

**Town of Gorham  
 Planning Board Meeting  
 February 5, 2024**

**CONSENT AGENDA** – Site Plan Amendment and Special Exception: Shaw Brothers Inc.– Brickyard Quarry – a request for a special exception and site plan amendment review for an expansion of the quarry area at 341 Mosher Road. Zoned Industrial (I), Map 31, Lot 15. The applicant is Shaw Brothers Construction, Inc. and they are represented by Shawn Frank, P.E. of Sebago Technics.

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**PROJECT TRACKING**

DESCRIPTION	COMMENTS	STATUS
Special Exception and Site Plan Review		<b>January 8, 2024; February 5, 2024</b>
Consent Agenda		<b>February 5, 2024</b>

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and Development Code and standard engineering practices.

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

*Vincent Grassi, Chair, Gorham Planning Board*

## **1. OVERVIEW**

This is the second time the item has come before the Planning Board with a submission for this site plan amendment and special exception review. The applicant is requesting a review for the expansion of the existing quarry area.

## **2. ITEMS OF NOTE**

- The project is to be reviewed utilizing the site plan review standards stated within Chapter 2 General Standards of Performance Section 2-1 C Mineral Exploration, Excavation and Gravel Pits 3) Existing Pit Registration... b) Expansion of Existing Operations (2) Plan Review (a) require that expansion be subject to site plan approval standards of Section 4-9 (B, C, D, F, J, M, P and T) of Chapter 4 and special exception standards of Chapter 1-4E.
- Staff recommend that the area comprising a 150-foot buffer from the expanded quarrying area be merged from parcel 31-14 to 31-15.
- A third-party review of operation noise has indicated that no additional adverse impacts are expected. The applicant has reported that a recent switch from diesel to electric engines has further reduced noise levels.
- The applicant will need to obtain an amendment to their DEP Site Law permit.
- The applicant has stated that a safety fence will be extended to enclose the expanded quarrying area.
- The new operation is not expected to impact groundwater at this time, and all grading will be restored to 3:1 as required.
- The town's 3<sup>rd</sup> party engineering review has flagged discrepancies in the HydroCAD modeled area that should be addressed by the applicant.
- The applicant should submit an updated erosion and sedimentation control and reclamation plan.

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**3. AERIAL PHOTOGRAPH**

Staff have included an aerial photograph for the Planning Board’s review of the project.



**4. STAFF REVIEWS**

**Assessing Department:** No comments received

**Code Department:** 01/29/2024

We just need to receive a copy of the recorded deed reflecting the updated site plan solving the required northern buffered setback. TIA

Chris Poulin

**Fire Department:** 12/20/2023, 01/22/2024

12/20/23

Map 31 Lot 15

I have reviewed the submitted plans stamped Dated 12-18-2023.

I have no comments at this time.

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**01/22/2024**

Map 31 Lot 15

I have reviewed the submitted plans stamped Dated 1-15-2024.

I have no comments at this time.

**Planning Department: 12/19/2023, 1/02/2023; 1/30/2024**

**12/19/2023**

- Noise - The applicant has submitted a letter dated December 15, 2023 from R. Scott Bodwell, P.E. of Bodwell EnviroAcoustics, LLC that states “if the design of the proposed expansion is consistent with the existing quarry, including noise control measures, and there are no significant changes to the equipment operations, sound levels at the facility property line from the proposed expansion will essentially be the same as from current quarry operations.”

**1/03/2024**

- The lots should be combined so that the buffer is reflected on the correct property line.
- Current noise data or information regarding any changes in equipment that would change the 2016 noise study outcomes should be provided since some of the comments by engineering peer review are predicated on a noise study that was submitted in 2016. The applicant has stated that they have switched from diesel to electric equipment which will reduce off-site noise impacts.
- Information should be submitted regarding dust and other airborne contaminants controls as they relate compliance with State of Maine regulations.
- The applicant needs to provide additional information for review to make a finding regarding access, circulation, and stormwater.

**1/30/2024**

- The Code Enforcement Officer and the Director of Community Development are aware of the comments provided by the public during this process and will contact the applicant for a meeting.
- The applicant should review Section 5) a) Operational Requirements for New and Existing Pits for buffer requirements. Was a waiver granted for this requirement previously? If so, the waiver and date granted should be listed on the site plan.
- Section 5) F) allows the Planning Board to require water bars to control dust. As stated in the written materials, the applicant is already using them.

**Police Department: No comments received.**

**Public Works Department: No comments received.**

**Town Engineer: 01/29/2024**

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No additional comments from Engineering/Facilities at this time.

Thank You,

Chuck  
Charles E. Norton, P.E.

