



Town of Gorham
JANUARY 8, 2007
PLANNING BOARD MINUTES

LOCATION: Municipal Center Council Chambers
75 South Street, Gorham, Maine

Members Present:

SUSAN ROBIE, CHAIRWOMAN
DOUGLAS BOYCE, VICE CHAIR
THOMAS FICKETT
THOMAS HUGHES
MICHAEL PARKER
MARK STELMACK
EDWARD ZELMANOW

Staff Present:

DEBORAH FOSSUM, Dir. of Planning & Zoning
THOMAS POIRIER, Assistant Planner
WILLIAM DALE, Esq., Town Attorney
BARBARA SKINNER, Clerk of the Board

The Chairwoman called the meeting to order at 7:00 and read the Agenda. The Clerk called the roll, noting that all members were present.

Douglas Boyce MOVED and Thomas Fickett SECONDED a motion to take Item 5 of the Agenda out of order and to consider it as the first item. Motion CARRIED, 7 ayes. [7:02 p.m.]

5. SUBDIVISION PLAN – “BLUEBERRY RIDGE” – off FINN PARKER ROAD - by STEPHEN A. JOFFE & JULIA C. COLPITTS

Request for a joint site walk with the Buxton Planning Board for a residential subdivision partially located in Gorham with 21 lots on 53 acres and Buxton with 6 lots on 24 acres, off Finn Parker Road on the Buxton Town Line. Zoned Rural; Map 54/Lot 4.

William Thompson, BH2M Engineers, noted that Keith Emery, Chairman of the Buxton Planning Board, was also present. Mr. Thompson explained that the Gorham Planning Board is being asked to conduct a second site walk with the Town of Buxton at the project inasmuch as some of the layouts of the lots on the Buxton side have changed, wetlands have been mapped, some more site information has been acquired such as soils and topographic, so before the ground is snow covered, Buxton would like another look at the 6 lots on the Buxton side. Mr. Thompson said that the 21 lots on the Gorham side have not changed significantly, and noted that at the first site walk, the Gorham Planning Board members elected not to walk the Buxton side, while both Buxton and Gorham members walked the Gorham side. Mr. Thompson indicated that under State law, Gorham could waive participation in the second site walk.

Mr. Parker asked for confirmation that none of the lots on the Gorham side have changed since the first site walk. Mr. Thompson replied that three lots have been added based on net residential density calculations, but the roadway is identical and some slight adjustments have been made to frontages of lots on the Finn Parker Road. Mr. Thompson told Mr. Boyce that there are no waivers being requested on the project at this time. Ms. Robie confirmed with staff that under State law, joint meetings must be held on the progress of this development and noted some of the Board's concerns, such as location of open space and placement of underground utilities on the Gorham side and above ground on the Buxton side. Ms. Robie also noted that two of the current Board members were not serving at the time of the first walk. Mr. Stelmack said that as a courtesy the Gorham Board should walk the Buxton side, that he would be interested in seeing that portion and would be in favor of going on another site walk.

Mr. Emery noted that there are new members on the Buxton planning board as well, and he would like everyone to be “on the same page” as this project goes forward.

The Board concurred that it would join in a second site walk and agreed on Saturday, January 13, 2007. Ms. Fossum indicated that notification can be done in time for a site walk on that date, at 9:00 a.m., with a backup date of Saturday, January 20, 2007. Mr. Emery and Mr. Thompson concurred with the proposed scheduling.

1. APPROVAL OF THE DECEMBER 11, 2006, MINUTES

Thomas Fickett MOVED and Douglas Boyce SECONDED a motion to approve the December 11, 2006 minutes as written and distributed. Motion CARRIED, 7 ayes. [7:10 p.m.]

