

Index as presented to Lamoine Appeals Board March 12, 2018

Section I

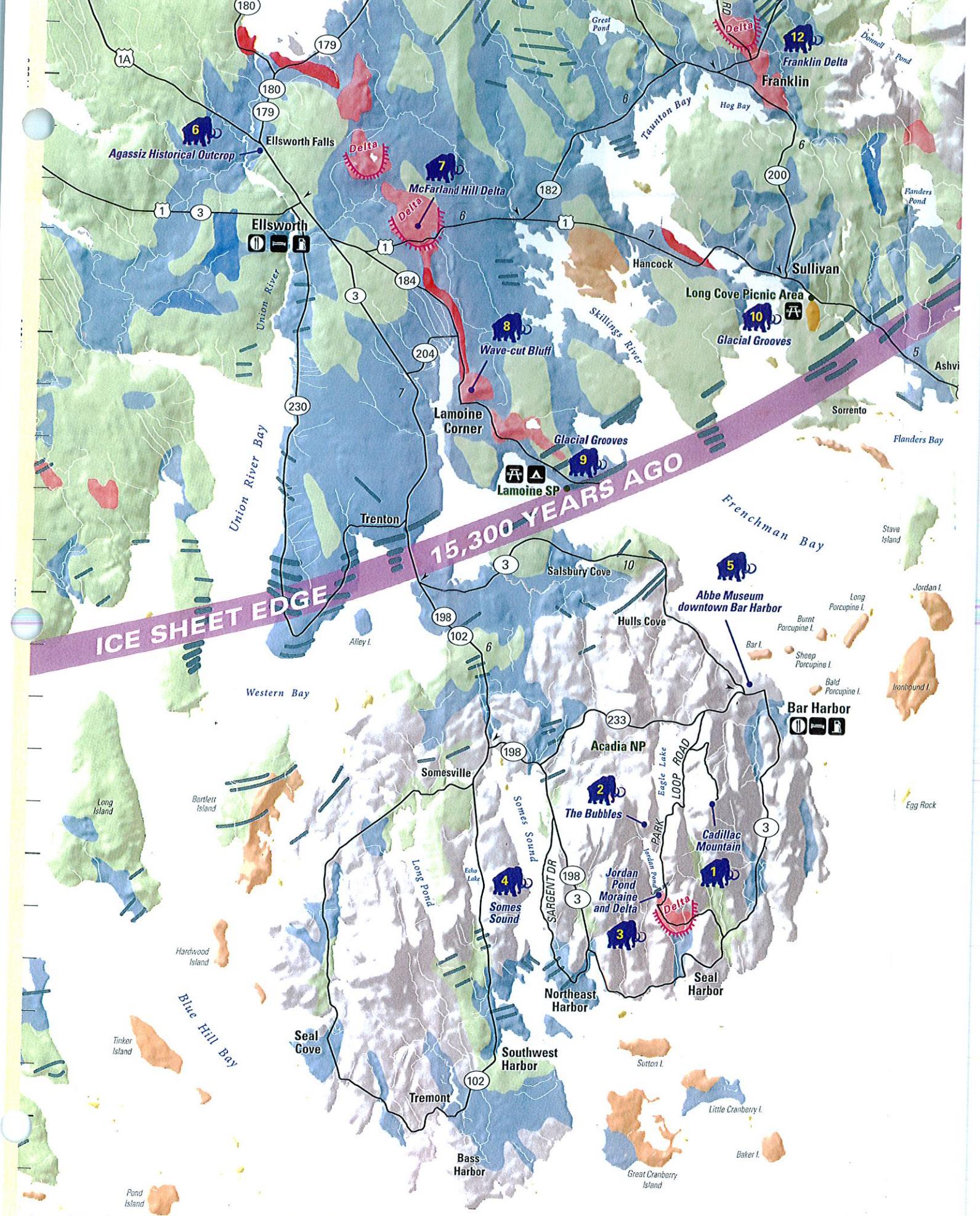
1. **Maine's Ice Age Trail Map**, <http://iceagetrail.umaine.edu>
2. Presentation by Harold W. Borns, Jr. PhD, Maine Certified Geologist #1, Professor Emeritus of Glacial and Quaternary Geology; University of Maine. "**Lamoiners Learn Their Ice Age History**" June 9, 2017.
3. Letter from **Harold W. Borns, Jr. PhD**, Maine Certified Geologist #1, Professor Emeritus of Glacial and Quaternary Geology; University of Maine., to Town of Lamoine Planning Board, December 29, 2012. Re: 12//6/12 Bangor Daily News-"Public Hearing set fro Lamoine gravel it plan" cc: Hancock County Planning Commission, The Ellsworth American- Alan L Baker, Publisher
4. **DEP Fact sheet** LD2073 Act to prevent contamination of drinking water supplies, June 5, 2008.
5. Maine Department of Environmental Protection  
Oil and Hazardous Materials Report Form **Spill #0563-97**
6. Comments on Gravel Extraction Permit Application, Kittredge Pit Expansion, Lamoine, Maine, October 2017, by **Willem Brutsaert, Civil and Environmental Engineer**, specialty in both surface and groundwater hydrology, May 2017
7. **Willem Brutsaert**. Testimony to Lamoine Planning Board regarding hydrologic analysis for the McQuinn application. Includes Figure 1, part of a base map in the McQuinn application.
8. Testimony by **Susan Lund Wuorinen and Dr. John Wuorinen, PhD**, for Lamoine Planning Board Public Hearing, September 27, 2017. Attached: Particulate Matter (PM) Basics/ Particulate Matter (PM) Pollution/ US EPA, "Controlling Air Pollution, Aggregate Industry, Washington State Dept. of Ecology, EPA, Health and Environmental Effects of Particulate Matter (PM)

## INDEX

9. a. Oral and written testimony by Bruce Gillett, 2017. MacQuinn Kittredge Pit public testimony written and spoken. **Summary Graphs pages 6 & 11.** Letters attached in Section III.
- b. Testimony by Bruce Gillett, As presented to the Lamoine Planning Board, 27, September, 2017, "**Population Density Considerations of the Kittredge Pit Expansion**". pp. 1-10.
10. State of Maine Hancock, ss. Superior Court Civil Action, Docket No. cv-11-04. **DOUG GOTT & SONS, INC., Plaintiff, v. TOWN OF LAMOINE**, Defendant. **DECISION AND ORDER ON 80B APPEAL**

SECTION II. Copies of Letters from the public regarding the McQuinn application 2. 46 Letters from the public regarding the McQuinn application.

# ICE SHEET EDGE 15,300 YEARS AGO

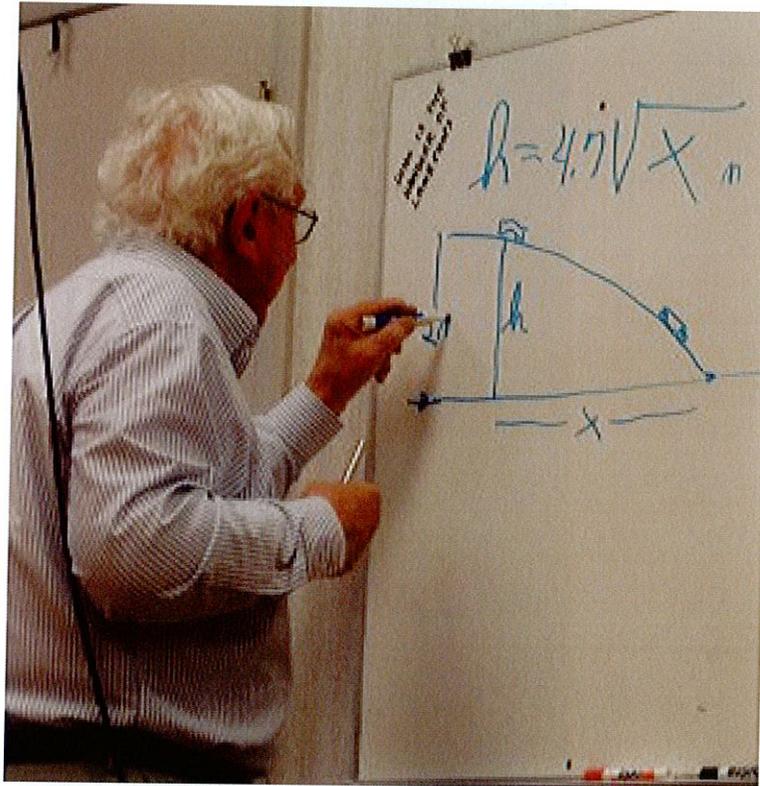


68°30'0" 68°25'0" 68°20'0" 68°15'0" 68°10'0"



# Lamoiners Learn Their Ice Age History

Jun.9,2017

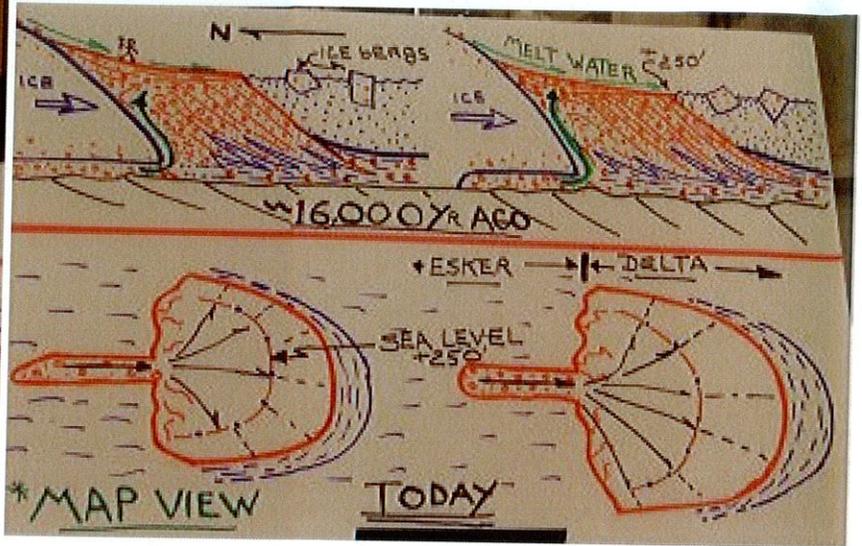
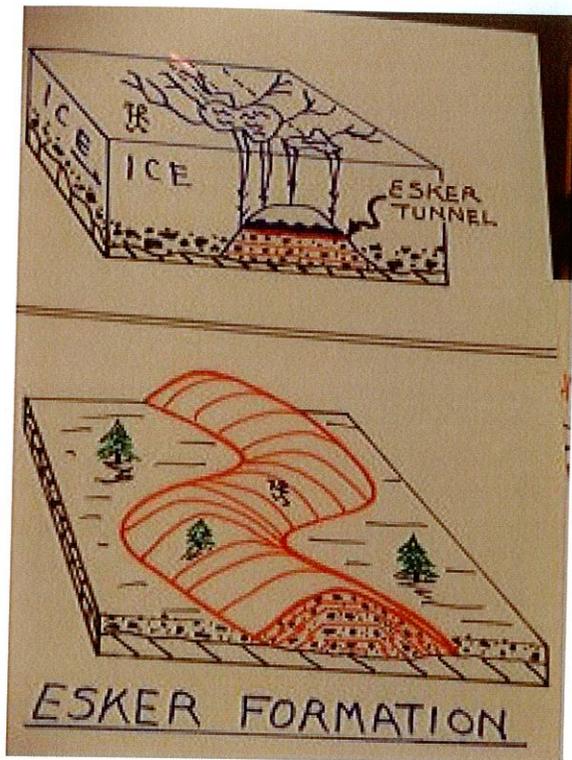


Dr. Hal Borns

On June 7, 2017 Friends of Lamoine sponsored a talk by Hal Borns, Professor Emeritus of Glacial and Ice Age Geology at the University of Maine. It was well attended, filling up our Town Hall to capacity. Video of the entire talk can be watched by clicking [here](#).

Dr. Borns began by talking about the history of understanding about Maine's unique geology, beginning with the early 19th century belief that it was shaped by Noah's flood to later evidence-based glaciology which emerged after 1850 with the theories of Swiss scholar Louis Agazziz.

He then covered the topic of esker formation and the "contact deltas" which formed at the point they reach the ocean. Lamoine's Cousins Hill, he explained, is such a delta, and is a stop (#8) on his Ice Age Trail.

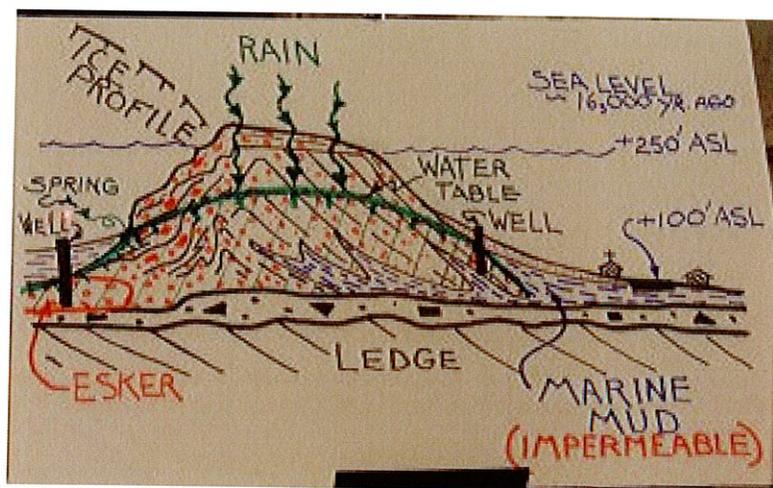


Eskers terminate in deltas which build up tall deposits of sediment where they meet the ocean. Drawings by Dr. Borns.