**Stormwater Compliance: 12/28/2023**

Stormwater comments for this project are as follows:

1. While not a requirement, the Town would like the applicant to consider utilizing Low Impact Development techniques. If the applicant chooses not to implement LID practices, please show why this is not feasible for this project.
2. A reminder that the Winter Construction season has begun, **and runs through May 1st**. Winter Construction erosion and sedimentation controls / BMP's have a different set of standards than the rest of the year. Please refer to the Maine DEP's Erosion and Sediment Control Practices Field Guide for Contractors for specific requirements during winter construction.
3. This project is inside of the Maine Department of Environmental Protection's MS4 Regulated Urbanized Area. Please refer to MEDEP for the increased protection requirements, and the Town's Stormwater Compliance Officer for post-construction inspection requirements.

Thank you,

Ethan Moskowitz  
Stormwater Compliance Officer/ GIS Technician

**Wright-Pierce: 12/28/2023, 01/29/2024**

**12/28/2023**

As requested by the Town of Gorham, Wright-Pierce has reviewed the Amended Quarry Application, Phase 1 Quarry Expansion for Shaw Brothers Construction, Inc.'s Brickyard Quarry located at 341 Mosher Road (Map 31, Lot 15) to extend the northerly edge of the Phase 1 quarry to the original property line.

**Documents Reviewed by Wright-Pierce**

- Amended Quarry Application, Phase 1 Quarry Expansion Package – prepared by Sebago Technics, Inc. (December 2023)
- Brickyard Quarry Amended Overall Site Plan, Overall Grading Plan, and Active Quarry Plan – prepared by Sebago Technics, Inc. (Rev A dated December 18, 2023)

**Review Comments**

Applicant should provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

**General/Completeness**

None.

**Special Exception Standards**

1. Applicant to provide comment on whether hours of operation and operation procedures will remain the same.
2. A noise control berm is proposed along northerly side where the proposed expansion is located. Bodwell EnviroAcoustics LLC was hired by the Applicant who reviewed the proposed expansion. The Town has hired Reuter Associates, LLC to peer review the project for noise.

**General Standards of Performance**

1. Prevention of Erosion – Silt fence is proposed along the northeasterly side of the site, downgradient of the stormwater wet ponds and quarry expansion. This should adequately contain sediment within the property from the proposed disturbances. Although not a requirement, we recommend considering additional riprap or other practices at the Wet Pond 1 culvert inlet to protect the culvert and pond from sedimentation, especially during periods of high activity.
2. Mineral Exploration, Excavation and Gravel Pits
  - a. The area for expansion should be more clearly identified on the plan with a surface area measurement per Section 2-1.C.3.b.1.c of the Land Use and Development Code (LUDC).
  - b. The application indicates an estimated time schedule for future excavation has been submitted as well as a narrative that describes all accessory activities related to the site. This information could not be located within the submission materials.
  - c. Will the permanent safety fence extend around the proposed expansion? It is unclear from the plan whether it is existing and proposed and its extent.
  - d. Provide comment on how access to the site will be controlled per Section 2-1.C.3.b.1.d of the LUDC.
  - e. Is there an existing erosion and sedimentation control plan meeting the standards of the Cumberland County Soil and Conservation District already in place per Section 2-1.C.3.b.1.f of the LUDC? Is it applicable to the expansion or does it need to be revised?
  - f. Submit a reclamation plan that includes this expansion of the site per Section 2-1.C.3.b.1.g of the LUDC.
3. The proposed expansion is not in a floodplain, shoreland, or other known protected resource area.

**Site Plan Requirements**

1. Access to the Site – Will the expansion generate additional traffic to the site?
2. Access Into the Site – Vehicular access points are not proposed to be altered. See comment 2d in the General Standards of Performance regarding site access.
3. Stormwater Management

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- a. The total acreage of the existing (138.96 acres) and proposed (135.85 acres) watersheds in HydroCAD do not match. Although this is a small difference, please explain why they do not match.
  - b. Applicant to clarify how much new impervious area is proposed. The stormwater management report references 2.4 acres of new impervious area. The pre-development HydroCAD model includes 2.53 acres of impervious area, while the post-development HydroCAD model includes 42.61 acres. Table 1 in Appendix 1 of the stormwater management report shows 41.98 acres of total impervious area on site, which 40.48 acres of is treated.
  - c. Applicant to clarify how much of the impervious area is treated. There appear to be discrepancies. Please check and revise as needed. Tributary acreage to Pond 1 in post-development HydroCAD model does not seem to match Table 1 or Wetpond #1 Design. The post-development HydroCAD model shows 47.35 acres draining to Pond 1, of which 78.33% (37.09 acres) is impervious. Wetpond #1 Design sheet shows 37.39 acres of impervious area and 8.31 acres of landscaped area, which totals 45.7 acres.
  - d. The site is subject to the Town’s Stormwater Ordinance, Chapter 2 Post Construction Stormwater Management provisions, which requires a Post-Construction Stormwater Management Plan for stormwater best management practices (BMPs). Please revise and submit the Inspection, Maintenance, and Housekeeping Plan for the existing stormwater practices, provided as part of the site plan review for the 2016 amendment, as needed to be applicable to the proposed expansion. See Chapter 2, Section 6.1 of the Stormwater Ordinance for specific requirements of the Plan.
4. Landscaping – A landscaping plan was not submitted. Is the vegetation berm installation proposed or existing? Additional information should be provided on the plan to clarify what this consists of.

