

**-PUBLIC MEETING -
Hope Planning Board
Tuesday, April 4, 2023
6:30 PM**

AGENDA

Call to Order:

Minutes:

- Review and Approve minutes from January 17, 2023 meeting:

Election of Officer:

- Vice-Chair:

Old Business:

- Sign Official Plan for True's Way Subdivision that was approved on 4/6/22:

New Business:

- Mining Moratorium Ordinance Discussion and Development:

Other Business:

- Marijuana Ordinance Discussion and Development:
- Medium- and Large-Scale Solar Energy Facilities Ordinance Discussion and Development:

Adjournment:

-PUBLIC MEETING-

Hope Planning Board

Tuesday, January 17, 2023

6:30 PM

- Call to Order: Meeting was called to order at 6:35 by Chair Molly Luce . Members present: Molly Luce, David Hall, Robert Hall, and Juanita Hunt (via phone). Others present: Samantha Mank, Matt Deane, Joe Curle, Vic Pease, Jeff Canon, Greg Grennet, and Holley Grennet.
- Review and approve minutes from December 13, 2022 meeting: minutes were reviewed and approved.
- New Business: Permit in SZ for Nathan (Vic) Pease (07-031-01) located at 58 Hackleburnham Rd. to approve 75 ft. setback instead of 100 ft. set back as approved by Code Enforcement Officer. Motion by Hunt, seconded by Luce, to approve the 75 ft. setback. Vote 4-0 to approve.
- New Business: Permit in SZ for Gartley and Dorsky Engineering & Surveying (23-045) located at the Loon Lane Bridge. The permit is to excavate the existing bridge, that is poor condition, and replace with a new and improved bridge with approval from THE ARMY CORP of ENGINEERS Shoreland Zoning Permit. Motion to approve by D. Hall, seconded by R. Hall. Vote to approve 4-0.
- New Business: Amendment to the Planning Board Ordinance. To change the number of regular members on the Planning Board from 7 members to 5 members. This is to enable the Planning Board to be able to conduct a meeting with 3 members to have a quorum. This will have to approved by

the Select Board. Motion by D. Hall, seconded by Hunt to accept the Planning Board change. Vote, 4-0 to accept.

- New Business: Medium- and Large-Scale Solar Energy Facilities Moratorium Ordinance. Motion by D. Hall, seconded by Hunt, to accept Moratorium until an Ordinances can be written up.
- Old Business: None
- Other Business: None
- Adjournment: Motion to adjourn at 7:22pm, by Hunt, seconded by D. Hall. Vote 4-0.

Town of Hope
Proposed Metallic Mining Activities Ordinance
Moratorium (DRAFT #1 4/4/23)

WHEREAS, neighboring towns have been approached by an international mining company and has requested permits for exploration, advance exploration, mining, and/or extraction of metallic minerals particularly in areas near or adjacent to a great pond, and the Town of Hope borders at least one of these towns; and

WHEREAS, residents and officials of the Town of Hope have expressed concerns about the need to review and update the existing Land Use Ordinance with regard to recent inquiries for mineral exploration, advanced exploration and mining operations, extracting operations, including concerns regarding quality of life, adjacent property values, health and safety concerns, decommissioning liabilities and costs, visual impacts, environmental concerns, etc; and

WHEREAS, the Town currently lacks uniform standards for metallic mineral mining activities sufficient to allow for mitigation of the threats to public health, safety and welfare identified above; and

WHEREAS, in 2011, as amended in 2017, the State of Maine adopted the Maine Metallic Mineral Mining Act (38 M.R.S. 490-LL, et seq.), which specifically provides municipal authority for the Town of Hope to regulate and control mining, including but not limited to, construction, operation, closure, post-closure monitoring, reclamation and remediation activities, all of which the Town has not addressed since the passage of the Maine Metallic Mineral Mining Act, which needs to be done to protect the health, safety and welfare of the residents of Hope and the environment; and