2. COMMITTEE REPORTS

- A. **Private Way Subcommittee:** Mr. Hughes said he, Mr. Parker and Mr. Fickett will review the Fire Chief's comments on private ways and then set up a discussion time with the Chief.
 - B. **Ordinance Subcommittee:** Mrs. Robie announced that there is no report from the Ordinance Subcommittee.
 - C. **Sign Ordinance Committee:** Mrs. Robie announced that the Sign Ordinance will be presented at the next Town Council Ordinance Committee meeting.
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3. CONSENT AGENDA – No Items

4. SITE PLAN – “GORHAM COMMUNITY PHARMACY” - off 375 MAIN STREET - by SCOTT W. MULKERN PUBLIC HEARING

Request for approval of a 2,700 sq. ft. building in the vicinity of 375 Main Street on 39,496 sq. ft. Zoned Office Residential; Map 109/Lot 10.005.

Mr. Boyce asked to be permitted to step down from participation in this item, as he has done in the past.

Les Berry appeared on behalf of the applicant and gave an overview of the project. With regard to the schedule, Mr. Berry indicated construction would begin in April with a completion date in July with the Pharmacy occupying the site sometime in the fall. He said that the Portland Water District has provided confirmation of the adequacy of the water supply. Mr. Berry said that Mr. Mulkern has agreed to overlay the entire driveway. He also noted that there are no issues with the proposed Conditions of Approval.

Ms. Fossum replied to Mr. Stelmack that the Town Engineer, Tim Braun, is satisfied with the proposal as it is, with the applicant agreeing to upgrade the common shared driveway with 1-1/2 inch paving. Mr. Hughes and Mr. Berry discussed the issue of the dumpster location, noting that the trash hauler will roll the dumpster back and forth on a weekly basis. Mr. Berry responded to Mr. Parker that the proposed landscaping will be adequate in the back from the point of view of Mr. Berry being the abutter there.

PUBLIC COMMENT PERIOD OPENED: None offered.
PUBLIC COMMENT PERIOD ENDED.

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to grant final site plan approval of the request by Scott W. Mulkern for a 2700 square foot building off Main Street on

a 39,496 square foot lot adjacent to the Credit Union with conditions of approval as posted prior to the meeting and discussed with the applicant.

Discussion: Ms. Fossum noted a typographic error in the description of the square footage of the building, that it should be 2778 square feet instead of 2700 square feet. Mr. Fickett corrected his motion accordingly.

Motion as corrected CARRIED, 6 ayes (Douglas Boyce having stepped down from participation). [7:21 p.m.]

Mr. Boyce resumed his place on the dais.

The Chairwoman welcomed the audience present, noting that copies of hearing rules as applicable for this evening were available. She noted that the purpose of this meeting is to allow the applicant to make an initial presentation to the Board and the public of the application that has been submitted and to allow the Board and members of the public to comment on the proposal as it currently stands. She said that it is not a public hearing, that the application has been made but not yet reviewed by staff or outside reviewers, that the engineer and Mr. Shaw will make a presentation and Board members will ask questions, staff will make comments, and the practice of asking for public comments will be followed. She did indicate that when the reviews of this project are fairly well along, an official public hearing will be scheduled, with appropriate notice being provided to all abutters and interested parties.

Ms. Robie commented on the role of the Planning Board, stating that the Board must review every application that comes before it to determine if the application, in the opinion of the 7 individuals comprising the Board, meets the stipulations of the Ordinance. She said that if it does, the Board has no choice but to approve it, and personal opinions cannot be part of the decision making. She said that the Board's job is to listen to what is said, review the documentary evidence, and to examine an application against the Ordinance. If anyone doesn't like the Ordinance or the zoning, the only group who have any say in this regard is the Town Council. Commenting about *ex parte* communications, Ms. Robie said that the Planning Board must do the public's business in public, which means that the Board cannot talk among themselves about an application, it must be done in public. She said that no Board member will respond to any member of the public who asks for an opinion about any application before the Board, and doubted that any member of the Board will make any comments in the public press. Ms. Robie concluded her remarks by saying she would appreciate a meeting that is civil and that follows the guidelines.