**01/29/2024**

As requested by the Town of Gorham, Wright-Pierce has reviewed the resubmission of the Amended Quarry Application, Phase 1 Quarry Expansion for Shaw Brothers Construction, Inc.’s Brickyard Quarry located at 341 Mosher Road (Map 31, Lot 15) to extend the northerly edge of the Phase 1 quarry to the original property line.

**Documents Reviewed by Wright-Pierce**

- Comment Response Letter for the Amended Quarry Application, Phase 1 Quarry, 341 Mosher Road, Tax Map 31, Lot 15, Shaw Brothers Construction, Inc. e – prepared by Sebago Technics, Inc. (January 11, 2024)
- Brickyard Quarry Amended Overall Site Plan, Amended Overall Grading Plan, and Active Quarry Plan – prepared by Sebago Technics, Inc. (Rev B dated January 11, 2024)

**Review Comments**

Wright-Pierce’s original comments are in standard text, followed by the applicant’s response in italics, and our follow-up response in bold. Comments from the previous review memo that did not require a response or clarification or that were addressed are not listed. Applicant should

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provide written responses to the review comments recommending clarification or further information to be provided by the Applicant.

General/Completeness

**No further comment.**

Special Exception Standards

**No further comment.**

General Standards of Performance

5. WP Original Comment 2a: The area for expansion should be more clearly identified on the plan with a surface area measurement per Section 2-1.C.3.b.1.c of the Land Use and Development Code (LUDC).

*Applicant Response: The dimensions of the proposed expansion area are now more clearly noted on the plan.*

**WP Follow Up Response: While the dimensions of the proposed expansion area are noted on Sheet 2 of 3 (150 feet by 1,000 feet), the surface area is not noted. We believe this is clear enough. Town to provide comment on whether they would like the surface area explicitly stated.**

**Site Plan Requirements**

6. WP Original Comment 3d: The site is subject to the Town’s Stormwater Ordinance, Chapter 2 Post Construction Stormwater Management provisions, which requires a Post-Construction Stormwater Management Plan for stormwater best management practices (BMPs). Please revise and submit the Inspection, Maintenance, and Housekeeping Plan for the existing stormwater practices, provided as part of the site plan review for the 2016 amendment, as needed to be applicable to the proposed expansion. See Chapter 2, Section 6.1 of the Stormwater Ordinance for specific requirements of the Plan.

*Applicant Response: An Inspection, Maintenance, and Housekeeping plan for the existing stormwater BMPs is attached with the response to comments.*

**WP Follow Up Response: An Inspection, Maintenance, and Housekeeping Plan was submitted by the Applicant, and we provide the following comments:**

- a. **It is recommended a reference to the May 1 deadline for submission of the annual certification be included in the Plan as well inclusion of the annual certification form to be used or a reference to the form (refer to Appendix 1 of the Post Construction Stormwater Ordinance, titled “Annual Stormwater Management Facilities Certification”).**
- b. **Although the Post-Construction Stormwater Ordinance does allow the inspections to be completed by the owner or operator or a qualified post construction stormwater inspector, it is recommended inspections are completed by a qualified post-construction stormwater inspector.**
- c. **Additionally, the Post Construction Stormwater Management Ordinance was amended in 2023 in regard to a timeline of when corrective actions need to be taken. It is recommended the Inspection, Maintenance, and Housekeeping Plan be updated to reflect that if a post-construction BMP requires maintenance, the owner or operator will provide a record of deficiency and corrective action(s) taken no later than 60 days following the date the deficiency was identified.**



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**Reuter Associates: 12/29/2023**

I understand that Shaw Brothers Construction, Inc. has operated a quarry off Mosher Rd. in Gorham since 2008. In 2016, the original application was amended to relocate the crushing and screening out of the quarry pit into a 33-acre laydown and stockpiling area on the abutting lot to the south of the quarry. A noise study was prepared in support of that application by Bodwell EnviroAcoustics LLC.

Bodwell concluded that this operation complied with both local and state noise limits. I conducted a peer review on behalf of the Planning Department at that time and generally agreed with Bodwell's assessment. My sole concern was whether backup alarms would comply with the MDEP limits. To my knowledge, this concern was never resolved. The Planning Board approved the amended application, and the relocated crushing and screening has been operational for seven years with no apparent adverse impacts.