WHEREAS, the Town of Hope needs at least 180 days to consider, develop and/or amend current ordinances, including the land use ordinance, the shoreland zoning ordinance. The Town finds that current standards as stated in the Maine Metallic Mining Act merely require “reasonable assurance” that a permitted activity will not violate water quality, and “will not unreasonably cause or increase flooding,” and merely “adequate provision for protection of public safety” are not sufficiently satisfactory standards for the Town of Hope and the Town finds that it must review and examine its local ordinances to better safeguard the natural resources and population; and

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S. §4356 requiring an immediate moratorium on any new or expanded metallic mining activities for the preservation of the public health, safety, and welfare.

Town of Hope

Proposed Metallic Mining Activities Ordinance

Moratorium (DRAFT #1 4/4/23)

NOW, THEREFORE, based upon the proceeding findings, be it ordained by the Town of Hope, the following Metallic Mining Moratorium Ordinance (Moratorium Ordinance) be, and hereby is, enacted and, in furtherance thereof, the Town does hereby declare a moratorium on all metallic mining within the Town.

1. **Authority.** This Moratorium Ordinance is enacted pursuant to 30-A M.R.S. §4356 and the Town of Hope's home rule authority pursuant to the Maine Constitution 30-A M.R.S. §3001.
2. **Purpose.** The purpose of this Moratorium Ordinance is to allow Town officials and staff reasonable time to evaluate the concerns raised in regard to proposed Metallic Mining Activities and to develop necessary Land Use Ordinance amendments to provide adequate protection for the property, health, welfare, and safety of the Town of Hope's residents to address these concerns.
3. **Definition.** For the purposes of the Moratorium Ordinance, Metallic Mining Activities shall use all of the same definitions found in 38 M.R.S. §490-MM.
4. **Effective Date.** This Moratorium Ordinance shall take effect once enacted by the Town of Hope at the Annual Town Meeting, but notwithstanding the provisions of 1 M.R.S. § 302, shall be applicable as of June 15, 2023 as expressly provided in Section 5.
5. **Applicability.** Notwithstanding the provisions of 1 M.R.S. §302 or any other law to the contrary, this Moratorium Ordinance, when enacted, shall govern any proposed Metallic Mining Activities for which an application for approval has not been deemed complete by the Planning Board and has not been the subject of at least one substantive review meeting by the Planning Board prior to June 15, 2023 , the Applicable Date of this Moratorium Ordinance.
6. **Duration of Moratorium.** The moratorium shall remain in effect for one hundred and eighty (180) days from the effective date of this Moratorium Ordinance, unless extended, repealed, or modified by the Town Select Board under 30-A M.R.S. §4356.
7. **Prohibition.** A moratorium is hereby imposed, effective immediately and applicable to the maximum extent permitted by law, on all proceedings, applications, petitions and requests for Metallic Mining Activities that are not pending proceedings (as defined by 1 M.R.S. §302) as of the Applicable Date of this Moratorium Ordinance and on any application for new or expanded Metallic Mining Activities within the

Town of Hope
Proposed Metallic Mining Activities Ordinance
Moratorium (DRAFT #1 4/4/23)

Town of Hope filed on or after the Applicable Date of this Moratorium Ordinance. During the time this Moratorium Ordinance is in effect, no officer, official, employee, office, board, or agency of the Town of Hope shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of zoning, planning, or land use approval or permit, including but not limited to conditional use approval, for or related to Metallic Mining Activities within the Town which was not already permitted by the Town or was not a pending proceeding for purposes of review prior to the Applicable Date of this Moratorium Ordinance.

8. **Enforcement.** If any Metallic Mining Activities are established in contravention of this Moratorium Ordinance, the Select Board is hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance. Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S. § 4452. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Hope. Any violation of this Moratorium Ordinance constitutes a nuisance.
9. **Severability.** Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.