An esker, or "ice tube" is like an inverted river.

[Click to enlarge.](#)

He then showed a chart depicting the changes in temperature during and after the last period of glaciation to the present day. He pointed to a twenty-year period in which abrupt climate change occurred, a reversal of the overall warming trend in which trees were replaced by tundra. He emphasized that abrupt climate change is common in earth history and will occur again.



[Click for larger view.](#)

Returning to Lamoine's Cousins Hill, Professor Borns presented a cross section showing how water is stored inside. The water table he said, mirrors the shape of the contours of the hill. At the edges of the hill, the ground water can emerge under pressure, an artesian well or spring. An audience member asked if removing gravel decreased the amount of water stored in the hill, he answered yes. In fact, he added, as pits are dug deeper, the water table will continue to drop, reflecting the contour of the land above it, resulting in decreased water storage. In addition, disturbing the top layer compromises the purifying ability of the gravel, since the "good bacteria" live in the soil above the gravel. Gravel alone does a poor job of filtering water he explained, and the state law which allows extraction to five feet above the water table is inadequate in Dr. Borns' opinion. In the case of Lamoine's Cousins' Hill, if the water table were lowered to the level of marine mud, it could seriously impact



the aquifer. Left alone, new soil will form in the pit and again purify the ground water, **but only if** there is enough separation between the soil surface and the water table. Continual disturbance of the pit floor as the gravel is extracted, along with the constant danger of spills will not protect our ground water.

How the proposed expansion of Harold MacQuinn's Kittridge Pit will affect the Cold Spring Water Company's water quantity and quality was clearly a concern in the question and answer session after the talk. Watch the whole video [here](#).

2.

filtration system has been removed and largely sold to residents and businesses of Mount Desert Island for use in constructing their filtration beds for septic fields.

The December 6, 2012 Bangor Daily News article stated that "An application to expand the permitted size of a local gravel pit to 110 acres has been found to be complete by the local planning board. The next step is to hold a public hearing on the proposal, which would make the Kiltredge Pt. 110-acre gravel pit off Route 184, one of the largest mining sites in Maine." From my point of view as a Glacial Geologist, the town has already allowed the destruction of their superb groundwater resource. If this new proposal is approved, the last large available piece of the esker will be removed and in all practical ways, the destruction of this non-renewable esker will be completed, with the approval of the town, leaving Lamoine with a "war torn" landscape along the axis of the town.

As a side issue, from an historical point of view, this pristine piece of the esker, that is under discussion to be mined is, I believe, part of an esker delta whose flat topped surface marks the highest level of post-glacial sea on the Maine Coast, along with beaches that partially ring the high mountains of Acadia National Park at about 250 feet above present sea level.

Please take my comments into consideration when making your decision on the pending proposal.

Signed:

*Harold W. Borns, Jr. Ph.D.*

Harold W. Borns, Jr. PhD, Maine Certified Geologist #1, Professor Emeritus of Glacial and Quaternary Geology; University of Maine

hwb/jvn

cc: Hancock County Planning Commission FAX # 207-667-2099  
The Ellsworth American - Alan L Baker, Publisher FAX # 207-667-7656

Hel Berns

9 Alumni Drive - Apt 126P  
Orono, ME 04473  
December 29, 2012

Town of Lamoine Planning Board  
Town Office  
Lamoine, ME 04605

Attn: Chairman of the Board

Re: 12/6/12 BDN - "Public Hearing set for Lamoine gravel pit plan"

Dear Sir:

I read, with interest, the article in the 12/6/12 Bangor Daily News about a petition to the Town of Lamoine to expand a gravel site. The following are my comments on the subject for your records.

Lamoine was blessed by having a very prominent esker deposited by the last glacier along the axis of the Lamoine Peninsular, from the southern most point northward into Ellsworth and beyond. This esker was a superb sand & gravel aquifer and because of that, a treasure for the town.

Gravel pitting was allowed early on and this process, in nearly all cases, removed sand and gravel nearly down to the groundwater table. This removed the natural filtration system for surface water derived from rain and snow descending to the groundwater tables. In addition, the use of mining equipment and trucks on the floor of the pit contaminated the groundwater with spilled petroleum products, thereby negatively affecting water quality in the area of the pit and beyond.

As time passed, more pits were excavated with the same effects. A description and evaluation of the aquifer, by the town was requested from the Office of State Planning. This was completed by Robert Gerber, Groundwater Hydrologist in 1983.

Even at this late date in the pitting of the esker, Mr Gerber stated that the esker was still an excellent aquifer and still had the ability to produce very high quality drinking water. He recommended that it be preserved as a continuing renewable water resource for Lamoine. Beyond this, it could be used for non-destructive purposes such as housing, recreation and possibly as the basis for a bottled water extraction company using the water as a renewable resource.

In subsequent years, the town chose to ignore the recommendations of the Gerber report and allowed continuous and extensive mining of sand and gravel, so that today the esker is completely lost to the town as a water resource, as well as for any other non-destructive use.

Ironically, it should be pointed out that Lamoine's sand and gravel groundwater



# DEP FACT SHEET

## Facts & Figures

### LD 2073

## An Act to Prevent Contamination of Drinking Water Supplies

Updated: June 5, 2008

**Contact:**

George Seel or (207) 287-2651

David McMcCaskill

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### General Background

1. No Mainer wants oil or hazardous waste in their drinking water. Over 50% of Mainers get their drinking water from ground water sources. Eighty-nine (89) percent of community public water systems serving Maine towns rely on ground water as their drinking water supply. Forty-one (41) percent of households in Maine get their drinking water from a private well.
2. The cost of remediating oil and hazardous waste spills and discharges near public and private drinking water supplies is high. The same is true of spills into Maine's significant sand and gravel aquifers. The sensitivity of these sites and the potential for public exposure to these contaminants drive up the costs. For example, the Maine Department of Environmental Protection spent over \$600,000 to remediate two home heating oil tank discharges in a subdivision on the sand and gravel aquifer providing water to the town of Rumford. \$3 million dollars in expenditures were incurred by the Department and the Portland Water District when two wells serving 2000 residents in North Windham had to be abandoned and replaced with a major waterline extension due to contamination from a new, state-of-the art gasoline station located in the well's source water protection area. In 1988 one of the Town of Lisbon's two municipal well fields was contaminated by solvents discharged by an electronics manufacturing facility. The solvents traveled 2000 feet and under the Sabattus River to contaminate a town well at concentrations twice the drinking water standard. After 19 years of remediation by the responsible party and expenditures in excess of \$4 million, including drinking water treatment, work continues to address the risk to the well field from this contamination.
3. There have been no less than four (4) studies and reports by the Maine Center for Disease Control's Drinking Water Program to the Legislature recommending better well head protection. The most recent was submitted on February 1, 2007 and entitled "Integrating Public Water Supply Protection into the State of Maine's Vision". This stakeholders' process and study's principal finding was "that the primary risk to public water systems lies in the unmanaged development in areas contributing water to their wells or intakes". The report makes three (3) major recommendations. First, all State agencies should consider the impact of their decisions on public water supplies. Second, forestry, low intensity recreation, and agriculture should be encouraged in water supply protection areas. Lastly, "that the areas immediately around public water supplies be declared a protected natural resource, and any new activities in the area be reviewed for impact at the state level". This bill takes a significant step toward implementing the recommendations of this report and protecting well head protection areas from those new land uses that historically have been significant sources of ground water pollution by oil or hazardous waste, and pose a public health risk.

### **AST Oil & Hazardous Waste Generating Facilities Are Inherently Risky**

4. Some new AST oil and hazardous waste generating facilities inevitably will fail, resulting in a discharge of contaminants to ground water contamination. Failures/environmental discharges will occur regardless of degree of engineering (aka bells and whistles), due to equipment failure and fatigue, installation errors, operating errors, and other human errors.
5. From experience investigating oil and hazardous waste discharges, we know these contaminants travel considerable distances in ground water, especially in fractured bedrock and in sand and gravel aquifers. Gasoline, hazardous solvents and other hazardous wastes have been found repeatedly to migrate great distances. Gasoline travels a minimum of 300 feet in 25% of discharges, and along with solvents, often close to or even exceeding 1000'. For example, in a North Fryeburg sand and gravel aquifer, benzene, a component of gasoline and a human carcinogen, traveled more than 850' at concentrations above drinking water standards. In Buxton, benzene from a gasoline discharge traveled approximately 2000' in bedrock fractures. Even less mobile heating oil has been found to migrate more than 300 feet in 20% of contamination cases, and farther in shallow, fractured bedrock found in many Maine coastal communities.

### **Location, Location, Location**

6. Absent any restriction on siting, new AST oil and hazardous waste generating facilities are often constructed near public and private wells.
7. The State and the Department have no authority to regulate the siting of larger AST oil facilities or most hazardous waste generating facilities due to their proximity to public or private drinking water wells. Nor does the Maine Drinking Water Program. Ironically, the exception is the unorganized townships where the Land Use Regulation Commission can regulate the siting of such facilities. The Department and the DHHS have some authority over the siting of a number of activities and facilities that pose a significant risk to ground water and drinking water supplies, including underground oil storage tanks. Notable exceptions, however, are AST oil facilities and most hazardous waste generating facilities.
8. In case of AST oil facilities don't know number or location of all AST facilities, since no current registration requirement and construction permit records from the State Fire Marshal are not required to be kept current. It is reasonable to assume that AST facilities locate in a similar manner as their underground oil storage tank (UST) counterparts – 43% located in well head protection areas and sand and gravel aquifers. Do know that 27 public drinking water supplies have at least one AST oil facility (not including home heating oil tanks) in their mapped source water protection area. Another 157 supplies have an oil AST within 1000'. Many more are located in close proximity to private wells. From 2000-2006, the Department has had to replace 265 oil contaminated private wells. About 60% of these required the development of an entirely new replacement community water system or the extension of a public water line in such communities as Madawaska, Oquossoc, Searsmont, St. Francis, and Tenants Harbor.

### **Costs of Inadequate Well Head Protection**

9. DEP's strong support of well head protection comes from its experience over the years from remediating oil and hazardous waste contamination sites. Prevention is far less expensive and more cost effective than remediation. The Department does a good job at remediating contamination risks to drinking water supplies, but has limited ability to avoid the need for such clean-ups by preventing the inherent risk to supplies.

10. Discharges in well head protection areas are more expensive than other locations to remediate. Remediation sites located in areas to be protected in the future by this bill consume a disproportionate share of the Department's remediation funding. Over a 10 year period from 1994 to 2004, the Department expended \$7.3 million on the remediation of AST oil facilities (not including home heating oil sites) from the Maine Ground Water Oil Clean-up Fund. Approximately a quarter (26%) of the sites remediated were responsible for more than half (57%) of the costs. These were the sites in the more environmentally sensitive locations. 86% of long-term oil remediation sites on DEP's current priority list (446 total sites) are located in well head protection areas and sand and gravel aquifers as defined in the bill. In the case of both oil discharges and hazardous waste discharges, the sensitivity of the location of the discharge is the principle factor in determining the cost of its remediation followed by the chemical and toxicological properties of the contaminants.
11. Home heating oil tank and piping discharges also pose a substantial risk when located in close proximity to drinking water supplies, or on their recharge areas. This should be no surprise in a state with approximately 418,000 households storing heating oil. Discharges are frequent and costly, especially in well head protection areas. From 2000 to 2005, inclusive, the Department responded to 2,946 home heating oil tank system discharges, an average of 1.4 each day. While 60% did not require out-of-pocket monetary clean-up expenditures (cleaned up by DEP staff or town fire dept.), the other 40% of cases cost the Maine Oil Ground Water Clean-up Fund almost \$10 million over this six year time span, and an average of \$1.7 million per year. Again, the sensitivity of the discharge site determines the severity of its impact and subsequent remediation cost.
12. The Department has funded the replacement of over 6,500 existing home heating oil tanks that posed a high pollution risk since 1998. In the last several years, tanks in well head protection areas of community water supplies have been the focus of the Department. These were replaced with tanks that provide secondary containment of leaks. These include well head protection areas for the community water systems serving Kingfield, Rumford, Mexico, Old Town, Deer Isle and Hallowell. The single largest cause of home heating oil tank failures is internal corrosion. The most feasible preventative measure is to use tanks with secondary containment and which can contain leaks before they reach the environment or go under the home.
13. LD 2073 is selective as to which new hazardous waste generating facilities' location would be restricted. Hazardous waste generating facilities that historically have been the worst polluters and the most costly sources of ground water and indoor air contamination are targeted. These include automobile junkyards, commercial auto body and repair shops, metal finishing or plating plants, dry cleaners using the solvent Perchloroethylene and commercial, large scale hazardous waste treatment, storage, or disposal facilities. Although we do not know the location of all hazardous waste generators, of the 1302 locations of dry cleaners, auto body shops, and junkyards that are known, we know that seven (7) percent are located in a well head protection area of a public water supply and another 16% are located on significant sand and gravel aquifer. Of medium and large quantity hazardous waste generating facilities, 19 are located in the source water protection area of a public drinking water supply, and 129 are located on mapped significant sand and gravel aquifer.
14. Dry cleaners are a good example of the risks posed by common generators of hazardous wastes in our communities. In a 2005 study of dry cleaners in Maine, and the public health and environmental risks they pose, the DEP identified 187 current and former dry cleaner locations that use or used the solvent Perchloroethylene (PCE). Of those evaluated to date, 20 have been found serious environmental contamination requiring remediation and are listed as Uncontrolled Hazardous Waste Sites. Other

national studies have estimated that 75% of dry cleaner locations have contamination and require clean-up. Although current dry cleaner processes do not create as much pollution as earlier processes, they still have releases. PCE exposure causes damage to the central nervous system, lungs, liver and kidneys. In addition PCE is listed as a probable human carcinogen by national and international health organizations. The Maine Maximum Exposure Guideline (MEG) in drinking water is 7 parts per billion (ppb). Remediation of ground water and indoor air contamination by PCE is expensive. At a former Bangor dry cleaner effecting neighboring residences cost the Department more than \$1.1 million to remediate. Former dry cleaners in Sanford, Biddeford, Lewiston, Millinocket, Presque Isle and Caribou identified as requiring clean-up, remediation costs are estimated to cost an average of \$215,000 each.