On December 18 of this year, the Planning Board received a new amended application indicating that Shaw Brothers Construction, Inc. has acquired an additional parcel located to the north of the existing quarry. The applicant seeks approval to expand the quarry limit approximately 150 ft to the north of the existing quarry limit.

The amended application includes a supporting letter from Bodwell EnviroAcoustics LLC. This letter indicates that measurements conducted of the quarry operations in 2015 demonstrated compliance with the applicable sound level limits. Bodwell concludes that because the proposed expansion does not move any noise sources closer to the property boundaries, these sources are expected to remain within the property line sound level limits. Further, the noise control berm for drilling operations will be relocated and is expected to provide the same benefit as it did in the original location.

This assessment assumes there have been no significant changes to the equipment or operations since the 2015 measurements and that current operations comply with applicable sound level limits. Apparently, no measurements have been conducted since the relocation of the crushing and screening operations in 2016.

Provided these assumptions are correct, I agree with Bodwell's assessment.

Sincerely,



Eric L. Reuter, FASA, INCE Bd. Cert.  
*Principal*

**Abutters Comments: 12/22/2023, 01/06/2024, 01/07/2024, 01/11/2024, 01/22/2024, 01/23/2024, 01/25/2024, 01/27/2024**

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**12/22/2023 – Nancy Sanderson**

Dear Planning Board Members,

I am writing today to say that I strongly oppose the expansion of Shaw Brothers Brickyard Quarry which is on your agenda for the January 8 meeting. I am currently in Florida and can not attend the meeting but we live at 8 Fairview Lane and get dust particles from their current operation every time the wind blows from their direction. This has gone on for years and we are constantly cleaning the dark sooty dust from outdoor areas and furniture. We don't dare leave a window open.

When they began operations, we understood that Shaw Brothers would comply with height restrictions for the piles of gravel and use water to help keep the soot down - but these measures do not seem to be working if they are being used at all.

We have often wondered what this could be doing to our lungs. My husband recently died of lung cancer and having never smoked a cigarette we can't help but consider breathing this soot for years as a possible cause.

I am attaching an article from the National Institutes of Health that is often quoted in discussions about the dangers of living close to quarrying activities. Also attached are several other articles supporting our concerns. To summarize, the research indicates breathing the dust created by quarrying is likely linked to reduced lung function, increased allergies, chronic cough, pulmonary disease, heart disease and silicosis which can lead to lung cancer and COPD. Based on this research and our personal experiences as residents who live close to this operation, we appeal to you reject the application for expansion and indeed to investigate possible ways to mitigate the current environmental hazard being created by the Shaw Bothers quarrying activities at this location.

Thank you for considering our appeal,

Nancy Sanderson

8 Fairview Lane

Gorham, Maine

207-232-4318

Research Attachments:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7504702/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1896318/>

<https://www.lung.org/lung-health-diseases/lung-disease-lookup/occupational-lung-diseases>

<https://www.stop3009vulcanquarry.com/impacts/carcinogenic-dust/>

[https://www.worcestershire.gov.uk/sites/default/files/2023-02/poe3.04\\_chapter\\_2\\_-\\_empirical\\_evidence\\_for\\_the\\_effects\\_of\\_silicosis\\_on\\_health.pdf](https://www.worcestershire.gov.uk/sites/default/files/2023-02/poe3.04_chapter_2_-_empirical_evidence_for_the_effects_of_silicosis_on_health.pdf)

**01/06/2024 – John Rimkunas**

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January 3, 2024

Dear Members of the Gorham Planning Board,

We are writing today to express my strong concern regarding the proposed expansion of operations at the Shaw Brothers quarry located on Mosher Road.

Our family has lived at 413 Mosher Road for over 30 years, and in that time have seen a great deal of industrial development in our area. When the quarry operation began, we were concerned that the operation would grow incrementally. It is already much larger than we expected. The Shaw Brothers development has had an impact on our lives, by increasing truck traffic past our home as well as the surprise sounds of blasting. Our primary concern at this time is with the fine, black sooty dust that blows in our direction when the wind is from the north. When we clean it from our window sills and lawn furniture we often wonder how much it is affecting our breathing.

We have reviewed the materials that were sent to me when we contacted the planning office. Granted, to non-engineers a lot of it is very difficult to decipher. However, we were not able to find a part of it that addresses air quality for those of us downwind.

We appreciate all that Shaw Brothers has done for our community. We very much enjoy walking the trails at Cherry Hill, and greeting the livestock there. We recognize the importance of non-residential development in the town of Gorham. But we also urge you to be very careful and discerning about how that development impacts those who reside here.