6. MINERAL EXTRACTION – “BRICKYARD QUARRY” [formerly proposed as J Pit] – off ROUTE 237/MOSHER ROAD – by SHAW BROTHERS CONSTRUCTION, INC.

Initial presentation of a proposed project for a quarry operation and hot-mix bituminous asphalt batch plant, on 125.5 acres +/-, on land of S.B. Aggregates, LLC. Zoned Industrial, Map 31/Lot 15.

Danny Shaw, co-owner of Shaw Brothers Construction, Inc., told the Board that he and his brother have been in business in Gorham for nearly 30 years, that they currently own 8 sand and gravel pits in southern Maine, as well as 3 quarries. He said that this site is attractive to them because of its high quality of ledge and for the fact that it is in the industrial zone, and that it is important for them to have a portable asphalt plant, at least to start with. He said he wants to assure the public and the neighbors that this is not a dirty plant, it will not produce a large quantity of emissions and that while the Ordinance does not require it, they have hired an emissions specialist to address the misinformation circulating about the proposed asphalt plant. Mr. Shaw said they would like to be good neighbors and an asset to the Town of Gorham.

Walter Stinson, Sebago Technics, presented an overview of the project, demonstrating the approximately 125 acres site and the surrounding neighborhoods and roadways. Mr. Stinson said that one of the attractive features of the site is that it is in the industrial district, where mineral extraction and manufacturing are allowed uses. Mr. Stinson pointed out the approximate 5 acres where LaChance

Brickyard is located, saying that while brick manufacturing will cease, it will be retained as a retail center for the sale of bricks. Mr. Stinson discussed the slope of the land, an elevation rise of 65 to 66 feet from the road back some 100 feet, with the highest point on the ground at about elevation 215, or about a 115 foot rise from Route 237 to the highest elevation on the property. He said that the plan would be to retain part of the slope along 237 to screen quarrying operations from the highway. He pointed out a 2-1/2 acre pad where the asphalt batching plant would be located.

Mr. Stinson said the plans show the project being developed in 3 phases: He said the first phase will involve the development of the asphalt plant, all the stormwater control, and a 20-foot high screening berm to the abutting properties to the north. He said that pine trees of 5 to 6 feet will be planted on top of the berm. He showed on the plans the proposed quarrying area of some 50.6 acres, which will be brought down about 100 feet below the highest point of the ground in the area. A major element of the plan will include a road, and the proposed driveway location has been shifted so that it is no longer directly across from an abutter. Mr. Stinson said that the quarrying project will take decades to take off the top 100 feet of the site. Mr. Stinson stated that Gateway Commons Subdivision will be 1100 feet away from the quarry.

Mr. Stinson said that the second phase of the project is to create a 26-acre pond, located in the phase 1 area, which will be approximately 200 feet below the elevation left after phase 1. He said that a fairly substantial hydrogeology and groundwater studies of the area will be required before the applicant is allowed to construct the pond.

Mr. Stinson said that phase 3 will be to take out the hill just to the west of Route 237.

Mr. Stinson asked that the project be debated on the Ordinance, the facts and science instead of emotion. He noted that both proposed uses are allowed in the industrial zone. He said that one of the most contentious issues is that of emissions, but they believe they will be able to meet the standards of the Ordinance in this regard. However, they have retained the services of an air quality expert, whom Mr. Stinson introduced as David Dixon, saying that Mr. Dixon has over 35 years of air quality engineering experience, including 18 years with the Maine Bureau of Air Quality, a division of the Department of Environmental Protection, where he served as Director of the Division of Technical Services and developed the State's first air toxics program. Mr. Stinson noted that since leaving DEP, Mr. Dixon serves as a consultant and in 2003 created his own consulting firm, Dirigo Environmental Consultants.