15. Mapped significant sand and gravel aquifers are well recognized for their sensitivity to pollution and their importance to Maine towns and cities as cost effective drinking water sources. Because of the high cost to treat surface water supplies, ground water wells are Maine's drinking water source of the future. Consequently the trend in Maine is for water utilities to move to sand and gravel aquifers and other ground water resources. Recent examples include Augusta, Caribou and Eagle Lake. Will those aquifers be clean when Maine's towns and cities need them?

#### **How Much of Maine Is Effected?**

16. Utilizing Maine's Geographic Information System (GIS), well head protection areas and sand and gravel aquifers covered by LD 2073 would include approximately 13% of the State's surface area. Making up this total area, 8% is within close proximity to private drinking water supplies. Mapped high yielding sand and gravel aquifers, areas in close proximity to public water supply wells, and their associated recharge areas (source water protection areas) make up the remaining 5%.

#### **Economic Benefits of Well Head Protection**

17. Because Mainers commonly take clean drinking water for granted, the economic value of clean, healthy drinking water supplies is often overlooked. However, the economic benefit of encouraging the location of new, high pollution risk land uses away from significant drinking water resources is easily in the many millions of dollars statewide each year. The magnitude of such benefits can be assessed by estimating the magnitude of the costs of the pollution avoided as a consequence of more effective well head protection.
18. The cost to replace a community well is one means to estimate its economic value. For moderately sized community water systems in Caribou, Hartland, Presque Isle and Waldoboro who have recently made this investment, the cost has ranged from \$1.3 to \$3.9 million.
19. Another method to estimate the value of clean drinking water is to isolate the economic value of the water itself. This can be estimated by subtracting the cost to extract and deliver the water from its source to users from the revenue generated by the sale of that water. For example, in 2006, the Augusta Water District provided 557 million gallons of water to its customers, the net income produced, or the value of that 557 million gallons, is approximately \$1.3 million. With 346 community water supply systems in Maine that rely on ground water for the drinking water they provide the public, the total worth of that water is easily in the hundreds of millions of dollars annually.
20. Both of the methods above under estimate the value of clean drinking water. Neither takes into account the numerous indirect costs which are incurred when a clean water supply well is polluted. A few examples include the public health impacts, lost economic development and reduced property values. These estimates also do not

take into account the value of the loss or impairment of a currently untapped or underutilized high yield sand and gravel aquifer due to oil or hazardous waste pollution. Sand and gravel aquifers are the most cost effective water supplies of tomorrow for those Maine cities and communities fortunate enough to be located near such a resource. These aquifers should be viewed as an essential part of the State's economic infrastructure. This includes the additional cost of having to go to more expensive water sources when sand and gravel aquifers are contaminated.

21. Regardless of the method used to estimate its dollar value, keeping drinking water supplies clean is a very cost effective means to ensure protection of public health and local economies.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OIL & HAZARDOUS MATERIALS REPORT FORM

Spill Number B - 0563 - 97

Report Status: FINAL

**SUBJECT / OWNER OR OPERATOR**

Name (Last, First, MI): HAROLD MACQUINN INC

Address: P O BOX 789

Town: ELLSWORTH

State: ME Zip Code: 04605

Telephone: (207) 667-4653

Ext:

Comments:

**LOCATION / FACILITY INFORMATION**

Name of Spill Location: HAROLD MACQUINN INC

Address: HEADQUARTERS COMPLEX

Location ID: 27181

Minor Civil Division: HANCOCK

Local Name:

Latitude N: 44 31 52 Longitude W: 68 20 52

**SPILL / EVENT INFORMATION**

Spill Type: B (Table A) Amount Spilled: 100.99 G (Gallons, Cubic Yards,  
Pounds, Barrels)

Product Reported Spilled: 29 (Table B) Product Actually Found: 29 (Table B)

Date Of Spill: Time Of Spill:

Date Reported: September 29, 1997 Time Reported: 1500

Cause: 09 (Table C) Detection Method: 6 J (Table D)

Incident Code: A - CM - L - U (Table E)

Response Time Involved: 4.8 Wells At Risk: 0 Wells Impacted: 0

Investigator(s) VARNEY, THOMAS *TW* *AFM*

**REPORTING INFORMATION**

Name (Last, First, MI): WINCHESTER, LARRY-WEBBER ENERGY

Address: 700 MAIN ST.

Town: BANGOR

State: ME Zip Code: 04401

Telephone: (207) 942-5501

Ext:

Spill Number: B - 0563 - 97

**CLEAN-UP INFORMATION**

Spilled Product Recovered: 100.99 G Method: G (Table K)

Other Product Recovered: Method: (Table K)

Contaminated Soil: 64.99 T (Cubic Yards or Tons)

Disposal Info: SPREAD TO WEATHER

**OTHER ACTIONS**

Expenditure(s):		Third Party Damage Claim Expected:	N
From Surface Water Fund:	N	Enforcement Referral:	N
From Ground Water Fund:	Y	Insurance Fund Claim:	Y
From Hazardous Waste Fund:	N	Technical Services Referral:	N

**UNDERGROUND TANK(S) INFORMATION**

Tank Registration Number: 888 Number of Tanks Removed: 2

**NARRATIVE**

HYDROCARBON CONTAMINATION WAS ENCOUNTERED IN THE SOIL AROUND THE TANKS AT HAROLD MACQUINN'S. ACCORDING TO THE SITE ASSESSMENT, (ON FILE) THE CONTAMINATION STEMMED FROM OVER FILLS OF THE TANKS THEMSELVES AND FROM SPILLAGE AT THE PUMP ISLAND.

BECAUSE THE SITE IS ON A MAPPED SAND AND GRAVEL AQUIFER, A STRINGENT CLEANUP STANDARD HAD TO BE ACHIEVED. IN ALL, 64 TONS OF CONTAMINATED SAND WERE REMOVED FROM THE TANK HOLE AND THEN SPREAD AND FERTILIZED TO WEATHER AT MACQUINN'S PIT IN HULL'S COVE.

Initial Clean-up Actions Agreement

Page 1 of 1

DEPT. OF ENVIRONMENTAL PROTECTION  
BUREAU OF HAZARDOUS MATERIAL & SOLID WASTE  
RESPONSE SERVICES DIVISION

Facility Name: HAROLD MAC QUINN Address: POB 789

Owner: GAME ELLSWORTH

Registration No. EEVE DEP Spill No. \_\_\_\_\_

Date: 9/29/97

JLV Vandy (signature of DEP Rep) have investigated ABOVE NAMED FACILITY (facility name)

site and find the following clean-up actions necessary before 10/3/97 (specify an agreed date)

1. EXCAVATE CONTAMINATED FILL DOWN TO  $\leq 100$  PPM BY  
PID OR DOWN TO 20' DEPTH, WHICHEVER COMES FIRST.

BACKHOE - \$85.00/HR

DUMPTRUCKS \$37.00/HR WHEELERS  
45.00/HR TRI X

BULLDOZER 55.00/HR.

LOADER 70.00/HR.

BACKFILL \$5.00/40<sup>3</sup>.

I understand that compliance with the above does not define the limits of remediation or release the facility owner from responsibility for further remediation.

Robert [Signature]  
OWNER OR REPRESENTATIVE

9/29/97  
DATE

Maine Department of Environmental Protection  
Bureau of Hazardous Materials & Solid Waste Control  
17 State House Station  
Augusta, Maine 04333-0017  
Attention: Tank Removal Notice  
Telephone: (207) 287-2651

7/93

NOTICE OF INTENT  
TO ABANDON (REMOVE) AN  
UNDERGROUND OIL STORAGE FACILITY

THIS FORM MUST BE FILED WITH THE D.E.P. AND YOUR LOCAL FIRE DEPARTMENT AT LEAST 30 DAYS PRIOR TO THE SCHEDULED REMOVAL

PLEASE TYPE OR PRINT IN INK:

Name of Facility Owner: HAROLD MACQUINN INC  
Mailing Address: P.O. Box 789 Telephone #: 667-4653  
City: ELLSWORTH State: ME Zip Code: 04605  
Contact Person (name, address & telephone #): ROBERT M. GILES  
667-4653  
Name of Facility: GARAGE Registration #: 888  
Facility Location (town & street): MACQUINNS Rd ELLSWORTH ME

1. Identify the tanks at this location which are going to be removed:

Tank #	Tank Age	Tank Size (gallons)	Type of Product Stored
1	<del>576</del> - 21 yrs	18000	D5L
2	<del>576</del> - 21 yrs	5000	85L GAS
3			234
4			

2. Directions to this facility (be specific):

Left at traffic light at McDonalds onto RT 1 go 3-4mi on RT yellow Bldg. sign-macQuinns Rd. TAKE RIGHT Building's 1/2-3/4 mile on LEFT in P.t yard in front of Garage

3. Is or was the tank(s) used to store Class I liquids (e.g. gasoline, jet fuel)? Yes  No

IF YES, REMOVAL OF THE TANK(S) MUST BE DONE UNDER THE DIRECTION OF A CERTIFIED TANK INSTALLER.

Tank Installer's Name: Larry Winchester Certification Number: 175 Signature: [Signature]

4. Environmental site assessments are required for all tanks except those used for storing heating oil, not for resale, or for farm or residential motor fuel tanks under 1,100 gallons where the product is used on site. Site Assessor's Name and Address (if applicable):

Acadia Environmental Ptl'd Inc

5. Name and telephone number of contractor who will do the tank removal:

Webber Oil Co 942-5501 x 274

6. Expected date of removal (month/day/year): Sept 29, 1997

I hereby provide Notice that I intend to properly abandon the underground oil storage facility as described above.

Date: 9-25-97 Signature: Robert M. Giles

Printed Name and Title: Robert M. Giles PROJECT MANAGER

Mail original and yellow copy to DEP; pink copy to fire department; retain gold copy.  
RETURN POSTCARD AFTER TANK(S) HAS BEEN REMOVED

## COMMENTS

on

Gravel Extraction Permit Application  
Kittredge Pit Expansion  
Lamoine, Maine  
October 2017

by

Willem Brutsaert  
May 2017

**SUMMARY:** Cold Spring (CS) ties in with the regional groundwater flow of the hill to the west-northwest (Cousins Hill), which is the recharge area of CS and provides water to about 50 households, to the school, and to the fire department. Removing the hill, the last significant sand and gravel hill in Lamoine, will affect the regional groundwater flow, and will reverse the flow from CS (static water level at 133 feet) to the planned "pit" (floor level at 60 feet), which means that CS would stop flowing. This is an immutable law of regional groundwater flow. The risk of failure of CS is high due to the inherent uncertainties of these kinds of studies aggravated by a paucity of data on this very heterogeneous geology. In view of the fact that every home in Lamoine depends solely on groundwater of which CS is a part, it is unconscionable to permit anybody to take that risk by removing the hill. Lamoine will continue to grow, and one day the residents of the town may regret the damage done to its landscape, to its hydrogeology, and hence to its sole source water supply.

**COLD SPRING (CS)** is a spring and *not a pumped well* as is erroneously portrayed in attached Figure 1 (copied from Permit Application). CS has all the characteristics of a true spring, that is, it has a steady flow year round caused by artesian conditions, and is not affected by prolonged periods of drought or long-lasting winter conditions when the soils are frozen and/or covered with snow, preventing infiltration. If CS were to depend solely on a perched (unconfined) groundwater system, it would have had a much more intermittent flow nature and even occasionally run dry.

**Figure 1 is indeed very misleading and fundamentally wrong.** The so-called capture zone or field erroneously portrays a radial flow toward CS as if it were a pumped well, causing a cone of depression around a low pressure point. A natural flow field in a sloping aquifer is far from radial, but consist largely of parallel flow lines. In addition, and even more significant as a big *no-no* of regional groundwater flow, the portrayed radial flow field crosses a groundwater divide, indicated by the red line on Figure 1. Because the groundwater table of unconfined aquifers mimics the surface topography in a somewhat subdued form, flow directions are as shown by the red arrows. Water tables of unconfined (perched) aquifers never slope uphill in the direction of flow. Note that surface contour 150 is a result of computer interpolation, and should be located a little farther to the east (see portion of original USGS topographic map, Figure 2). **The net effect of all this is that very little “perched” water flows toward CS.** The existence of this groundwater divide and its effect on flow directions is also substantiated by the Maine geological Survey Significant Sand and Gravel Map (Locke, 2007), and by statements in a January 15,

2010 S. W. Cole report "*Hydrogeological Services Report, Proposed Billings Gravel Pit Expansion*".

Lastly, the blue line on Figure 1 indicating "deep groundwater flow divide (approx.)", is arbitrary and meaningless, especially in light of the heterogeneity of the system and lack of data to establish this divide.

