

Land Use and Development Code Amendment: Well Drilling exemption to the Noise Standards

**Town of Gorham
Planning Board Meeting
March 1, 2021**

ITEM 7 - Land Use and Development Code - Discussion: Proposed amendment to allow for an exemption beyond daytime hours for well drilling activities.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwards the item to the Planning Board for a public hearing and recommendations. (7 ayes)	February 2, 2021
Planning Board Meeting Discussion		March 1, 2021

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Thomas Poirier, Director of Community Development.

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1. Overview

This is the first time the proposed zoning amendment item has been before the Planning Board for review. The Town Council is looking to add an exemption for well drilling activities to the Town's noise ordinance during times of severe drought. Should well drillers want to operate outside the allowed hours of 7 am to 7 pm, they are required to get prior approval from the Gorham Police Department. The Police Chief has reviewed and approved the proposed draft language.

Staff considers this a minor change to the noise standards and recommends the item can either be forwarded to a public hearing, or if the Board feels more review is warranted, then the item can be forwarded to one of the Board's sub-committees for review and recommendation.

Proposed Amendment:

CHAPTER 2: GENERAL STANDARDS OF PERFORMANCE

SECTION 2-1 – ENVIRONMENTAL

H. NOISE ABATEMENT

- 1) Noise is required to be muffled so as not to be objectionable to surrounding land uses. Noise may be equal to but not exceed an hourly A-weighted equivalent sound level of 75 decibels (dBA) as defined and measured generally in accordance with ANSI standards. This standard shall apply at any boundary line. This section shall not apply to mineral exploration, excavation or gravel pits that are subject to the provisions of Chapter 2, Section 2-1 C(5)(a)(3) of this Code. The 75 decibel (dBA) limit applies at the lot line for all lots in Gorham, except as noted below.

After April 7, 2009 developments subject to site plan review are required to meet Chapter 4, Site Plan Review, Section 4-9, Approval Criteria and Standards, Subsection T, - Noise Abatement. Where there is a conflict between those noise requirements and the standards of this section, the more restrictive requirements shall govern.

- 2) A use shall not be subject to the noise limits established by this section at any property line where the property owner and the abutting property owner have agreed in writing that those noise limits will not apply at their shared property line or that the noise limits may exceed the 75 decibel limit by an amount established in writing. Any such agreement concerning the noise limits at the shared property line shall be set forth in reciprocal deeds between the property owners and shall be recorded in the Cumberland County Registry of Deeds.
- 3) The following activities are excluded from the sound level limits.
 - a) Construction and demolition work 7 am to 7 pm. With prior approval from the Town of Gorham Code Enforcement Officer, this exemption can be extended beyond daytime hours to accommodate certain activities such as major concrete pours.
 - b) Agricultural activity and daytime timber harvesting.

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- c) Landscaping, lawn mowing and related grounds keeping.
- d) Snow removal and related winter maintenance such as sanding.
- e) Operation and daytime (7 a.m. to 7 p.m.) testing of emergency equipment such as fire alarms, backup generators, and pressure relief valves.
- f) Registered and inspected motorized vehicles traveling on public roads and when entering and departing from a parking or loading area and which are moving, starting or stopping. This excludes operation of vehicles and on-board equipment during loading, unloading, processing, mixing or related operations. Examples of non-exempt vehicle operations include refrigeration units on parked vehicles, cement mixers, and on-board loading pumps.
- g) Safety and warning signals required by law, rule or regulation.
- h) Cultural and sporting events with proper approval from the Town of Gorham.
- i) At lot lines where the abutting property owner has granted a noise easement to the applicant, such an easement shall state the abutting property owner agrees that the sound level limits at the shared property line can be exceeded a specified amount but not by more than 10 dBA above the applicable sound level limits. Any agreement or easement concerning noise levels shall be included in the reciprocal deeds, and shall be only for the specific noise, land use and term covered by the noise easement and shall have no effect on the sound level limits applicable to other properties.
- j) Maintenance, startups, shutdowns and other routine activities are not exempt from these sound level limits. Exceptions to this restriction can be granted by prior approval of the Code Enforcement Officer according to the following criteria:
 - 1) Frequency, no more than once every three months
 - 2) Permitted sound level, no more than 85 dBA for brief limited, intermittent time periods totaling no more than one hour for the duration of maintenance,
 - 3) Maintenance exceeding normal sound limits, as described in item 2 to occur only between the hours of 7AM and 5PM
- k) Well drilling work 7 am to 7 pm. With prior approval from the Town of Gorham Police Department, this exemption can be extended beyond daytime hours to accommodate welling drilling activities during times of severe drought.

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PROPOSED MOTIONS:

Move to send the item to the Board's Ordinance Committee or the Board's Comprehensive Implantation Plan Committee for review and recommendations.

Or

Move to send the item to a full Planning Board meeting for a public hearing.