Mr. Dixon approached the podium and told the Board that he believes this project will be very protective of the air quality and will be designed to minimize impacts and protect public health. Mr. Dixon said he believes that the proposed facility will perform far better than the limits set in the Town's Ordinance, it must meet Federal new source performance standards, and the DEP licensing provisions which the facility must meet, such as the control of fugitive dust, will be more stringent than in the Ordinance, and said that the Board should be confident in delegating decisions related to performance of air pollution control equipment to the experts at the DEP. He said that the DEP process will be a public one, the applicant will file an application with public notice, inviting comment from the public about the technical issues, and the burden of proof is on the applicant to demonstrate that the emissions will receive the best practical treatment and that Maine's air quality standards will be met and protected. He said that a copy of the licensing application can be submitted to the Town.

Mr. Dixon acknowledged that the plant will emit certain things, but said that home furnaces, wood stoves and automobiles do so as well. He commented that prohibiting the proposed facility could result in greater emissions from mobile sources such as a fleet of trucks that would be required to haul hot mix asphalt from a greater distance than from this proposed site. Mr. Dixon suggested that scientific truth be considered, rather than some of the misinformation that has appeared in the public press. He presented a chart showing a comparison of criteria air pollutants, such as particulate matter with an aerodynamic diameter of 10 microns (PM10) and carbon monoxide, of the proposed plant with Morin Brick, USM and licensed allowable emissions, as well as a chart showing hazardous emissions in Maine by source

category, wherein asphalt batching plants rank 39th out of the 40 listed, rather than among the “dirty dozen” as stated in the public press.

Mr. Stinson returned to the podium to say that the asphalt batching plant will be about a mile from the intersection of Route 25 and Route 237. He also noted that results of a traffic study have been submitted with the application, the traffic study having determined that the project will not generate more than 100 peak hour trips of passenger car equivalents and therefore will not require a traffic movement permit. Mr. Stinson said that nevertheless the traffic study has been submitted to the DOT with a request for their review of the assumptions made, results and conclusions, and said that he believes their study has also been submitted to the Town’s traffic peer review engineer. He said that Steve Ambrose has conducted a noise study, and it is believed that the noise standards of the Town will be complied with. He said an application will be submitted to the DEP under their mining review and control program for the quarry operation.

Ms. Robie asked for a larger view of the location of the asphalt plant, wanting to know how tall the plant is, how far back from the road is it located, and where it is located in relation to the road opening. Mr. Stinson pointed out the proposed asphalt plant location, showing the access to the plant which has been moved further south almost 400 feet from the northerly abutter driveway, the location of the plant some 120 to 130 feet from the road, location of the storage bins at the back of the area, and storage tanks for the asphalt itself at 50 to 55 feet tall. Mr. Stinson showed Mr. Hughes where the trucks will be loaded and how they will circulate through the site. Mr. Stinson said that the burner will face toward the hill to the west. Ms. Robie said her questions are designed to assess the effectiveness of a 20-foot berm versus the height of the structures, and secondly, the two most common complaints in gravel pit reviews involve noise of backup alarms and the noise of banging tailgates. She asked about the possibility of using motion activated laser backup alarms. Mr. Stinson said that while the berm is 20 feet tall, the plan is to plant pine trees of 5 to 6 feet in a fairly dense configuration; the use of backup alarms is required by OSHA and is one of safety, but if there is an alternative to those alarms, they will consider it. He did note that distance from the property line plays a part in noise abatement, and the distance from the stockpile areas is at least 350 feet from the northerly property line. Ms. Robie said it is her understanding that OSHA accepts the motion-activated alarms, which she said she wished the applicant would pursue.

Ms. Robie said that her question about the location of the burner is because the attenuation of the noise of the burner is very directional, and she saw no discussion in the applicant’s noise study about the positioning of the burner to take the most advantage of the hill. She also noted that she saw nothing in the noise study of the ordinance requirement for noise measurement at the point source, and, additionally, she would like to see the data that makes up the weighted average to get an idea of what the decibel range is. She also asked what the height of the berm along Route 237 is proposed to be. Mr. Stinson replied that the berm is to be 4 feet high and will be landscaped with a mix of shrubs and evergreen trees.