**WATER LEVELS** in the Cold Spring observation wells, CSW1 through CSW6 (Figure 1), show slight variations, with the lowest values usually occurring around September. Except for the water levels in CSW5 and CSW6, their values are, on average, similar to the static water level elevation in the Cold Spring house cistern of 133 feet, and below that in the fall, thus not suggestive of much "perched" water flow toward the spring. The average water level elevation of CSW5 is about 122 feet to 123 feet. The water level elevation in CSW6 has been falling gradually to below 130 feet, with a significant drop in the fall of 2016, down to 113 feet, followed by a recovery to 128 feet, again suggesting no perched water coming from that direction. Note that the water level elevation in CSW6 is erroneously labeled on Figure 1 at 135.4 feet, which was the first measurement right after the well was constructed and before the water level could equilibrate with the surrounding conditions.

**The short story here is that there is not enough "perched" water to provide CS with a steady flow of water.**

**HYDROLOGIC CONSEQUENCES** of removing Cousins Hill. Strip-mining sand and gravel off the top of an aquifer removes the filtering effect of the sand and gravel that protects the quality of the underlying water supply. In the case of Lamoine, ***groundwater is the sole-source water supply***, thus potentially exposing it to all sorts of pollution. Accidents happen, no matter how careful one might be. The idea - expressed by a local resident at the Lamoine public hearing of May 22, 2014 on the referendum question - that any potential pollution of Lamoine's aquifer would come from north of Town, *from as far away as Lucerne*, or that any local pollution would quickly be flushed out, is incorrect and ludicrous, because most pollutants of concern, that is, hydrocarbons such as petroleum products and solvents, are immiscible with water and either adhere to soil particles or get trapped in "dead-end" pores. Most of these trapped hydrocarbons are extremely slow to biodegrade. In the meantime, however, slow dissolution of these hydrocarbons in water will cause problems for our water supply for many years to come. Who would want to buy a house with a polluted well? A perfect cleanup is impossible.

Another major negative effect of removing the sand and gravel is that the storage capacity of the underlying aquifer is totally being eliminated, because, when gravel pit operators establish the sand and gravel mining limit of five feet above the seasonal high water table, there isn't a very serious attempt to determine the "seasonal" high water table as is required by the Lamoine "Gravel Ordinance". And how about climate change and the effect it will have on the seasonal high water table? If precipitation is expected to increase for the northeastern United States as predicted, with many scientists and engineers already reporting observable increases\*, then all currently

active and planned gravel pits are in deep trouble. An interesting anecdote related to this occurred when on one of the author's trips to McQuinn's gravel pit north of town to purchase some crushed rock piled at the bottom of the pit, he was literally driving on top of the water table as water was clearly visible between the pebbles at the floor of the pit.

The most consequential effect in the case of Cousins Hill is the impact on regional groundwater flow. With a floor level of the proposed pit of 60 feet, all water of the area will drain to it, and all springs in the area will dry up, including Cold Spring with a static water level of 133 feet.

**CONCLUSION.** No one must be permitted, *or given a permit*, to take the risk of causing Cold Spring to stop flowing.

\*See for example the Commentary: "*On Global Warming*" by W.Brutsaert, The Ellsworth American, 12 September, 2013; or, The American Geophysical Union's position statement on Global Warming and Climate Change: "*Human Induced Climate Change Requires Urgent Action*", August 2013.

Good evening! I am Willem Brutsaert. I live at 10 Ash lane in Lamoine. I am a Civil and Environmental Engineer with a specialty in both surface and groundwater hydrology. At the public hearing last month (27 September, 2017) you, the Planning Board, were given my hydrologic analysis explaining why Cousins Hill must not be removed at the risk of causing Cold Spring (CS) to stop flowing. My main conclusion therefore is that nobody must be given a permit to remove that hill.

In the handout I just gave you, I included Figure 1, which is part of a base map in the McQuinn application, but all the red markings are mine.

I take special issue with the misleading and fundamentally wrong pie-shaped capture zone of CS suggesting a radial flow toward CS as if it were a pumped well. Even worse is the fact that this ridiculous pie-shaped capture zone crosses groundwater divide which is totally against the fundamental principles of regional groundwater flow (*A groundwater divide is a natural barrier allowing no water to cross, in this case due to a water table high separating the flow to both sides*). Look at Figure 1 for the location of the divide. The red arrows on Figure 1 indicate the groundwater flow directions. **CS, located just east of this divide, is a natural spring** and does not behave as a pumped well, as Figure 1 would leave you to believe. **Cold Spring flows at a fairly steady rate year round**, unaffected by periods of prolonged drought or winter conditions when there is very little or no recharge of nearby perched groundwater. Therefore, CS must be connected to the regional groundwater of the hill to the west, the hill that will be removed.

The implicit contention in the McQuinn application is that CS is fed by so-called perched water to the west, and that removing the hill will not affect CS. But the existence of (1) this groundwater divide, (2) no recharge of perched water during droughts or winter conditions, and (3) the water level data of the observation wells in the area that I have analyzed, indicate that there is very little, and at times, no perched water flowing toward CS. And, let us not forget that the floor level of the proposed pit will be at elevation 60', whereas the hydrostatic water level of CS is at elevation 133'. This will cause the groundwater flow direction to reverse toward the planned pit, drying up any spring in the area.

In addition, removing the hill increases the risk of groundwater pollution as I explained in my paper. The biggest concern is hydrocarbons. The fact that the results of the most recent sampling of the Gott-Goodwin pit came out below detection level, may be good news for some, but is nothing to boast or grandstand about. We should remain vigilant and very concerned. Something was there. A spill of some sort has occurred, may be recently, may be a long time ago. It is not always easy to find the source of the spill.

Hydrocarbons do not flow like water in an aquifer. They are immiscible with water and tend to get trapped in the porous environment. However, hydrocarbons are soluble in water, very "sparingly" as chemists would say, and once dissolved, they move with the flow of water. That's why hydrocarbon spills are so difficult if not impossible to clean up.

The physics of flow of hydrocarbons in a water-wet environment is very complex. Some of these hydrocarbons, such as solvents, are heavier than water. The heavier hydrocarbons tend to sink across the water table until they get trapped due to the presence of bedrock or a clay layer, or when they reach their residual saturation. *Residual saturation is the saturation when capillary forces prevail over gravitational forces holding the hydrocarbons in place*. The lighter-than-water hydrocarbons will come to rest and float on top of the water table.

Let me stop here by saying that wherever there is human activity, there will be accidents, no matter how careful one might be.

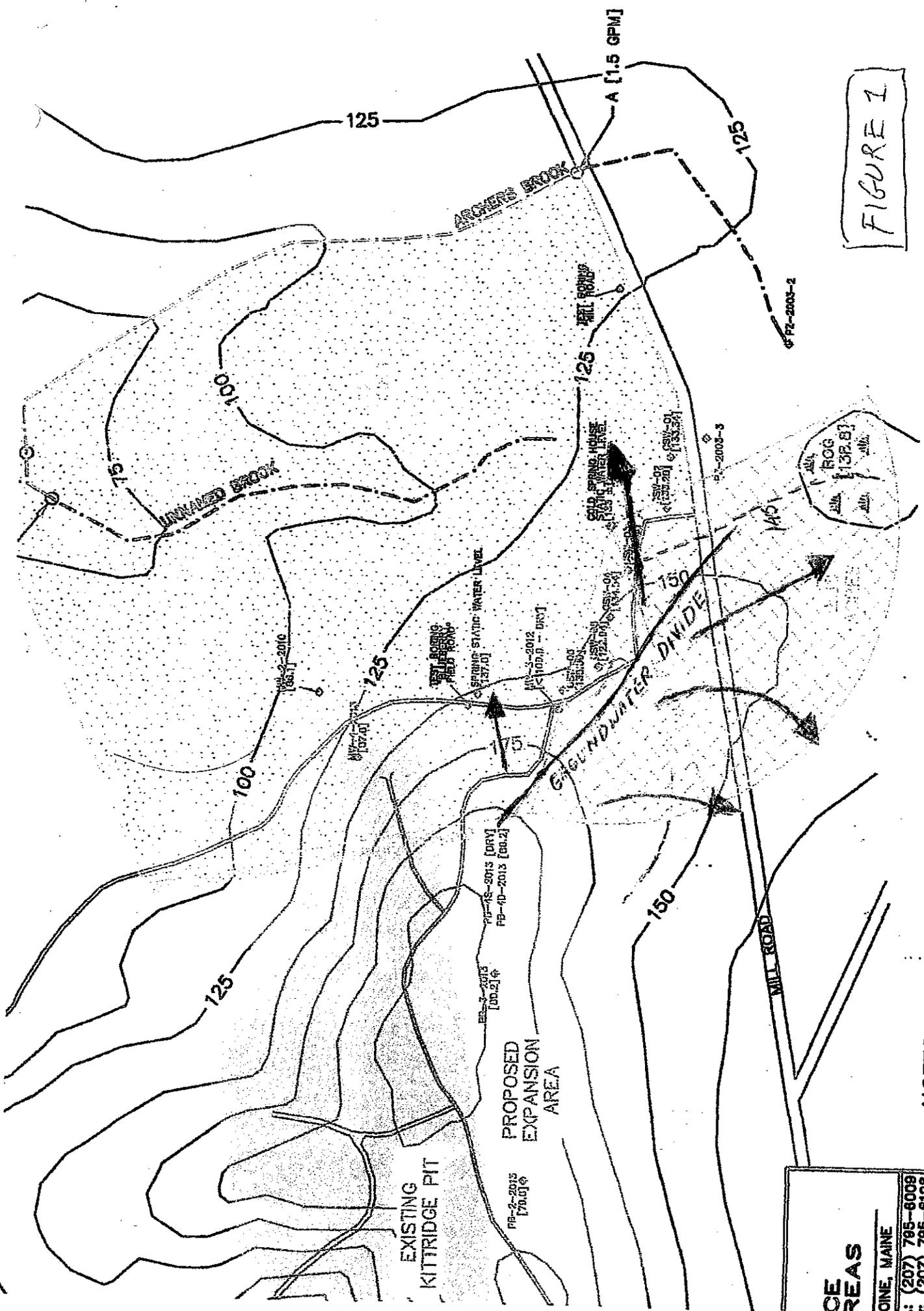


FIGURE 1

**NOTES**

- 1) BASE PLAN AND TOPOGRAPHIC COUTOURS IN NGVD29 DATUM PROVIDE BY

**CE REAS**  
 JOINE, MAINE  
 P: (207) 785-8009  
 F: (207) 785-6128  
 WWW.SURMITENY.COM

Lamoine Planning Board Public Hearing  
September 27, 2017

Greetings,

I know the words I am to speak must have a direct connection with the Harold McQuinn Inc. application to remove Cousins Hill, or they might be disregarded. I will get to them but first a short preamble. There is a deeper reason to be here and that is to speak for that which cannot. I came here in 2000, drawn by the Medicine Springs, (later known as Latona Spring) and the waters which feeds it and the peace and beauty of the coves, rivers and streams and brooks.

Others are here for what the land can provide for them with little or no regard for what they will leave behind. We stand on sacred ground, the end of a mighty glacier. When it retreated it left a gift...sand and gravel which filters the rain and provides us with one of the few places in Maine, where one can still drink unfiltered groundwater.

If this expansion is approved, where a hill once stood, there will be a crater, where trees once stood there will be nothing; where birds and animals once had their homes; there will be nothing. What these corporations will leave us with is a vast wasteland. This is old, this conflict, you can read about it in the ancient myths or The New York Times. For me/us we no longer have the privilege of looking the other way, what is left we need to preserve or Lamoine will crumble into this wasteland.

If the water is poisoned what will you drink? If the air is polluted, what will you breath...which leads me into the second reason I am here.

I would like to address the gravel mining and its effect on the air quality of Lamoine, Maine. In Town of Lamoine, Site Plan Review J.11 of the General Review Standards states:

“The proposed development shall not create an emission of dust, dirt, fly ash, fumes, vapors or gases that could damage human health, animals, vegetation or property, or that could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission. All such activities shall also comply with applicable federal and state regulations.”

Unlike the water quality regulations, I see no directions or procedures for testing air quality of this new excavation, (let alone no required tests for “fugitive dust emissions” on the surrounding properties and citizens.)

I am very concerned how this Kittridge expansion will affect the environment around Lamoine Corner, especially the school. How will this activity affect all who are present six months of the year, especially students who are particularly vulnerable as their lungs are not fully developed?

The standards in J.11 are very clear. We need to test and research to know how this excavation will impact our citizens.

Curious to know what the State of Maine Regulations for Air Quality and Gravel Mining are, I looked and found, sadly, they had been repealed.

All is not lost in the area, as each community can enact more stringent regulations than the state.

There is no question in my mind this needs to be addressed before any further permits are granted.

It appears some states are concerned with Particulate Pollution. Texas, for example, does not allow screening operations within a quarter of a mile from the nearest recreational areas or residences, other than the owners house.

Washington State Department of Ecology has an excellent Focus paper on Controlling Air Pollution in the Aggregate Industry. (see attachment). The important points are:

“The process associated with the aggregate industry produces air pollution, primarily particulate matter. Sources for particulate air pollution are: excavation, soil disposal, rock cleaning and crushing operations and pile storage of sand and gravel. Additional pollution comes from vehicles moving materials around the pit.

