

**Town of Gorham  
 Planning Board Meeting  
 January 8, 2023**

**ITEM 3** – 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 Bothers Construction, Inc. and they are represented by Shawn Frank, P.E. of Sebago Technics

<b>INDEX OF PACKET ENCLOSURES</b>	
<b>DESCRIPTION</b>	<b>PAGE NUMBER</b>
1. Overview	2
2. Items of Note	2
3. Aerial Photos	3
4. Staff Review	4-8
5. Findings of Fact, Conditions of Approval and Motions	9-15

**PROJECT TRACKING**

DESCRIPTION	COMMENTS	STATUS
Special Exception and Site Plan Review		January 8, 2023
Site Walk		

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 first 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.
- An updated erosion and sedimentation control plan and reclamation plan should be submitted by the applicant.

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

**3. AERIAL PHOTOGRAPH**

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



**4. STAFF REVIEWS**

**Assessing Department:** No comments received

**Code Department:** No comments received

**Fire Department:** 12/20/2023

Map 31 Lot 15

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

I have no comments at this time.

**Planning Department:** 12/19/2023, 1/02/2023

**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

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

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 in order to make a findings regarding access, circulation, and stormwater.

**Police Department:** No comments received

**Public Works Department:** No comments received

**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

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.

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

**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.

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

**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
  - 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.

**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.

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

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**

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

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

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)



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

**For  
SHAW BROTHERS CONSTRUCTION – BRICKYARD QUARRY**

**January 8, 2023**

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

Variations: None requested.

Waivers: None requested.

Pursuant to the Application:

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

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 as revised through 12/18/2023; received 12/18/2023. Sheet 2 of 3 - Overall Grading Plan as revised through 12/18/2023; received 12/18/2023. Sheet 3 of 3 – Active Quarry Plan as revised through 12/18/2023; received 12/18/2023.</p>
---

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

Other documents submitted consist of the following:

Application Materials – 12/18/2023  
Plans – 12/18/2023  
Gorham Town Planner Comments – 12/19/2023, 01/02/2023  
Gorham Assessor Comments – NA  
Gorham Fire Chief Comments – 12/20/2023  
Gorham Public Works Director Comments – NA  
Gorham Code Enforcement Officer – NA  
Gorham Stormwater Comments – 12/28/2023  
Wright-Pierce – 12/28/2023  
Reuter Associates – 12/29/2023  
Abutter Comments – 12/22/2023

**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 applicant has stated that the existing stormwater system is adequate to address the proposed expansion of quarrying activities. Additional information is needed to resolve discrepancies in HydroCAD modeled areas as flagged by Town 3<sup>rd</sup> Party Engineer review Wright Pierce.

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

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.

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

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

Additional information is needed to resolve discrepancies in HydroCAD modeled areas as flagged by Town 3<sup>rd</sup> Party Engineer review Wright Pierce.

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.

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.

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

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 that 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 that 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 that approved in 2008.

*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.**

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

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. Additional information is needed to resolve discrepancies in HydroCAD modeled areas as flagged by Town 3<sup>rd</sup> Party Engineer review Wright Pierce.

*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 currently.

*Finding: This development will not be provided with 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: The proposed development will not provide 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.

*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.

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

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

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 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 or Decision Document shall be released for recording at the Registry of Deeds until the required performance guarantee has been posted for offsite public improvements; prior to the pre-construction meeting the applicant will establish the following: a performance guarantee totaling 150% of the costs to complete any off – site construction and an escrow for field inspection meeting the approvals of Town Staff and the Town’s Attorney;
11. The applicant shall provide a performance guarantee for an amount adequate to cover 125% of the total construction costs of all remaining site improvements not completed prior to issuance of a temporary or final occupancy permit. The applicant shall complete all required improvements

**Shaw Brothers Inc. – Brickyard Quarry Pit Expansion  
Special Exception and Site Plan Review  
M 31 L15**

---

as soon as possible but the remaining improvements are required to be completed within a year from issuance of the temporary occupancy permit.

12. 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;
13. 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.
14. That the Planning Board Chair is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and
15. 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:**

**TO POSTPONE FINAL SITE PLAN AMENDMENT AND SPECIAL EXCEPTION APPROVAL:**

**Move to postpone further review of Shaw Brothers Construction Inc. request for major site plan amendment and special exception approval for an expansion of an existing quarry pending responses to remaining issues (and revisions to the plans).**

**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)**