Mr. Parker said he would like to see a cross section or elevation showing the height and protection of the berm. Mr. Boyce said he would like to see the applicant’s noise expert at subsequent meetings, along with additional exhibits from that consultant describing how he reached the conclusions he did regarding the features discussed in his study. Mr. Boyce said he, too, would like to see cross sectional views of the site elevations and perhaps some perspective types of views to show the geometry, size and scale of both the equipment and the fixed facilities such as the storage bins. Mr. Boyce asked for clarification on the location of the proposed Phase 1 quarry access, with Mr. Stinson indicating that initially traffic will use the northerly drive.

Mr. Boyce asked for information on how the new pit will fit in with Shaw Brothers’ overall business operation, had Shaw Brothers considered their H Pit as a site for an asphalt plant, and how long the H Pit’s active life will be. Mr. Shaw replied that logistically the H Pit would be a great place for an asphalt plant, but it is in a residential neighborhood and therefore inappropriate according to the Town’s ordinances, so they are looking for an industrial site, and this one seems to fit. Mr. Shaw said that the H Pit has many decades left in it, and they would like to use that pit for the mixing of gravels. Mr. Shaw

said that an asphalt plant today must have the ability to run 24 hours a day, 7 days a week, which would not be possible at the H Pit due to its location.

Mr. Hughes commented that were he an abutter, his concerns would involve noise, traffic and the view from his home. He asked how much blasting will be required and how it will be handled. Mr. Stinson replied that a blasting plan has been submitted, blasting will be on an as-needed basis, pre-blast surveys up to ½ mile from the blast site will be required, and seismographs will be required at the property line to monitor each blast. Mr. Shaw indicated that there may be 15 to 20 blasts per year.

Mr. Fickett asked if the process for the DEP for their mining operation has started yet; Mr. Stinson replied that they had held a public meeting and they hope to submit their plans to DEP within the next few days. Mr. Stinson said they need to request a variance from DEP because this will be an externally drained pit and they hope to get their approval within 60 days.

Mr. Stelmack asked if the application still envisions starting with a portable asphalt and then putting in a permanent plant. Mr. Stinson replied that basically is the plan before the Board. Mr. Stelmack confirmed that the applicant hopes to get approval for both the portable and the permanent plan at the same time. Mr. Stelmack recommended that staff secure the services of a noise peer review engineer. Mr. Stelmack also noted the internal agreement with LaChance Brick to absolve Shaw Brothers from meeting the Code's noise requirements, and asked legal counsel if such an agreement would be legal. Mr. Stinson told Mr. Stelmack that this project will require an air permit and a mining permit from the DEP; Mr. Stelmack asked for a time line indicating when all the required permits will be secured. Mr. Stinson said they believe they will get their Phase 1 permit within 60 days and the Phase II permit will require a study of the groundwater as part of their application to DEP. Mr. Stelmack commented that it would appear that the applicant will be asking for Planning Board approval even though they will not have all of their DEP permits. Mr. Stinson said that they will ask that the Board approve the application subject to securing the Phase 2 and Phase 3 permits. Mr. Stelmack said that the applicant's request to operate the asphalt plant 24 hours a day, 7 days a week, for projects as yet unidentified, seems to be a blank check and he would anticipate restrictions on what the applicant will be able to do. Mr. Stinson said he appreciates that concern and is sure something can be crafted to deal with this issue. Mr. Stinson was unable to say with specificity how many days of the year the asphalt plant will be working 24 hours a day, 7 days a week, as it will depend on market demand.

Mr. Zelmanow, noting that Gateway Commons subdivision will be approximately 1100 feet from the edge of the disturbed area for the Phase 1 pit, asked what the resulting elevation would be with the removal of the overburden for the pit. Mr. Stinson said he will get that information, that he believes Gateway Commons is a bit lower.