Particulate matter less than 10 microns in diameter is a public health concern. Thousands of these particles would fit on the period at the end of this sentence. These tiny particles can cause structural and chemical changes deep in the lungs. Chronic diseases such as emphysema, chronic bronchitis, cancers and cardiovascular complications of lung damage have been associated with exposure to fine particles.

The Federal Government states that particulate matter less than 10 microns in diameter as one of the six major air pollutants for which health-based air quality standards have been set.

The EPA states in the Health and Environmental Effects of Particulate Matter (PM) Health Effects:

“The size of particles is directly linked to their potential for causing health problems. Small particles less than 10 micrometers in diameter pose the greatest problems, because they can get deep into your lungs, and some may even get into your bloodstream. Exposure to such particles can affect both your lungs and heart. Numerous scientific studies have linked particle pollution exposure to a variety of problems including:

premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing.

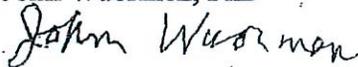
(see two attached EPA articles on these effects.)

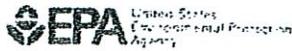
It is of the utmost importance that the Planning Board NOT grant this expansion until a complete environmental impact study can be completed.

Thank you,



Susan Lund Wuorinen  
Dr. John Wuorinen, PhD



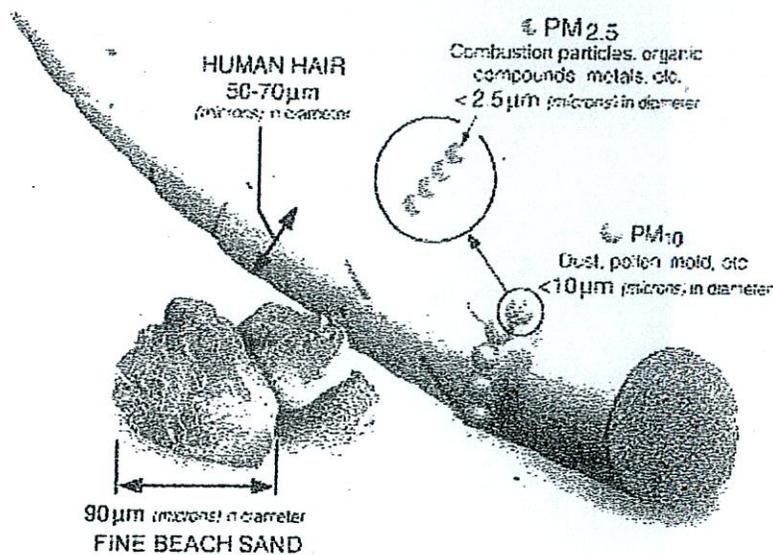


## Particulate Matter (PM) Basics

### On This Page:

- What is PM, and how does it get into the air?
- What are the harmful effects of PM?
- What is being done to reduce particle pollution?
  - How can I reduce my exposure to PM?

## What is PM, and how does it get into the air?



## Size comparisons for PM particles

PM stands for particulate matter (also called particle pollution): the term for a mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, dirt, soot, or smoke, are large or dark enough to be seen with the naked eye. Others are so small they can only be detected using an electron microscope.

Particle pollution includes:

- **PM<sub>10</sub>** : inhalable particles, with diameters that are generally 10 micrometers and smaller; and
- **PM<sub>2.5</sub>** : fine inhalable particles, with diameters that are generally 2.5 micrometers and smaller.
  - How small is 2.5 micrometers? Think about a single hair from your head. The average human hair is about 70 micrometers in diameter – making it 30 times larger than the largest fine particle.

## Sources of PM

These particles come in many sizes and shapes and can be made up of hundreds of different chemicals.

Some are emitted directly from a source, such as construction sites, unpaved roads, fields, smokestacks or fires.

Most particles form in the atmosphere as a result of complex reactions of chemicals such as sulfur dioxide and nitrogen oxides, which are pollutants emitted from power plants, industries and automobiles.

## What are the Harmful Effects of PM?

Particulate matter contains microscopic solids or liquid droplets that are so small that they can be inhaled and cause serious health problems. Particles less than 10 micrometers in diameter pose the greatest problems, because they can get deep into your lungs, and some may even get into your bloodstream.

Fine particles (PM<sub>2.5</sub>) are the main cause of reduced visibility (haze) in parts of the United States, including many of our treasured national parks and wilderness areas.

[Learn more about health and environmental effects](#)

## What is Being Done to Reduce Particle Pollution?

EPA regulates inhalable particles. Particles of sand and large dust, which are larger than 10 micrometers, are not regulated by EPA.

EPA's national and regional rules to reduce emissions of pollutants that form PM will help state and local governments meet the Agency's national air quality standards. [Learn about how air quality standards help reduce PM.](#)

## How Can I Reduce My Exposure to PM?

You can use air quality alerts to protect yourself and others when PM reaches harmful levels:

[AirNow](#): Every day the Air Quality Index (AQI) tells you how clean or polluted your outdoor air is, along with associated health effects that may be of concern. The AQI translates air quality data into numbers and colors that help people understand when to take action to protect their health.

- Go to [About AirNow](#) to learn how you can get AQI notifications.
- Also learn how the [Air Quality Flag Program](#) can help air agencies, schools, and other community organizations to notify their citizens of harmful conditions and adjust outdoor physical activities as needed.

Particle levels can be elevated indoors, especially when outdoor particle levels are high. Certain filters and room air cleaners can help reduce indoor particle levels. You also can reduce particle levels indoors by not smoking inside, and by reducing your use of other particle sources such as candles, wood-burning stoves, and fireplaces.

#### HOW CAN THE AIR QUALITY INDEX HELP?

In many areas, local media provide air quality forecasts telling you when particle levels are expected to be unhealthy. Forecasts use the same format as EPA's Air Quality Index, or AQI, a tool that state and local agencies use to issue public reports of actual levels of particles, ground-level ozone, and other common air pollutants.

Using the AQI's color-coded scale, these forecasts help you quickly learn when air pollution is expected to reach unhealthy levels in your area. In the newspaper forecast below, for example, the black arrow points to the "orange" range, indicating that particle levels are expected to be unhealthy for sensitive groups. On television, you might hear a meteorologist say something like this: "Tomorrow will be a *code orange* air quality day with *particle pollution* at levels that are *unhealthy for sensitive groups*. If you have *heart or lung disease*, or if you're an *older adult* or a *child*, you should *plan strenuous activities* for a time when air quality is better."

**AQI**  
 AIR QUALITY INDEX

0 to 50: **Good**  
 51 to 100: **Moderate**  
 101 to 150: **Unhealthy for Sensitive Groups**  
 151 to 200: **Unhealthy**  
 201 to 300: **Very Unhealthy**

Pollutants: Particles  
 Today's Forecast: 110  
 Quality: Unhealthy for Sensitive Groups

People with heart or lung disease, older adults, and children are at greater risk at this level.

AIR QUALITY INDEX FOR PARTICLE POLLUTION		Health Advisory
Air Quality Index	0 to 50	Good
	51 to 100	Moderate
	101 to 150	Unhealthy for Sensitive Groups
	151 to 200	Unhealthy
	201 to 300	Very Unhealthy

AIRNOW  
 www.epa.gov/airnow

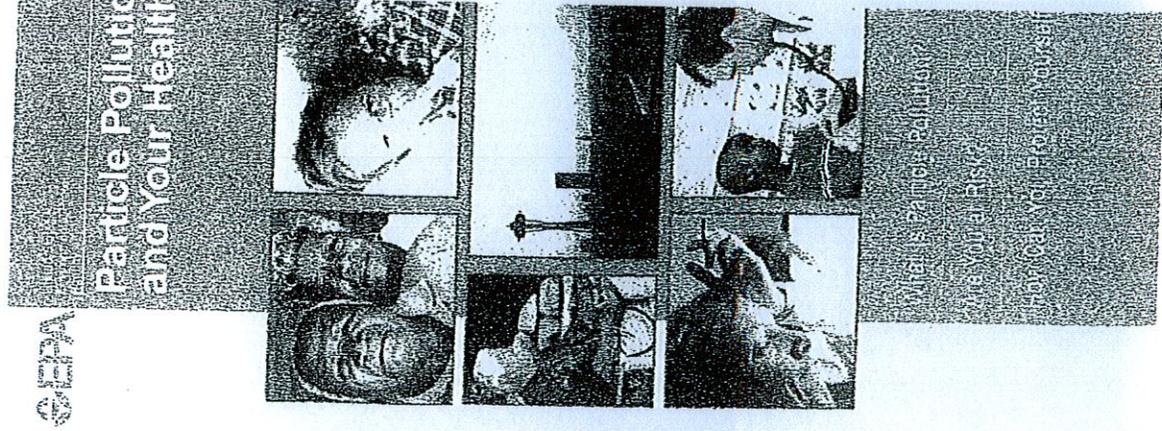
Washington, DC  
 Forecast:

Air Quality: Code Orange  
 Particulate Matter (PM10)

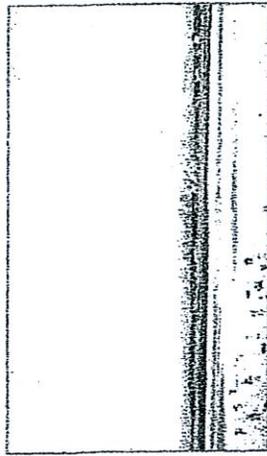
Daily air quality and health information are available on the AIRNOW Web site.

- AIRNOW ([www.epa.gov/airnow](http://www.epa.gov/airnow)) is a Web site that gives daily information about air quality, including ground-level ozone and particles, and how they may affect you. AIRNOW contains:
  - Real-time particle levels for many locations.
  - Air quality forecasts for many cities across the country.
  - Kids' Web page and associated teacher curriculum.
  - Smoke Web pages.
  - Links to state and local air quality programs.
  - Ideas about what you can do to reduce particles. For example, you can keep your car, boat, and other engines well-tuned, and avoid using engines that smoke. You can also participate in local energy conservation programs.

\*Photo courtesy of The Weather Channel.  
 Office of Air and Radiation  
[www.epa.gov/air](http://www.epa.gov/air)  
 September 2003  
 EPA-452/F-03-001



**A**irborne particles, the main ingredient of haze, smoke, and airborne dust, present serious air quality problems in many areas of the United States. This particle pollution can occur year-round—and it can cause a number of serious health problems, even at concentrations found in many major cities.



Particles contribute to haze, such as this brown haze over Boston.

#### What is particulate pollution?

Particulate pollution is a mixture of microscopic solids and liquid droplets suspended in air. This pollution, also known as particulate matter, is made up of a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, soil or dust particles, and allergens (such as fragments of pollen or mold spores).

The size of particles is directly linked to their potential for causing health problems. Small particles less than 10 micrometers in diameter pose the greatest problems, because they can get deep into your lungs, and some may even get into your bloodstream. Exposure to such particles can affect both your lungs and your heart. Larger particles are of less concern, although they can irritate your eyes, nose, and throat.

Small particles of concern include "fine particles" (such as those found in smoke and haze), which are 2.5 micrometers in diameter or less, and "coarse particles" (such as those found in wind-blown dust), which have diameters between 2.5 and 10 micrometers.

#### Are you at risk from particles?

People with heart or lung disease, older adults, and children are considered at greater risk from particles than other people, especially when they are physically active. Exercise and physical activity cause people to breathe faster and more deeply—and to take more particles into their lungs.

People with heart or lung diseases—such as coronary artery disease, congestive heart failure, and asthma or chronic obstructive pulmonary disease (COPD)—are at increased risk, because particles can aggravate these diseases. People with diabetes also may be at increased risk, possibly because they are more likely to have underlying cardiovascular disease.

Older adults are at increased risk, possibly because they may have undiagnosed heart or lung disease or diabetes. Many studies show that when particle levels are high, older adults are more likely to be hospitalized, and some may die of aggravated heart or lung disease. Children are likely at increased risk for several reasons. Their lungs are still developing; they spend more time at high activity levels; and they are more likely to have asthma or acute respiratory diseases, which can be aggravated when particle levels are high.

#### How can particles affect your health?

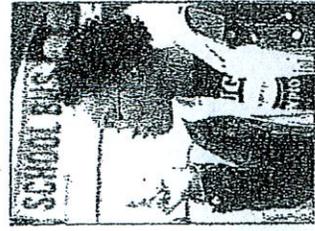
Particle exposure can lead to a variety of health effects. For example, numerous studies link particle levels to increased hospital admissions and emergency room visits—and even to death from heart or lung diseases. Both long- and short-term particle exposures have been linked to health problems.

Long-term exposures, such as those experienced by people living for many years in areas with high particle levels, have been associated with problems such as reduced lung function and the development of chronic bronchitis—and even premature death.

Short-term exposures to particles (hours or days) can aggravate lung disease, causing asthma attacks and acute bronchitis, and may also increase susceptibility to respiratory infections. In people with heart disease, short-term exposures have been linked to heart attacks and arrhythmias. Healthy children and adults have not been reported to suffer serious effects from short-term exposures, although they may experience temporary minor irritation when particle levels are elevated.

#### What are the symptoms of particle exposure?

Even if you are healthy, you may experience temporary symptoms, such as irritation of the eyes, nose, and throat; coughing; phlegm; chest tightness; and shortness of breath.



If you have lung disease, you may not be able to breathe as deeply or as vigorously as normal, and you may experience coughing, chest discomfort, wheezing, shortness of breath, and unusual fatigue. If you have any of these symptoms,

reduce your exposure to particles and follow your doctor's advice. Contact your doctor if symptoms persist or worsen. If you have asthma, carefully follow your asthma management plan when particle levels are high. Your doctor can help you develop a plan if you don't have one.

