y				
(8)	The following regulations shall apply to all sites:	Y			See plan note 8 on sheet C1 for these standards.	
	(a) No fuels, antifreeze, lubricants or hydraulic fluids shall be stored within any excavation area. They may be stored on site only if they are stored within a containment structure which would hold and prevent any of the fluid from entering the ground.					
	(b) Any refilling or draining of any fluids (e.g., fuel, hydraulic fluid, brake fluid or antifreeze) or repair of equipment on an extraction site shall take place only over an impermeable surface from which any spilled fluids can be collected and removed from the site. Said surface or container shall have a capacity of at least 20 gallons.					
	(c) Every extraction use shall have a plan, and the ability to implement the plan, for the containment and cleanup of any fuel or fluid spill on site.					
(9)	Any site, except rock and stone quarries, upon which a mineral extraction use is located shall be restored so that no grades exceed a slope of three horizontal to one vertical within two years of the cessation of any extraction at any site or at any one or more locations within a site. The sites shall be revegetated using the topsoil available on site according to the practices recommended by the York County Soil and Water Conservation District.	Y			See reclamation note 4 on sheet C1 and slope detail on sheet C2 of 10/31/22 site plan approval.	

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	(10)	The Planning Board shall, as part of its review process, consider the potential noise impacts of a proposed mineral extraction use. In situations where residential development may be impacted by the mineral extraction use, the Board may require a noise study. Enlarged buffers, noise barriers, limitation on hours of operation or any other physical improvement or operational procedure that would reduce the sound-pressure levels to the standards required in ' 145-45 may be required.	Y*			<p><u>The buffering for residential abutters to be considered by the Planning Board.</u> Parcel A and B have a 60' wide no cut buffer, all other buffers remain at 100'.</p> <p>Gravel pit hours of operation are noted to be 7AM to 5PM Monday-Friday and 8AM to noon on Saturdays. Closed Sundays and Holidays. Sheet C1 notes that the property shall comply with the Town of Wells Noise Ordinance per 145-45.</p>
E.		Discontinuance of a mineral extraction use is defined as the excavation and removal from the premises of less than 500 cubic yards of material in any twenty-four month period for mineral extraction uses operating under the requirements of Subsection B(1) and (2) or the removal of less than 20 cubic yards of material in any two-year period for mineral extraction uses operating under the requirements of Subsection B(3). The owner/operator shall provide the Code Enforcement Officer receipts or other documents substantiating the cubic yardage of material which has been hauled off the premises in the previous 24 months so that he may determine if the mineral extraction use has or has not been discontinued. If a mineral extraction use has been discontinued, it may not resume operation without having obtained site plan approval and met the standards of this section.	Y			See plan note 9 on sheet C1. The mineral extraction use if considered discontinued if less than 500 cubic yards of materials are excavated and removed from the premises within a 24 month period. The owner/operator shall provide the CEO with receipts or other documents substantiating the cubic yardage of materials hauled off the premises. Once the use is discontinued, it may not resume operation without having obtained site plan approval.
F.		A performance guaranty, the form and amount of which are acceptable to the Town Manager, shall be given to the Town before the issuance of a use permit for any mineral extraction use approved by the Planning Board. The performance bond shall be of sufficient size to rehabilitate the mineral extraction site in accordance with the restoration plan approved by the Planning Board. If a mineral extraction use is discontinued (as defined in Subsection E its approval shall expire, and the Town, after providing the owner and/or operator written notice of its intent, shall use the posted security to restore the site of the mineral extraction use in accordance with Subsections D(7) and (9).	Y*			<p>See sheet C1, Reclamation Note 1. No more than 10 acres to be excavated at one time.</p> <p>See sheet C1, note 5. A guarantee is required based on \$4,000 per acre of excavation area. The plan notes that these funds shall be provided to the Town prior to the Mineral Extraction use.</p> <p>10 acres x \$4,000 = \$40,000 performance guarantee is recommended. The establishment of this guarantee shall be provided prior to the commencement of mineral extraction activities on the site. <u>An updated/draft Performance Bond has been provided. Minor changes recommended.</u></p>