In response to Mr. Hughes' question about any requests for variances, Mr. Stinson said the application will ask that they be allowed to go within 100 feet of the property line. Ms. Robie pointed out that there is a buffer requirement on industrial frontage on a highway that the setback be 100 feet which can be reduced to 50 feet by the Planning Board. She said she has asked the Planning Director to see whether this site is grandfathered, and as this site is surrounded by residential areas, the Board will have to deliberate about buffering in certain places.

Ms. Fossum made the staff comments, noting that tonight's appearance is to allow the applicant to make an initial presentation to the Board and the public, and to allow Board members and the public to comment on the proposal as it currently stands. Staff has begun its review, but not completed it yet, the plans have been distributed among Town staff for comment, as well as having been forwarded to the Town's traffic peer review engineer, Paul Godfrey of HNTB, and Steve Bushey of DeLuca-Hoffman, who has been the Town's resident gravel pit inspector/specialist for the past several years and who is in the process of reviewing the application. Ms. Fossum asked if the rest of the Board concurs with Mr. Stelmack's suggestion to have this sent out to a noise engineer for peer review, which the Board did. She said that she will follow up with the Town Attorney about the setback along Route 237 and industrial

district setbacks, as well as checking into the setback requirements from public roads in the gravel pit ordinance. She noted the variance request for the setbacks surrounding the LaChance property, which will require reciprocal deeds being agreed to by both parties. Ms. Fossum said that the quarry will fall under the Mineral Extraction Ordinance and will be reviewed under those requirements, and the asphalt plant is a processing operation and will be reviewed under the Site Plan Review Ordinance standards. She confirmed that within the Gravel Pit Ordinance there are special exceptions standards referred to under which the gravel pit will be reviewed.

Mr. Dixon told Ms. Robie that in calculating air emissions, truck emissions were not included, only the stationary source burner emission was included in the license application. Ms. Robie confirmed with Mr. Dixon that the Board would like to see the application. She and Mr. Dixon discussed how emissions would change if natural gas were used to fuel the burner as opposed to No. 2 oil, and they could give the Board estimates for both kinds of fuel. Mr. Dixon told Mr. Zelmanow that he believes the prevailing wind in the area in the winter is northwest and in the summer is southwest. In response to Mr. Boyce, Mr. Dixon estimated that the carbon monoxide from mobile sources would be about seven times greater than that from the facility and twice the amount for nitrogen oxide, but these facts are not included in the permitting application. However, Mr. Dixon did say that the emissions from the mobile sources while on site would probably be small compared to the emissions from the facility.

Mr. Parker said that at some point during the process he would like to hear from Mr. Stinson about how the early phase of the quarry operation will evolve and the potential noise impact on abutters of that early phase.

Ten Minute Stretch Break to 9:05 p.m.

6. MINERAL EXTRACTION – “BRICKYARD QUARRY” [formerly proposed as J Pit] – off ROUTE 237/MOSHER ROAD – by SHAW BROTHERS CONSTRUCTION, INC.

Initial presentation of a proposed project for a quarry operation and hot-mix bituminous asphalt batch plan, on 125.5 acres +/-, on land of S.B. Aggregates, LLC. Zoned Industrial, Map 31/Lot 15.

(Continued)

PUBLIC COMMENT PERIOD OPENED:

Melinda Shain, 12 Timber Ridge (Gateway Commons): Expressed concerns about traffic and noise, noting that there should be peer reviews of these issues; discussed impact of quarry on possible new residential expansion and proposed sewer line extension along Mosher Road.

Deborah Cassidy, 6 Timber Ridge (Gateway Commons): Concerned about impact of quarry on surface water, groundwater and water table levels, noise impact, pollution spills, silica dust, truck emissions, chemical pollutants and other emissions from the asphalt plant.

Mary Fagerson, 110 Gateway Commons Dr.: Stated that her property is 750 feet away from corner of site, she is concerned about the effects of silica dust, said that the plant will be too close to residential areas.