If you have heart disease, particle exposure can cause serious problems in a short period of time—even heart attacks—with no warning signs. So don't assume that you are safe just because you don't have symptoms. Symptoms such as chest pain or tightness, palpitations, shortness of breath, or unusual fatigue may indicate a serious problem. If you have any of these symptoms, follow your doctor's advice.

#### How can you avoid unnecessary exposure?

Your chances of being affected by particles increase the more strenuous your activity and the longer you are active outdoors. If your activity involves prolonged or heavy exertion, reduce your activity time—or substitute another that involves less exertion. Go for a walk instead of a jog, for example. Plan outdoor activities for days when particle levels are lower. And don't exercise near busy roads; particle levels generally are higher in these areas.



# FOCUS

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## Controlling Air Pollution Aggregate Industry

### Impact on Air pollution

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The processes associated with the aggregate industry produce air pollution, primarily particulate matter. Sources of particulate air pollution are:

- **Sand and gravel operations:** Excavation, spoil disposal, rock cleaning, crushing operations and pile storage of sand and gravel. Additional pollution comes from vehicles moving the materials around the pit.
- **Concrete plants:** Filling of the cement silo and any drying mixing operations prior to adding water.

### Health effects

---

Particulate matter less than 10 microns in diameter ( $PM_{10}$ ) is a public health concern. Thousands of these tiny particles would fit on the period at the end of this sentence. Larger particulate matter is a nuisance and can settle on trees and houses.

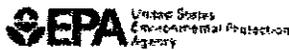
Small particulate matter collects in the lungs. Tiny particles collect in the most remote portions of the lungs called alveoli -- the tiny air sacs where oxygen enters the blood stream. Once in your body, the tiny particulate matter can cause structural and chemical changes deep in the lungs. The small particles also act as carriers for other toxic and carcinogenic materials. Chronic diseases, such as emphysema, chronic bronchitis, cancer and cardiovascular complications of lung damage have been associated with exposure to fine particles.

### Regulation of particulate matter

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The federal government regulates particulate matter less than 10 microns in diameter as one of six major air pollutants for which health-based air quality standards have been set. State Law requires existing sources of air pollution to use reasonable available control technology (RACT) to control their emissions. Industries that produce "fugitive dust emissions" -- dust that is incidental to operations and not controlled -- must use reasonable precautions to prevent these emissions.

Though the Department of Ecology has not done a formal RACT analysis for the sand and gravel mining, or concrete industries, the following recommendations may help you reduce particulate pollution from your operations.



# Health and Environmental Effects of Particulate Matter (PM)

## Health Effects

The size of particles is directly linked to their potential for causing health problems. Small particles less than 10 micrometers in diameter pose the greatest problems, because they can get deep into your lungs, and some may even get into your bloodstream.

Exposure to such particles can affect both your lungs and your heart. Numerous scientific studies have linked particle pollution exposure to a variety of problems, including:

- premature death in people with heart or lung disease
- nonfatal heart attacks
- irregular heartbeat
- aggravated asthma
- decreased lung function
- increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing.

People with heart or lung diseases, children, and older adults are the most likely to be affected by particle pollution exposure.

- AirNow can help you monitor air quality near you, and protect yourself and your family from elevated PM levels.

## Environmental Effects

### Visibility impairment

Fine particles (PM<sub>2.5</sub>) are the main cause of reduced visibility (haze) in parts of the United States, including many of our treasured national parks and wilderness areas. [Learn more about visibility and haze](#)

### Environmental damage

Particles can be carried over long distances by wind and then settle on ground or water. Depending on their chemical composition, the effects of this settling may include:

- making lakes and streams acidic
- changing the nutrient balance in coastal waters and large river basins
- depleting the nutrients in soil
- damaging sensitive forests and farm crops
- affecting the diversity of ecosystems
- contributing to acid rain effects.

## Materials damage

PM can stain and damage stone and other materials, including culturally important objects such as statues and monuments. Some of these effects are related to acid rain effects on materials.

## Further Reading

Particle Pollution and Your Health (PDF) (2 pp, 320 K, [About PDF](#)): Learn who is at risk from exposure to particle pollution, what health effects you may experience as a result of particle exposure, and simple measures you can take to reduce your risk.

How Smoke From Fires Can Affect Your Health: It is important to limit your exposure to smoke -- especially if you may be susceptible.

EPA research on airborne particulate matter: EPA supports research that provides the critical science on PM and other air pollutants to develop and implement Clean Air Act regulations that protect the quality of the air we breathe.

## MacQuinn Kittredge Pit Public Testimony Summary

Submission to Board of Appeals from Bruce Gillett for Friends of Lamoine, March 12, 2018.

The tables below were created to condense the written and spoken testimony given by the public regarding the MacQuinn Kittredge Pit application. The charts below the tables gives a summary of opinions expressed.

Written comments are from those submitted from the 2012 application and the 2017 "do-over" application, and are in the Appeals Board's possession. Spoken comments are based on Planning Board minutes from both Public Hearings. Not included is paid testimony from experts or lawyers.

If the writer or speaker meant to raise concerns rather than weighing in for or against the application, their concerns were included, but they were not entered on the sheet as either "pro" or "con". Four written submissions were neither for nor against, with 6 pro and 47 con. In the spoken testimony, 7 were neither for nor against, with 8 pro and 31 con.

Each entry represents a separate item, whether written or spoken, not a separate person. Therefore, some persons appear more than once, and some letters are from multiple signers. Many submissions are detailed and thoughtful and cannot be adequately represented by a check in a column. Consequently this chart is simply an overview. Nonetheless I hope it will be useful to the Appeals Board.

Columns are arranged by frequency of mention, from most (left) to least, and differ between the written and the spoken. The first section is for written testimony. Spoken testimony begins on page 7:

Date	First Name(s)	Last Name	Lamoine address	Pro	Con	Effect on Ground Water	Effect on Geology and Landscape	Traffic	Decrease in Property value	Noise
12/18/2012	Bob	Pulver (Rep. Lamoine Conservation Commission)	50 Pasture Way			X				
12/26/2012	Carl	Crowley	44 Lamoine Beach Rd.	X						
12/29/2012	Harold	Borns	none		X		X			
12/31/2012	Leon	Clark	48 Mill Rd.	X						
1/1/2013	David	Hodgkins	6 Lamoine Beach Rd.		X				X	
1/2/2013	Gary	Higgins	223 MacQuinn Rd.	X						
1/2/2013	Barry	Mulise	635 Douglas HWY.	X						
1/3/2013	Kathleen	Rybarz	50 Ice House Ln		X		X			
1/3/2013	Eilaine Hodgkins	Neske	none		X		X		X	
1/3/2013	Susan	Wuorinen	498 Lamoine Beach Rd		X					
1/4/2013	John	White	103 Lamoine Beach Rd.	X						
1/7/2013	Marilyn	Lockhart	378 Douglas Highway	X						
1/7/2013	Catherine	DeTuede	45 Meadow Point Rd.		X				X	
1/7/2013	James and Ann	Ayling	22 Lorimer Rd.		X			X		X
1/7/2013	Robert and Orna	Mikes	91 Meadow Point Rd.		X			X		
1/7/2013	Lenka Marie	Hospodka	89 Narrows Way		X			X		X
1/7/2013	Merby	Sweet	none		X			X		
1/8/2013	Willem	Brutsaert	10 Ash Lane		X					
1/28/2013	David	Sanderson	12 Martin's Cove Ln.		X		X			
2/13/2013	Karen G.	Blennemassett	679 Lamoine Beach Rd.		X					
2/22/2013	[12 names]	[12 names]	various		X		X	X	X	
May-17	Willem	Brutsaert	10 Ash Lane		X					
9/7/2017	Nick and Sandra	Holt	Map 3 Lot 36, 36a		X		X	X	X	X
9/16/2017	Diane	Sanderson	12 Martin's Cove		X		X	X	X	X
9/19/2017	W.D.	Schick	66 Bittersweet Lane		X		X	X	X	X
9/20/2017	Stephen	Belden	60 Moose Run		X		X	X	X	
9/21/2017	Marina	Sapir, Ph.D.	25 Rabbit Run		X			X	X	
9/23/2017	Will and Carol	Shubert	71 Ice House Ln		X					
9/24/2017	A. Merrill	Garrett, M.D.	147 Great Ledge Rd.		X		X	X		

Table 1: Written Testimony

Table 2: Written Testimony

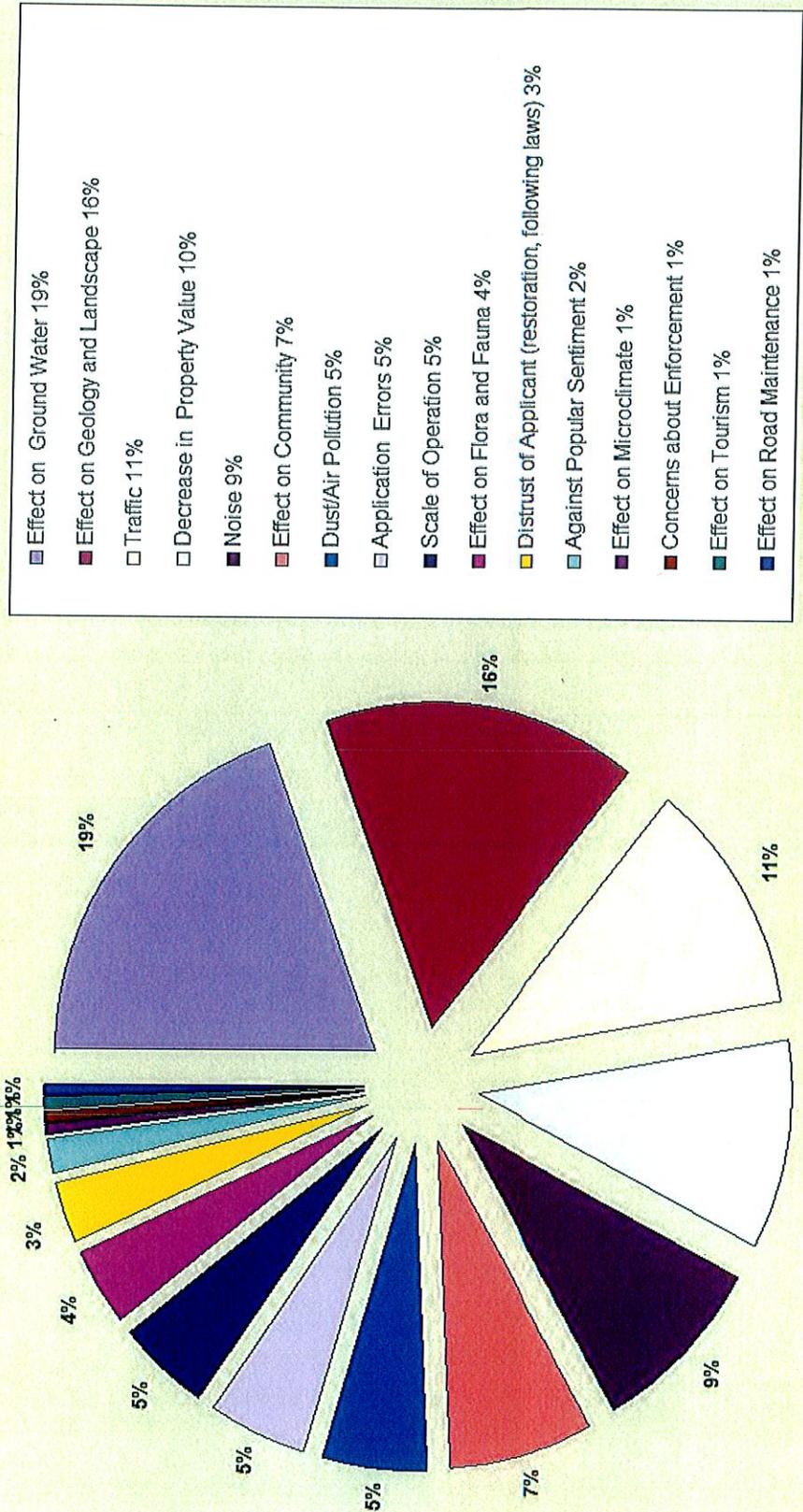


Date	First Name(s)	Last Name	Lamoine address	Pro	Con	Effect on Ground Water	Effect on Geology and Landscape	Traffic	Decrease in Property value	Noise
9/25/2017	Paul and Catherine	Dudzinski	Map 4 Lot 61		X	X	X	X		X
9/25/2017	Judith	Whitcomb, M.D.	Map 4 Lot 61		X	X	X	X		X
9/25/2017	Nancy	Jones	86 Mill Rd.		X	X	X	X	X	X
9/25/2017	Stu	Whitcomb	27 Whitcomb Ln.		X	X	X	X		X
9/26/2017	Stephen	Reiphe	1434 Shore Rd.		X	X	X	X		X
9/26/2017	Doug	Jones	86 Mill Rd.		X	X				
9/26/2017	Benjie	Whitcomb	26 Whitcomb Ln, 752 Lamoine Beach Rd		X					
9/27/2017	Rebecca	Morrison	22 Patridge Cove Rd.		X	X		X	X	X
9/27/2017	John	Holt (Rep. Cold Spring)	23 Lamoine Beach Rd.		X	X				
9/27/2017	John	Holt	23 Lamoine Beach Rd.		X		X		X	
9/27/2017	Tom	Collins	43 Celtic Dr.		X					
9/27/2017	Walter Jean	Grenier II	14 Falcon Lane		X				X	
9/27/2017	Susan and John	Wuorinen	498 Lamoine Beach Rd		X					
9/27/2017	Gordon	Donaldson	9 Martin's Cove Ln.		X		X			
Oct-17	Willem	Brutsaert	10 Ash Lane		X	X				
10/6/2017	Brian	Engelhard	36 Orchard Ln.		X	X	X	X	X	X
10/20/2017	Kathleen and George	DeFusco	5 Orchard Ln.		X	X	X	X		X
10/26/2017	Elaine Hodgkins	Neske	none		X		X			X
11/9/2017	Carol	Korly	32 Fox Run		X	X	X			
11/9/2017	John	Holt	23 Lamoine Beach Rd.		X	X	X			
11/9/2017	Donald M.	Kimmelman	32 Boulder Cove Way		X				X	X
11/9/2017	Joseph	Young	29 Deer Run		X	X		X	X	X
?	David	Sanderson	12 Martin's Cove		X	X	X	X		
?	Charlotte	Stephens	61 Bear Point Way		X		X		X	
?	Annie	Crisafulli	130 Seal Point Rd.		X	X	X	X	X	X
?	John and Jane	Peite	379 Douglas HWY.		X			X		X
?	Nelson	Ayling	17 Stolt Rd.		X		X			
?	Mark and Mimi	Worthington	63 Meadow Point Rd.		X	X	X		X	
<b>totals:</b>				<b>6</b>	<b>47</b>	<b>34</b>	<b>28</b>	<b>20</b>	<b>18</b>	<b>16</b>