Unfortunately, we have commitments that prevent us from attending the meeting on January 8. We do plan to carefully review how our concerns are discussed in the minutes.

Thank you,

John Rimkunas



John Rimkunas



Allie Rimkunas  
413 Mosher Road,  
Gorham, ME 04038

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**01/07/2024 – Jessica Gleason**

I am writing concerning the Quarry project that will be voted on this week. My family and I live on Queen Street where the quarry will be extended. We have a large concern regarding the foundation of our home. We live in a 1960s home and already feel the blasts that occur. My question is that if this does pass will someone be assessing our foundation before they start blasting? How quickly will they begin? And how often do we expect them to blast? I also work from home so awareness would be ideal.

Thank you,  
Jess Gleason

**01/11/2024 – Charlie Hamblen**

Good afternoon: 1 11 24

My brother, daughter, and I met with you on 8/17/2023 regarding the Shaw Brothers quarry on Mosher Road and their plans for expansion. After Monday's Town Planning meeting/ public hearing, I am concerned about the disregard shown toward the nearby homeowners. Only notifying the abutters to this project regarding the expansion is a disservice to the citizens of Gorham impacted by the current quarry. Many people are unhappy with the current quarry operation and are looking to have their voice heard. Is there a format in Gorham to share these issues?

The quarry produces noise, dust, and tremors that significantly impact households all along the RT 25, RT 237 and RT 202 corridor. Surely, local ordinances must limit impacts such as lighting, dust, noise, odors, etc., to Shaw's property line. Expansion of the quarry will only make matters worse. The totally inadequate public meeting on Monday did not allow for proper discussion of the impacts or the public voices to be heard. We would like a delay in the next public meeting regarding this matter, allowing for the broader public to be notified and for us to research the current quarry status.

Accordingly, please provide the following information.

1. What is the status of the DEP's (and other involved entities') permit for expansion?
2. Please provide a list of the code infractions of the pit's operations to date
3. When we spoke, the land they were planning to expand into was residentially zoned – Have the zoning changes been approved and finalized?
4. Information on the local ordinances limiting impacts such as lighting, dust, noise, odors etc. to Shaw's property line.
5. A list of all conditions that were required of the 2 previous quarry approvals, whether these conditions were met and how often code enforcement verifies the standards are being met.

During the meeting, you mentioned that you had not heard any complaints in years. I am including a selection below.

**From the 1/4/2024 issue of the Gorham Times –**

Dear Editor,

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I am writing today to oppose the expansion of Shaw Brothers Brickyard Quarry which is on the agenda for the Planning Board at their January 8 meeting. As a resident who lives close to Shaw Brothers, I get dust particles from their current operation every time the wind blows from their direction. This has gone on for years and we are constantly cleaning the dark sooty dust from outdoor areas and furniture. We don't dare leave a window open.

When they began operations, we understood that Shaw Brothers would comply with height restrictions for the piles of gravel and use water to help keep the soot down - but these measures do not seem to be working if they are being used at all.

We have often wondered what breathing this soot might be doing to our lungs. My husband recently died of lung cancer and having never smoked a cigarette we can't help but consider this a contributing factor.

I have read an article from the National Institutes of Health about the dangers of living close to quarrying activities. To summarize the research, there are strong indications that breathing the dust created by quarrying is likely linked to reduced lung function, increased allergies, chronic cough, pulmonary disease, heart disease and silicosis which can lead to lung cancer and COPD.

Based on this research and our personal experience as residents who live close to this operation, we appeal to the citizens of Gorham to join us in opposing the expansion of Shaw Brothers quarrying operations and indeed to ask government officials to investigate possible ways to mitigate the current environmental hazard being created by Shaw Brothers at this location.  
Thank you for considering our appeal, Nancy Sanderson, Gorham

**From the Gorham Community Facebook Pages – I recommend reading the comments to grasp the scope of the impact.**

August 2023 – Lawn Ave

“I'm on Lawn Ave and whatever blasting just occurred (12:30pm 8/31) shook my whole house. Windows rattled loudly. Walls shook. The floor under my feet bounced. Our house is 1962 SOLID but that blast was something. Can't be good for the foundation! Does anyone know if they are monitoring the blasts? Or where we can call with concerns?”

<https://www.facebook.com/groups/367488937024002/permalink/1798841463888735/>

September 2021 – Queen Street

“Anyone else have their house just get a good shake near the end of Queen St? As many times as my house gets shaken from blasting, I feel like we almost need building standards like they have for earthquakes for buildings being built in this area.”

<https://www.facebook.com/groups/367488937024002/permalink/1306711216435098/>

November 2019 – Gateway Commons

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“Hi neighbors! Anyone else in the Gateway Commons/Wagner Farm seeing cracks in their foundations? I had one repaired a few years ago and another just this week. When I was speaking to the company that was doing the work, they mentioned they are repairing a lot of basement wall cracks out this way and it could be caused by blasting in the area? Anyone else having issues?”