Michelle Goldman, 23 Clearview Drive (Gateway Commons): Expressed concern about the changing nature of the use of the land which she believes conflicts with the Ordinances' goals to stabilize and improve property values and to sustain the comfort, health, tranquility and contentment of residents and conserve the natural environment; heavy industrial use will impact the 400 –plus homes in the area.

Ricky Ho, 56 Gateway Commons Dr.: Spoke about possible carcinogens emitting from asphalt plant, such as benzene and formaldehyde.

John Stuart, 134 Mosher Road: Questioned if there are standards for odors; asked about property value studies with similar plants in similar towns with similar facilities; the number and size of trucks coming to and leaving from the site and the directions they will travel; and questioned the acoustic value of pine trees. Also expressed concern about use of the facility 24 hours a day, 7 days a week.

Mark Curtis, Wood Road: Stated that the “award” made to the Shaw Brothers and the project by the Toxics Action Center reported in the public media was insulting and probably a publicity stunt; said that he lives near a quarry operated by R.J. Grondin & Sons which has not affected his daily life or how he uses his property. Said that Shaw Brothers is a reputable company that deserves the benefit of the doubt.

Abbott Mosher, 294 Mosher Road, expressed concerns about noise affecting quality of life.

Jean Fadrigon, 210 Flaggy Meadow Road, spoke in support of the project as a source of tax revenue and job opportunities. Noted that the property was zoned industrial (at least since 1990) long before Gateway Commons received subdivision approval (about 1998), buyers of property in Gateway Commons should have known that further industrial development of the land was possible. He said that there will be people working on site closer to any impact of silica dust than the neighbors might experience, and there will be regulations and guidelines to protect those employees as well as the abutters.

Bill Neily, 47A North Street, said he believes that the Board’s decision will be based on the facts; in his experience he believes plants like this can be run efficiently and safely, as is USM’s heating plant, and not hurt the environment; and the project would add to the Town’s tax base, thereby relieving home owners’ tax burdens.

Norman Richardson, 359 Mosher Road: Immediate abutter to the project, said he believes he will be able to continue to use his property as he always has; Shaw should be able to do what they want if it meets the Code, and Shaw will do it right.

Robert Skinner, 9 Gateway Commons Drive: Said he shares his neighbors’ concerns about health issues and the value of properties, that the application must be weighed and quantified against the facts, particularly noise levels, and he has confidence in the Board’s processes and ultimately its decision.

Sarah Allison, 15 Queen Street, expressed concerns about health issues and truck traffic on Queen Street.

Joe Staples, 85 Barstow Road: Said that while trace compounds are known to influence biology, technology will fix the technological issues. He suggested using multiple tree species on the berm instead of just one type and said that a 20-foot berm may not be high enough, it is just dirt and Shaw has plenty of that. Mr. Staples also spoke about possible light pollution from the facility.

PUBLIC COMMENT PERIOD ENDED. [9:45 p.m.]

Mr. Stinson indicated that he had taken notes of both the Board’s and the abutters’ concerns and would address them at future meetings.

7. SCHEDULE OPTIONAL MEETING IF NEEDED

The Board concurred that no subsequent meeting this month need be scheduled.

8. ADJOURNMENT

Thomas Fickett MOVED and Thomas Hughes SECONDED a motion to adjourn. Motion CARRIED, 7 ayes. [9:50 p.m.]