Table 4: Written Testimony



**Reasons Cited by Lamoine Citizens' Letters and Emails for Denial of MacQuinn Kiffredge Pit  
Each Percentage is of the 174 Concerns Mentioned**



Hearing Date	First Name(s)	Last Name	Lamoine address	Pro	Con	Effect on Ground Water	Effect on Geology and Landscape	Decrease in Property value	Effect on Community
1/8/2013	Michelle	MacQuinn	797 Douglas HWY	X					
1/8/2013	Joan	Strout	149 Marlboro Beach Rd.						
1/8/2013	Robin	Emery	11 Lamoine Beach Rd.		X				
1/8/2013	Glen	Manring	838 Douglas HWY	X		X	X		
1/8/2013	Susan	Wuorinen	498 Lamoine Beach Rd		X	X			
1/8/2013	Willem	Brusaert	10 Ash Lane		X	X			
1/8/2013	Yvonne	Brann	1017 Shore Rd.		X	X			
1/8/2013	Charlotte	Stephens	61 Bear Point Way		X		X		
1/8/2013	Bob	Christie	656 Lamoine Beach Rd.		X				X
1/8/2013	Catherine	deTuede	45 Meadow Point Rd.		X			X	
1/8/2013	Linwood	Brann	1017 Shore Rd.		X	X			
1/8/2013	Alita	Liberty	275 Walker Rd.		X				
1/8/2013	Jeff	Lamont	950 Douglas HWY		X			X	X
1/8/2013	Bob	Pulver	50 Pasture Way			X			
1/8/2013	Richard	McMullen	173 Partridge Cove Rd.	X					
1/8/2013	Joanne	Lawrence	31 Kilts Crossing						
1/8/2013	Lolly	Lovett	91 Bay Rd.		X			X	
1/8/2013	Eric	Hartman	642 Lamoine Beach Rd.		X				X
1/8/2013	Nicholas	Birdsall	unknown	X					
1/8/2013	John	Smith	180 Lamoine Beach Rd.	X					
1/8/2013	David	Schick	66 Bittersweet Ln.		X				
1/8/2013	Carol	Korty	32 Fox Run		X	X			
1/8/2013	Chuck	Weber	955 Douglas HWY.		X		X	X	X
1/8/2013	Stewart	Workman	358 Douglas HWY.	X					
1/8/2013	Valerie	Sprague	83 Mill Rd.		X				X
1/8/2013	Robert	Alley	17 Riverside Dr.	X					
1/8/2013	Stuart	Branch	18 Bloomfield Park Rd.						
1/8/2013	Michael	Brann	1010 Shore Rd.		X				
1/8/2013	Joan	Strout	149 Marlboro Beach Rd.		X				X
11/9/2017	Carol	Korty	32 Fox Run		X	X		X	
11/9/2017	Bruce	Gillett	50 Ice House Ln.		X				X

Table 5: Spoken Testimony

Table 6: Spoken Testimony

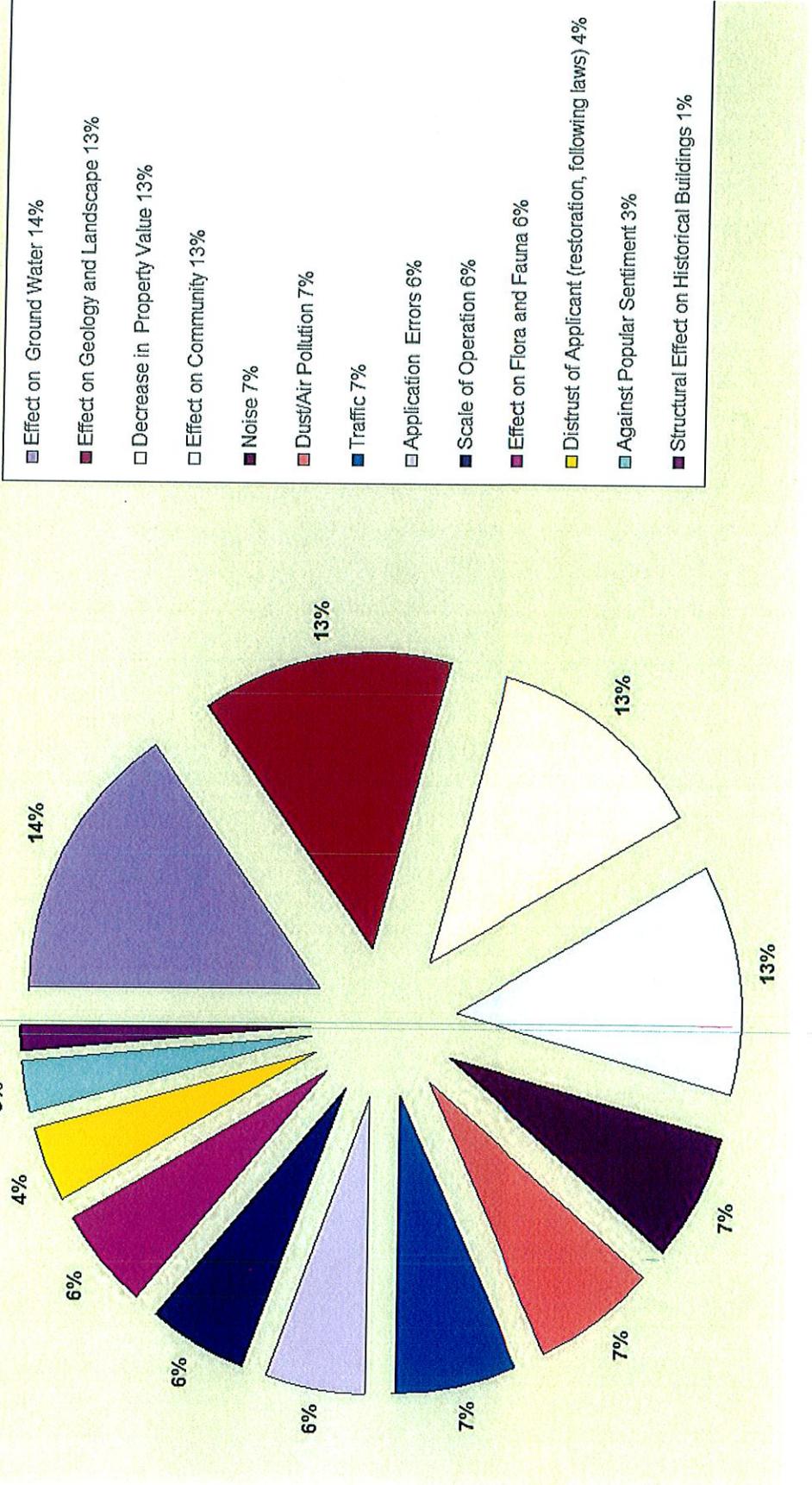


Table 7: Spoken Testimony

Hearing Date	First Name(s)	Last Name	Lamoine address	Pro	Con	Effect on Ground Water	Effect on Geology and Landscape	Decrease in Property value	Effect on Community
11/9/2017	John	Holt (Rep. Cold Spring)	23 Lamoine Beach Rd.			X			
11/9/2017	Gordon	Donaldson	9 Martin's Cove Ln.		X				
11/9/2017	Catherine	DeTuede	45 Meadow Point Rd.		X		X		
11/9/2017	Susan	Wuorinen	498 Lamoine Beach Rd		X				
11/9/2017	Valerie	Sprague	83 Mill Rd.		X			X	
11/9/2017	Katherine	Gaianguest	128 Great Ledge Rd.		X			X	
11/9/2017	Glen	Manning	838 Douglas HWY	X					
11/9/2017	Willem	Brutsaert	10 Ash Lane		X	X			
11/9/2017	Jim	Gallagher	128 Great Ledge Rd.		X		X		X
11/9/2017	Charles	Brann	1017 Shore Rd.		X	X		X	
11/9/2017	John	Holt	23 Lamoine Beach Rd.		X		X		X
11/9/2017	Ian	Heyse	574 Lamoine Beach Rd.		X		X		
11/9/2017	Nancy	Pochan	130 Seal Point Rd.		X		X		
11/9/2017	Irene	Laney	1156 Shore Rd.			X	X		
11/9/2017	Katherine	Gaianguest	128 Great Ledge Rd.		X				
				Pro	Con				
			<b>totals:</b>	8	31	11	10	9	9



Reasons Cited by Lamoine Citizens' Spoken Testimony for Denial of MacQuinn Kittredge Pit. Each Percentage is of the 72 Concerns Mentioned



## Population Density Considerations of the Kittredge Pit Expansion

By Bruce Gillett, 50 Ice House Lane, Lamoine, ME

As presented to the Lamoine Planning Board  
27 September, 2017

A study of the population density in the immediate vicinity of Harold MacQuinn Inc.'s proposed Kittredge Pit expansion on Map 3 Lot 31 can help to answer the question of whether the development will have negative effects on the community. It was decided by the Lamoine Planning Board, and later supported by the Lamoine Appeals Board and Hancock County Superior Court in 2012 in the Gott VS. Town of Lamoine suit that the proposed gravel pit by Doug Gott and Sons, in a nearby location, would adversely affect surrounding residential properties. In their 2011 findings, the Planning Board wrote,

Were a permit granted for this proposed pit, it would expand the sand and gravel extraction area yet further into land zoned essentially for residences, and radically change the topography of the parcel, including removal of trees and topsoil from portions of the lot, further despoiling the visual appeal of the area for years to come.

(<http://www.lamoine-me.gov/Town%20Hall/Boards/Appeals%20Board/CaseIndex/Gott0211/gottfindings051011.pdf>)

Will the Kittredge Pit expansion present the same density concerns?

In this study I surrounded the proposed pit expansion with a ¼ mile (1,320 feet) ring and listed all dwellings within that boundary. Land is included, but not counted. I chose the ¼ mile measure because in the 2006 Upjohn Study (<http://lamoine.org/wp-content/uploads/2014/07/STONECO-GRAVEL-MINE-ECONOMIC-IMPACT.pdf>) it was found that dwellings at or less than this distance suffered the most economic impact, losing 25% of their property value. The purpose of my study is not to assess economic impact, but the Upjohn Study suggests that the quarter mile measure seems to have significance when it comes to distance of dwellings from gravel pits.

Please refer to pages 4-6. Within the ¼ mile boundary there are 70 homes. These homes, according to the 2016 Town of Lamoine tax records, have a combined value of \$8,607,500. This does not include land nor community buildings. If the Baptist Church, Lamoine Consolidated School, Fire Station and Grange are included, (all within ¼ mile) the total value is \$10,556,400.