Please let me know if there is anyone else I should reach out to about this issue. We look forward to hearing from you.

Thanks,

Charlie Hamblen

**01/22/2024 – Charlie Hamblen**

<https://www.facebook.com/groups/1843660292753400/permalink/1850616418724454/?mibextid=oMANbw>

“I live 6/10 of a mile from quarry, rock crushers are a constant drone during the workweek and the blasting shakes the house. I have talked to many neighbors who have similar concerns and the worst is the dust, dust seems to reach RT 25 and Little River in the opposite direction. The quarry expansion will not improve things. More noise, more dust, more blasting. I would like to see the town have strict controls in place to limit quarry impact to neighbors. Would also like to understand how many people are impacted in some fashion.”

**01/22/2024 – Margaret LaPrino**

[https://www.facebook.com/groups/1843660292753400/posts/1850616418724454/?comment\\_id=1850812535371509&mibextid=oMANbw](https://www.facebook.com/groups/1843660292753400/posts/1850616418724454/?comment_id=1850812535371509&mibextid=oMANbw)

“I live south east of the quarry, just past where the power line crosses on Mosher Road, Rt# 237. I have been very concerned about the dust for some time. My home is covered much of the year with a dirty film from the dust and particles created by the quarry. Especially in the summer. If I have windows open, this same film covers all surfaces in my home. I can clean and a couple of hours later, it's completely covered again. The windows are continuously dirty from the dust while the screens are black.”

“I have seen actual dust clouds roll through my yard, again especially in the summer. Have also seen the dust and particle film cover the snow in my yard. Dirty snow. I am concerned because I get to breath this air constantly. My dog also. An expansion of this quarry will not help this situation at all.”

**01/23/2024 – Deb Lander**

<https://www.facebook.com/groups/1843660292753400/permalink/1851261638659932/?mibextid=oMANbw>

“Stuart and I live near their newest purchase of the empty field. Since we moved here in 2018 we have been dealing with the house shaking with blasting. The windows rattle. The black dust both

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inside and outside of the house requires cleaning after each blast. They reference the noise levels overnight are within tolerances however we hear the plant noise and the trucks with their back up beeps all night long when they work at night.”

**01/25/2024 - Carol Chadwick - Submitted to Hanna Hamblen via email**

“My husband, who actually passed away in 2020, had long been bothered by the blasting. He called and stopped in at Shaw Brothers years ago because he was concerned that the blasting was causing cracking in the garage floor and in sheetrock in the house. Of course, they said there was no way to prove they were the cause but began putting a device on our lawn before a blast and picking it up after. I recently called to discontinue this because my granddaughter is living here with her parents right now and with her napping and my dog barking when someone comes in the yard, I thought it would be better to discontinue it. They sent me the most recent report when we discontinued which of course shows being under the threshold. I certainly am not in favor of expanding any blasting zone.”

**01/27/2024 – Stuart Lander**

I hope this email finds you well. I am writing to express my concern regarding the proposed expansion of the Brickyard Quarry on Mosher Road. As a resident, I believe it is crucial to address the potential negative impacts of this expansion on the surrounding homes.

First, the dust generated by the quarry operations poses a significant threat to neighbors' health and property values. Dust particles may adversely affect air quality, leading to respiratory problems and other health issues. Additionally, dust accumulation on properties can damage homes and degrade residents' overall quality of life.

The noise generated by quarry activities is another concern. Excessive noise disrupts the peaceful ambiance of our community and has detrimental effects on the mental and physical health of those living within a mile of the quarry. This impact should not be underestimated; studies show it can increase stress levels and decrease overall well-being.

Tremors resulting from quarry operations threaten the structural integrity of nearby homes. The safety and security of our community should be of utmost priority, and the potential damage caused by blasting-related tremors should be addressed.

Considering these concerns, I urge the Town Planning Board to deny the application for quarry expansion. The negative consequences on our community members' health, property, and overall well-being far outweigh the need for expansion.

Furthermore, the Town Planning Board and the Town of Gorham should hold the quarry accountable for existing issues. Strict enforcement of laws and ordinances related to dust, noise, and tremor levels must be enforced to protect our community. Transparent communication and collaboration between the board, citizens, and the quarry management are essential to address and resolve these concerns effectively.

The well-being of our community should be the highest priority of town staff and appointed officials. The quarry should only be allowed to expand after addressing all the concerns listed in this

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email. The quarry will have a generational impact on Gorham. Our town will continue to grow, and the quarry's detrimental impacts on Gorham citizens will only worsen if not addressed now. Your decisions have a lasting impact on the quality of life for all residents, and I trust that you will prioritize the community's interests in your deliberations.

