

## **Comments on the Draft Dixmont Mining Ordinance submitted to the Dixmont Planning Board on March 8, 2023 by the Dixmont Conservation Commission.**

We would like to thank the members of the Planning Board for their hard work and dedication in drafting this ordinance on behalf of the community. We recognize the challenge and tremendous time commitment it takes and know that it may not always be a fun task, so we want you to know your efforts are sincerely appreciated by us. We have thoughtfully reviewed the draft from the perspective of the charge given to the Conservation Commission and offer the attached comments, questions, and suggestions which we hope will provoke meaningful discussion and further clarify and strengthen the final draft of the ordinance.

In general, our comments primarily focus on recommending the Board consider the following:

- 1) clearly define the specific state-regulated natural and historical resources to be protected by the ordinance and which agencies (e.g., MDIFW, MNAP) are the source of this data;
- 2) recognize that state regulations do not fully address protection of resources of local significance and that definitions of some resources (i.e., streams, wetlands, great ponds) in state statute do not include resources of local significance (e.g., headwater streams, wetlands and ponds less than 10 acres); consequently, municipal ordinances modeled solely after state regulations typically fail to protect these important resources;
- 3) ensure that the natural and historical/cultural resources identified as priorities for protection in the Dixmont Comprehensive Plan are included in the ordinance;
- 4) where lacking, require a comprehensive site survey by qualified professional(s) to ensure that all existing natural and historical resources are documented in the permit application;
- 5) ensure that Performance Standards are compatible with the goals of the Comprehensive Plan and adequately protect state and local resources of significance by increasing set-backs and minimizing the scale of impacts on fish, wildlife and habitat; and
- 6) strengthen the specifications of a Restoration Plan to encourage habitat is restored and/or improved to be of greater benefit to fish and wildlife and to prevent habitat degradation from invasive species and contaminants.

The Conservation Commission strongly encourages the Planning Board to use the Dixmont Comprehensive Plan as a compass when drafting land use ordinances. A primary goal of the Plan, as defined and adopted by the citizens of Dixmont, is to protect our existing natural resources and maintain the rural character of the town, as well as to support a strong natural resource-based economy. While aggregate and mineral mining are resource-based industries, by their very nature they have the potential to significantly degrade the surrounding landscape if scale and performance standards are inadequate. An ordinance cannot and should not be used as the sole means of meeting directives outlined in a Comprehensive Plan, but it is a valuable tool that should be an integral part of the community's toolbox to achieve those directives.

Efforts such as the municipal solar, windpower and now this mining ordinance that have been developed by the Planning Board and adopted by the town have made significant progress in protecting the town from industrial-scale development.

The Town should continue to improve and strengthen all of our municipal ordinances in ways addressed by some of our comments. More importantly, we need to work towards engaging and supporting other conservation tools as well.

We believe this ordinance process presents an opportunity for the community to reaffirm its commitment and make meaningful step forward.

**Excerpt from the Dixmont Comprehensive Plan (Natural Resources, page 34):**

To protect the natural resources that define the rural character of our town, we will need to do the following within the next 10 years: [i.e., by 2018]

- Preserve large parcels of undeveloped land
- Protect wetlands, riparian areas, grasslands, and other important habitats
- Conserve animal travel corridors, deer wintering areas, and significant wading bird/waterfowl wetlands
- Preserve farmland and agricultural soils
- Protect the quality of our water resources and ensure there is enough water to maintain our streams, wetlands, watersheds, and to supply our aquifers and wells
- Preserve scenic vistas
- Identify rare plants, animals, and natural communities requiring special protection
- Talk with neighboring communities about mutual protection plans for shared resources
- Create a conservation commission to spearhead the town's environmental policies

As you review and consider the above and attached comments, please know the Conservation Commission is available to answer any questions and serve as a resource to help address these issues.

**Respectfully submitted by the Dixmont Conservation Commission: Beth Swartz (Chair), Dick Andren, Gerry Sawyer, Anne Warner, Laura Bridgman, Libby Orcutt, Mike Field.**

## **Comments submitted by Beth Swartz as an individual.**

Please find attached my personal comments submitted on the draft Dixmont Mining Ordinance. Please note that I did not address issues covered by the Dixmont Conservation Commission in their comments, which I also support as an individual resident. Instead I focused primarily on two things: 1) pointing out potential errors or items needing correction or clarification to help improve the integrity of the ordinance; and 2) where I personally felt performance standards may not adequately address the community's vision of the future as outlined in the Comprehensive Plan, which mirrors many of the same values and goals I personally support. You will also see that some of my comments are actually questions that I never asked in the public hearing. I decided to leave these in, both to document some of my potential concerns and in case they generated valid issues for further discussion by the Board. I also apologetically acknowledge that some of my comments and questions may stem from a lack of or mis-understanding of the somewhat complicated and confusing technical nature of this ordinance - so please forgive any that were wholly unnecessary!

My sincerest thanks again to the Planning Board for all of its hard work on researching and developing this ordinance. I'd be happy to answer any questions you might have about my comments.

Beth Swartz