Respectfully submitted,

Barbara C. Skinner, Clerk of the Board

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4. SITE PLAN – “GORHAM COMMUNITY PHARMACY” - off 375 MAIN STREET - by SCOTT W. MULKERN

Approved
Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board, except for de minimis changes which the Director of Planning may approve;
2. That the applicant is responsible for obtaining all local, state and federal permits required for the development of this project;
3. That all construction and site alterations shall be done in accordance with the “Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices,” Cumberland County Soil and Water Conservation District, Department of Environmental Protection, latest edition;
4. That the applicant shall provide property line information and site information in auto-cad format to the Town Planner prior to the pre-construction meeting;
5. That all buildings shall meet all applicable sections of the 101 Life Safety Code and the NFPA Fire Protection Code 1;
6. That bollards shall be placed protecting any gas meters located on the outside of the building;
7. That a complete set of building plans shall be submitted to the State Fire Marshals Office and the Gorham Fire Department for review and permitting;
8. That the applicant shall repair the utility trench and resurface the common drive with a 1½ inch overlay prior to issuance of an Occupancy Permit for the building;
9. That prior to the commencement of any site improvements and/or earth-moving activities, representatives of the developer, general contractor, site contractor, and the site design engineer shall arrange for a pre-construction meeting with the Town Planning Director and other staff members to review the proposed commencement date of the project, the overall schedule of improvements, conditions of approval, and site plan requirements;
10. That the site improvements shall be completed as shown on the approved plans prior to request for either temporary or final occupancy permits for the building; or a performance guarantee, covering the remaining site improvements shall be established through the Planning Department; and
11. That the conditions of approval shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the Planning Board’s endorsement of the final plan, and a dated copy of the recorded Decision Document shall be returned to the Town Planner prior to the issuance of any building permits or commencement of any improvements on the site.

Summary of Issues prepared by Susan Robie, Chairwoman, as discussed at the meeting and identified in the Minutes of the Planning Board Meeting January 8, 2007, relating to Shaw Brothers' proposed quarry and asphalt plant on Route 237 at the site of LaChance Brick:

1. Request for a copy of the required air emissions license(s) to be submitted to the town
2. Request for information regarding height, location of asphalt plant vis-à-vis visual impact.
3. What will be the effectiveness of 20 foot berm in reducing noise?
4. How will the applicant address the noise of backup alarms and banging tailgates?
5. There is a possibility of using laser activated motion detectors, request to applicant to pursue with OSHO or mining control agency
6. Point Source Noise requirement in Ordinance not addressed
7. Request to see data that comprises the weighted average of noise level cited
8. Request for a cross section or elevation showing the height and protection of the berm
9. Request for cross sections of the site elevations
10. Request for perspective types of views to show the geometry size and scale of both the equipment and the fixed facilities such as the storage bins.
11. Request for information how the new pit will fit in with Shaw Brothers' overall business operation.
12. Issue of increased truck traffic on 237 and in the town was cited as a concern multiple times.
13. Question as to when of when DEP permits will be sought and granted
14. Request for staff to secure the services of a noise peer review engineer.
15. Request for legal opinion as to whether the internal agreement with LaChance Brick to absolve Shaw Brothers from meeting the code's noise requirements would be legal.
16. Request for information regarding all permits required for the pit and asphalt plant
17. Request for elevation of the pit when overburden is removed vis-a-vis Gateway Commons
18. Request to understand variances requested, i.e. 100 buffer instead of 200
19. Request to clarify setback from the highway.
20. Request to clarify what equipment on site and off site is included in the air emissions cited.
21. Request to discuss the early operation of the quarry and the noise impacts of the early phase.
22. What is the impact of quarry on possible new residential expansion and the proposed sewer line extension along Mosher Road?
23. What is the impact of the quarry of surface water, groundwater and water table levels?
24. What pollution would result from spills? How will spills be handled?
25. What is the impact of silica dust exposure?
26. What chemicals will be emitted from the plant/and or and what are impacts on human health—silica dust, benzene, formaldehyde?
27. Question of the acoustic value of pine trees?
28. What has been the impact on property values of similar plants in similar towns
29. How will the noise generated affect the quality of life of the residential neighbors
30. Will truck traffic be allowed on Queen Street?
31. Will there be light pollution from the facility?
32. Are there standards for odors?
33. There will need to be qualifications negotiated between the Town and the developer with regard to developer's intention to operate the plant 24x7 during peak asphalt producing projects that are currently foreseen but not defined.