Thank you for your time and consideration.

Sincerely,  
Stuart Lander  
23 Queen St.  
Gorham, ME 04038



**PLANNING BOARD  
SITE PLAN REVIEW  
AND FINDINGS OF FACT**

**For  
SHAW BROTHERS CONSTRUCTION – BRICKYARD QUARRY**

**February 5, 2024**

Property Owner: The applicant/property owner is SB Aggregates, LLC, PO Box 69, Gorham, Maine 04038.

Applicant: Shaw Brothers Construction, Inc., PO Box 69, Gorham, Maine 04038.

Property: The lot is identified as Tax Map 31, Lot 15.

Consultants: Shawn Frank, P.E., # 6396, with Sebago Technics.

Project Description: The applicant is proposing an expansion of the quarry area.

Site Description: The lot is 60.5 acres in size and is an existing quarry operation. There is some vegetation on the lot which is a mix of coniferous trees and shrub type brush.

Applicability: Site Plan regulations identify the Planning Board as having review and approval authority.

Zoning: Industrial (I) – Mineral extraction is an allowed use in the Industrial Zoning District

Variances: None requested.

Waivers: None requested.

Pursuant to the Application:

Major Site Plan Amendment and Special Exception Reviews were held on January 8, 2023, and February 5, 2024.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Sebago Technic’s Plans consist of the following:

<p>Sheet 1 of 3 – Amended Overall Site Plan; Dated 11/21/2023; Revised through 01/11/2024; Received 01/15/2024. Sheet 2 of 3 - Overall Grading Plan; Dated 11/21/2023; Revised through 01/11/2024; Received 01/15/2024.</p>
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Sheet 3 of 3 – Active Quarry Plan; Dated 11/21/2023; Revised through 01/11/2024;  
Received 01/15/2024.

Other documents submitted consist of the following:

Application Materials – 12/18/2023; 01/15/2024  
Plans – 12/18/2023;01/15/2024  
Gorham Town Planner Comments – 12/19/2023, 01/02/2023; 1/30/2024  
Gorham Assessor Comments – No comments  
Gorham Fire Chief Comments – 12/20/2023, 01/22/2024  
Gorham Public Works Director Comments – No comments  
Gorham Code Enforcement Officer – 01/29/2024  
Gorham Stormwater Comments – 12/28/2023  
Wright-Pierce – 12/28/2023, 01/29/2024  
Reuter Associates – 12/29/2023  
Abutter Comments – 12/22/2023, 01/06/2024, 01/07/2024, 01/11/2024, 01/22/2024, 01/23/2024,  
01/25/2024, 01/27/2024

**CHAPTER 1, SECTION 1-6 E. SPECIAL EXCEPTION STANDARDS**

The Planning Board shall have the power and duty to approve, deny, or approve with conditions special exceptions only as expressly provided in the applicable zoning districts. The applicant shall have the burden of proving that his/her application is in compliance with the following standards. After the submission of a complete application, the Planning Board shall approve a special exception application or approve it with conditions only if it makes a positive finding based on the information presented that the proposed use, with any conditions attached, meets the following standards:

1. The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads;

The site is accessed by Mosher Road, State Route 237. Mosher Road is identified as an arterial road by the Town. The additional quarry area is not anticipated to increase traffic on Mosher Road.

No pedestrian accommodation is located offsite nor onsite and improvements are not proposed.

No lighting changes are proposed currently.

Stormwater runoff from the site is treated via a series of stormwater ponds. The stormwater system is adequate to address the proposed expansion of quarrying activities.

Finding: *The proposed use will not create or aggravate hazards to vehicular or pedestrian traffic.*

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2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.

Any soil disturbance will require erosion and sedimentation controls that meet the Maine Erosion and Sediment Control Best Management Practices.

The proposed development will not add pollutants to the groundwater. The 2008 findings and conditions of approval shall remain in effect.

*Finding: The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous or unhealthy condition results.*

3. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.

As stated in the written materials received January 15, 2024, the applicant paved the laydown and storage areas, uses water spray bars, and always maintains a sweeper onsite to control dust.

*Finding: The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants.*

4. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration, or fire hazard or unreasonably restrict access of light and air to neighboring properties.

The uses at the site are required to meet A-weighted hourly equivalent sound limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am) for the abutting industrial zoned lots.

The uses at the site are required to meet the A-weighted hourly equivalent sound limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm-7am) for the abutting residentially zoned lots.

The applicant as submitted a letter dated December 15, 2023 from R. Scott Bodwell, P.E. of Bodwell EnviroAcoustics, LLC that states “if the design of the proposed expansion is consistent with the existing quarry, including noise control measures, and there are no significant changes to the equipment operations, sound levels at the facility property line from the proposed expansion will essentially be the same as from current quarry operations.” A third-party review by Eric L. Reuter of Reuter Associates date 12/29/2023 concurred with this assessment.

