

PROPOSED FILLING ORDINANCE AMENDMENT

SUMMARY OF CHANGES

This proposed amendment would clean up and further describe the allowed exemptions from this section. It would also remove the separate volume thresholds for removal and filling of material, increasing both to an even one hundred (100) cubic yards. The Planning Board feels as though this is an adequate threshold for approval of activity of this type. The definition for filling will also be amended for clarity. The proposed text is shown in red with an underline, and revised or removed language is shown in ~~red with a strikethrough~~.

§ 215-5.18. Mineral exploration; excavation, removal and filling of lands.

A. Mineral exploration. Exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration within the Shoreland District or which exceeds the above limitation.

B. Excavation, removal and filling of lands.

(1) ~~This section shall not prohibit normal excavation, removal or fill for construction of a building and driveway for which a building permit has been issued.~~ The following activities are exempt from this section:

(a) Excavation, removal, storage, or filling (excluding mineral extraction or gravel pits) incidental to construction of a building, driveway, or parking area for which a permit has been issued.

(b) Excavation, removal, storage, or filling (excluding mineral extraction or gravel pits) incidental to permitted construction, alteration, or maintenance of a public or private way(s).

(c) The construction and maintenance of farm or fire ponds.

(d) Drilling of a well or excavation for a dug well.

(e) Commercial agricultural or farm processes associated with land spreading of inert or approved organic materials.

(2) No topsoil, rock, sand, gravel and similar earth materials in excess of ~~20~~ 100 cubic yards during a calendar year may be removed from locations where permitted under the terms of this chapter, ~~and no earth material in excess of 40 cubic yards during a calendar year shall be~~ or used for filling of lands, until a special permit for such operations has been issued by the Code Enforcement Officer to the owner upon approval by the Planning Board in accordance with the provisions of this chapter, and provided that:

(a) Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon the completion of operations, it shall be at a slope not steeper than 50%.

(b) The proposed operation meets the erosion and sedimentation control standards of § 215-5.11.

(c) The operation is shielded from surrounding property with adequate screening and creates no disturbance of a water source.

(d) No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provisions have been made for reconstruction of the street at a different level.

(e) Sufficient topsoil or loam shall be retained to cover all areas, so that they may be seeded and restored to natural conditions.

(f) A surety bond, one payable to the Town of Casco and issued by a commercial surety company authorized to do business within the State of Maine, is posted by the owner with the Treasurer of Casco in an amount recommended by the Selectboard or its agent and approved by the Planning Board as sufficient to guarantee conformity with the provisions of the granting of approval.

(3) The plan review by the Planning Board shall take into consideration the following items. The Planning Board may impose such conditions as necessary to safeguard the health, safety and welfare of the community.

(a) Fencing, landscaped buffer strips and other public safety considerations.

(b) Advertising signs and lighting designed to prevent public nuisance conditions or undesirable aesthetic effects in the neighborhood.

(c) Parking space, loading and unloading areas.

(d) Entrances and exits.

(e) Routes for transporting material.

(f) Time period for operation.

(g) Hours of operation.

(h) Methods of operation.

(i) Weights and loading limit of trucks.

(j) Safeguards against sand and gravel spillage upon public streets.

(k) Complete rehabilitation proposals.

(l) Submission of a sedimentation and erosion control plan approved by a qualified agency or individual designated by the Planning Board.

(m) Submission of a stormwater management plan approved by a qualified agency or individual designated by the Planning Board.

(n) Limitations on the amount, type and location of the filling operation because of potential environmental degradation.

§ 215-2.1. Word usage and definitions.

FILLING - Depositing or dumping any ~~material of 50 cubic yards or more in volume~~ earth materials on or into the ground or water. Earth materials include, but are not limited to, gravel, clay, soil, topsoil, loam, sand, rock, stone, ore, minerals, mineral substances and organic materials in a solid state other than vegetation. Aqueous mixtures of sludge deposits, manure, or other product processed mixtures in saturated, liquid based state, or yet dewatered, shall not be deemed as qualified fill for any filling operation unless associated with approved agricultural activities.