The applicant states in the written materials received on January 15, 2024, that there has been no changes onsite to affect noise other than to replace diesel generators with electrical service, which has reduced the noise from the generators.

*Finding: The proposed expansion and use shall not create nuisances to neighboring properties.*

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5. The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use.

The applicant shall maintain the system set in place by the 2008 approval.

Finding: *The proposed waste disposal systems are adequate.*

6. The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.

The proposed expansion is not located in a spawning ground, protected wildlife habitat or shoreland zone.

Finding: *The proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty.*

**CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards**

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

**CHAPTER 4, Section 9 – Approval Criteria and Standards**

**B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.**

No changes to vehicular access to the site are proposed from those approved in 2008.

Finding: *Vehicular access to the site will be on roads which have adequate capacity to accommodate the traffic generated by this development.*

**C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.**

No changes to vehicular access to the site are proposed from what was approved in 2008.

Finding: *The vehicular access into the development will provide for safe and convenient access.*

**D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service, and emergency vehicles through the site.**

No changes to internal vehicle circulation are proposed from what was approved in 2008.

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Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

The applicant has demonstrated in its Stormwater Management Report that the additional stormwater runoff from the expansion of quarrying activities can be adequately addressed by the existing stormwater systems.

Finding: *The site does not have adequate provisions for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.*

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

There are no proposed additions or changes to the existing utilities.

Finding: *No changes are proposed with the existing electrical and telephone service. Therefore, this section does not apply.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

There are no proposed additions or changes to the existing lighting currently.

Finding: *No changes are proposed to the existing exterior lighting. Therefore, this section does not apply.*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

The existing landscaping is to remain as it is now.

Finding: *The development plan provides for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.*

T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – Sound Level Limits and the associated ordinances.

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The uses at the site are required to meet A-weighted hourly equivalent sound limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am) for the abutting industrial zoned lots.

The uses at the site are required to meet the A-weighted hourly equivalent sound limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm-7am) for the abutting residentially zoned lots.

The applicant as submitted a letter dated December 15, 2023 from R. Scott Bodwell, P.E. of Bodwell EnviroAcoustics, LLC that states “if the design of the proposed expansion is consistent with the existing quarry, including noise control measures, and there are no significant changes to the equipment operations, sound levels at the facility property line from the proposed expansion will essentially be the same as from current quarry operations.”

Finding: *The development shall comply with the A-weighted hourly equivalent sound limits of 70 dBA daytime (7am-7pm) and 60 dBA nighttime (7pm-7am) for the abutting industrial zoned lots and A-weighted hourly equivalent sound limits of 60 dBA daytime (7am-7pm) and 50 dBA nighttime (7pm-7am) for the abutting residentially zoned lots.*

**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 applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Minor Site Plan Review Committee, except for minor changes which the Town Planner may approve.
2. Prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state, and federal permits.
3. Any staff and peer review comments shall be addressed prior to the Board signing the plans.
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. All existing waivers and variances shall be listed on the plan prior to recording.
6. The owner of lot Map 31, Lot 15 is responsible for compliance with the Town of Gorham Stormwater Ordinance, Chapter 2 - Post Construction Stormwater Management.
7. The map and lot numbers shall be listed in the bottom right corner of all pages of the plan set.
8. That all relevant conditions of approval from past Site Plan approvals shall remain in effect.
9. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise.
10. That no approved site plan shall be released for recording at the Registry of Deeds until the deed combining the lots is submitted for review approvals of Town Staff and the Town’s Attorney.

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11. That prior to the commencement of any site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
12. That all site construction shall be conducted in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application.
13. That the Planning Board Chair is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
14. That these conditions of approval must be added to the site plan and the site plan shall be recorded at the Cumberland County Registry of Deeds within thirty (30) days of the date of written notice of approval by the Planning Board, and a dated copy of the recorded site plan shall be returned to the Town Planner prior to the pre-construction meeting.

**SUGGESTED MOTIONS:**

**FINAL SITE PLAN AMENDMENT AND SPECIAL EXCEPTION APPROVAL:  
Move to grant Shaw Brothers Construction Inc. request for major site plan amendment and special exception approval for an expansion of an existing quarry located at 341 Mosher Road on Map 31 Lot 15 in the Industrial (I) zoning districts, based on the Findings of Fact as written by the Town Planner (and modified and conditioned by the Planning Board).**

**CONSENT AGENDA:  
Move to place the Shaw Brothers Construction Inc. request for major site plan amendment and special exception approval for an expansion of an existing quarry to the next available meeting Consent Agenda.**