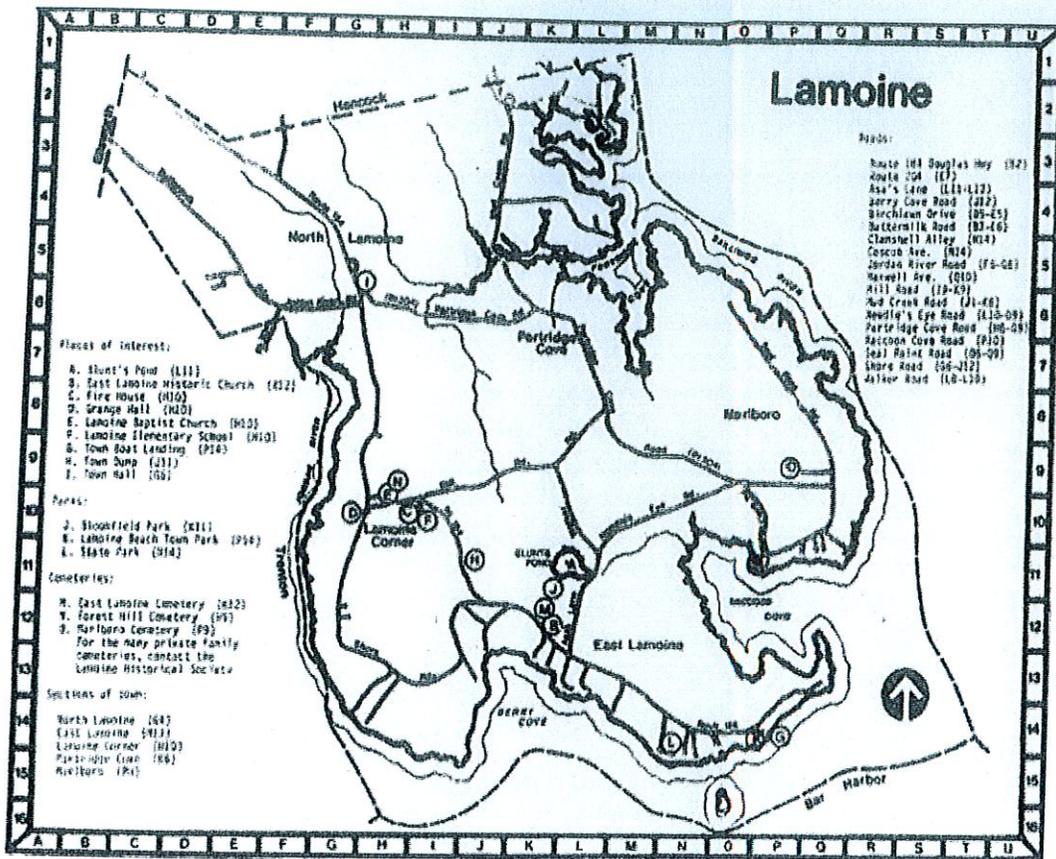
In these 70 homes live 148 people by actual count. This figure represents 9.24% of Lamoine's population based on the 2010 census of 1,602. If the 2010 census is used for the estimate of individuals in these 70 homes, (2.25 persons per household x 70) the total is 158 persons. Since the actual count is lower, it will be used in this study. There are however, likely to be more people within ¼ mile during business hours due to the 24

teachers and staff, and enrollment of approximately 100 students (<http://www.lamoineconsolidated.org/>). Uncounted are the people who may populate the Grange Hall, Baptist Church and Fire Station at any given time. Compare the totals for the subject area to that of the denied Gott pit, on pages 7 and 8.

On page 9 the total acreage of the  $\frac{1}{4}$  mile surrounding the proposed pit is computed. This totals 450.37 acres or .7037 square miles containing the 148 persons. This results in 210 persons per square mile. Lamoine has a total area of 11,000.2 acres with a population (2010) of 1602, for a population density of 93.2 persons per square mile. This is less than half the density of the area surrounding the proposed pit. During school hours, the density surrounding the proposed pit will increase to  $124+148=272$  persons/.7037 square mile or 386 persons per square mile, *four times* Lamoine's average density. The state of Maine's population density is 37.5 persons per square mile, less than 10 percent of this amount.

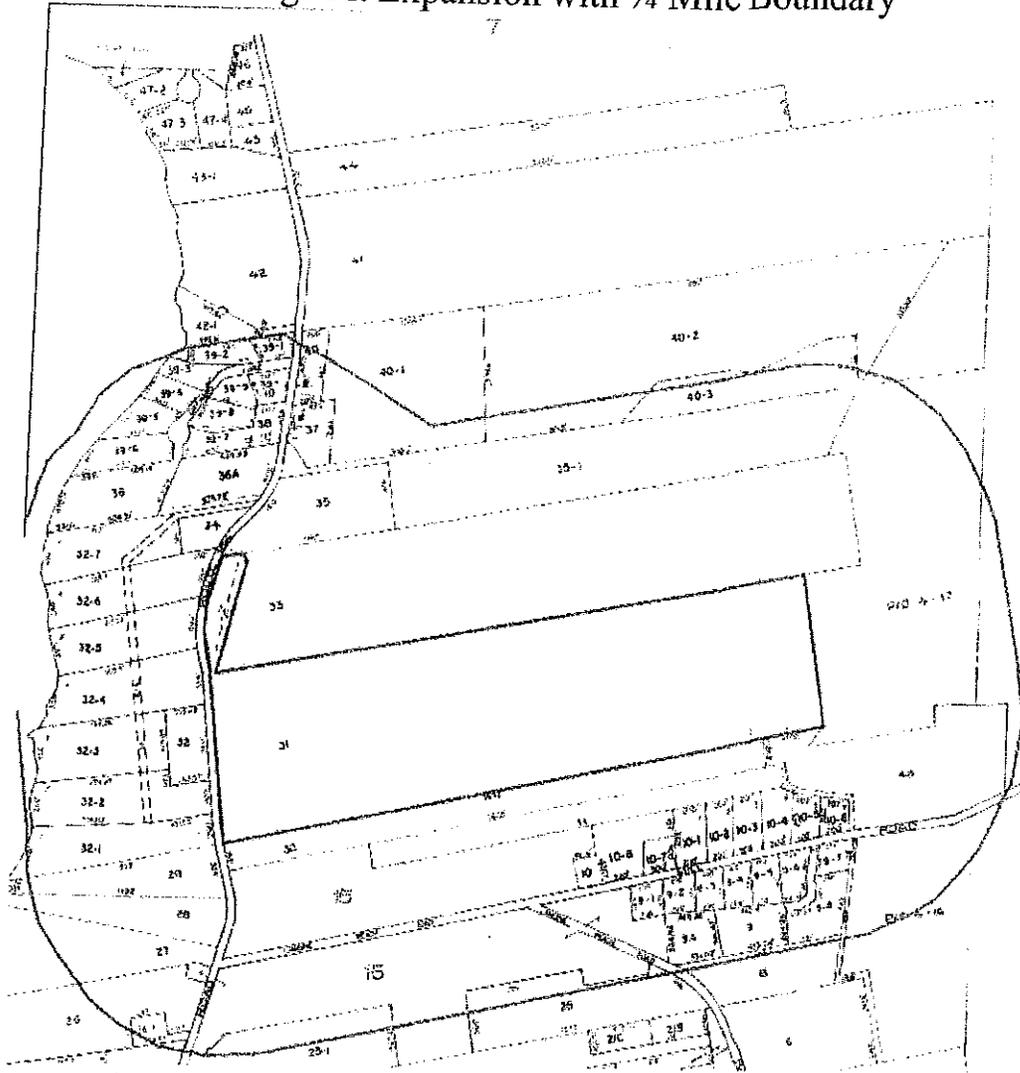
Other high density areas of Lamoine exist, but none are as concentrated or contain as many year-round residents. For example, of the 70 subject properties, 54 or 77% list Lamoine billing addresses. Two non-Lamoine addresses are Ellsworth P.O. boxes which are not included in the 54 but can be presumed to belong to year-round residents (Map 3 lots 22 and 24-2). Contrast this with the properties on both sides of Marlboro Beach Road between Raccoon Cove Rd and Maxwell Avenue, another high density area, where only 50% of taxpayers have Lamoine billing addresses (see page 10).

A map included in Lamoine's 1996 Comprehensive Plan clearly shows the concentration of important Lamoine landmarks within the subject area.

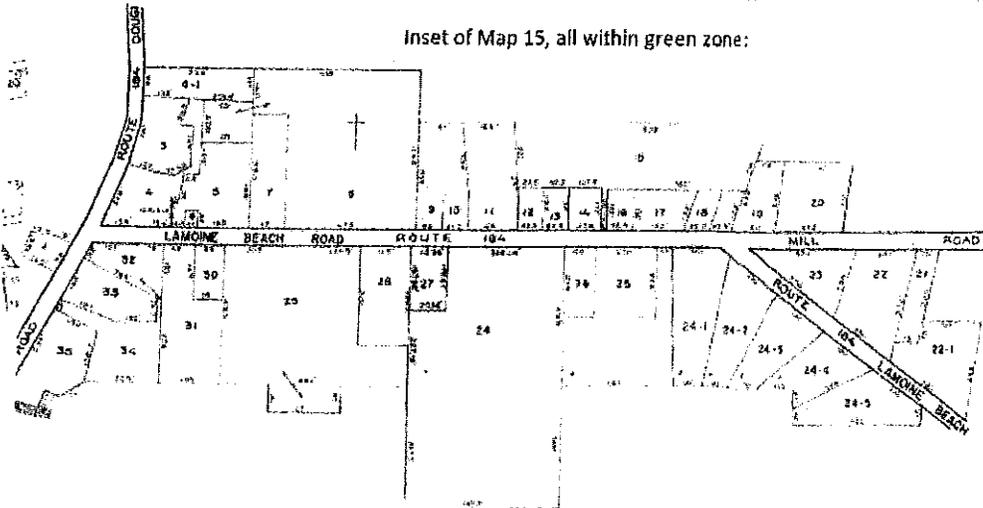


Conclusion: Whether or not the population density of 210-386 persons per square mile is too high for coexistence with an industrial-scale gravel pit is up to our Planning Board, but it is obvious that if Lamoine has a population center, this is it. It is also obvious that compared to the 2012 Gott decision, which affected 48 dwellings using the same methods, (see page 7 and 8) that the court will probably agree to a similar conclusion by the Planning Board. Therefore, it is my recommendation that the MacQuinn Kittredge pit expansion site plan and gravel permits be rejected.

### Kittredge Pit Expansion with 1/4 Mile Boundary



Inset of Map 15, all within green zone:

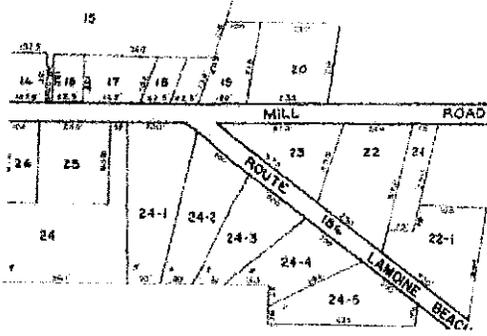
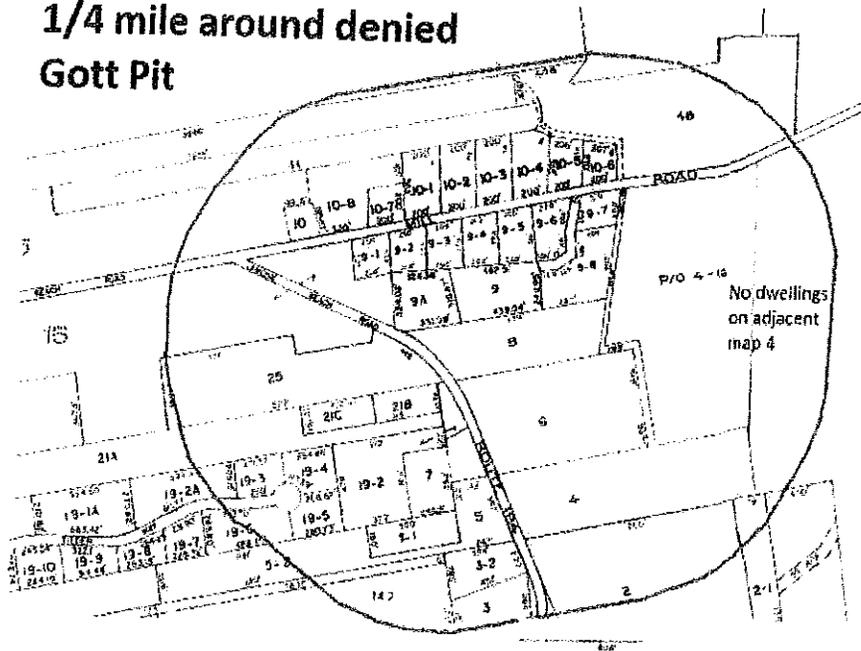


### Properties within 1/4 Mile of Proposed Kittredge Pit Expansion

Map	Lot #	Local?	address	Land value	Building Value	notes
3	26	Y	1017 Shore Rd	\$120,200	\$110,200	
3	26-1	Y	1021 Shore Rd	\$53,400	\$143,000	
3	27	Y	1003 Shore Rd	\$197,600	\$109,600	
3	28	Y	955 Douglas Highway	\$74,100	\$122,200	
3	29		Douglas Highway			
3	32	N	907 Douglas Highway	\$54,900	\$291,400	
3	32-1		Douglas Highway			
3	32-2		Douglas Highway			
3	32-3		Douglas Highway			
3	32-4		Douglas Highway			
3	32-5		Douglas Highway			
3	32-6		Douglas Highway			
3	32-7		Douglas Highway			
3	34	Y	857 Douglas Highway	\$54,900	\$120,300	
3	35	Y	838 Douglas Highway	\$65,400	\$149,300	
3	35-1		Douglas Highway			
3	36		Douglas Highway			
3	36-A		Douglas Highway			
3	37		Douglas Highway			
3	38	Y	819 Douglas Highway	\$45,000	\$139,500	
3	39-1	Y	5 Orchard Lane	\$59,000	\$187,700	
3	39-2	Y	15 Orchard Lane	\$80,500	\$247,200	
3	39-3	Y	29 Orchard Lane	\$79,600	\$205,800	
3	39-4	Y	33 Orchard Lane	\$82,800	\$265,000	
3	39-5		Orchard Lane			
3	39-6	N	39 Orchard Lane	\$90,200	\$497,100	
3	39-7	Y	35 Orchard Lane	\$59,200	\$173,600	
3	39-8	Y	32 Orchard Lane	\$69,400	\$417,300	
3	39-9	N	14 Orchard Lane	\$59,000	\$183,500	
3	39-10	Y	6 Orchard Lane	\$59,000	\$295,400	
3	40	Y	802 Douglas Highway	\$45,300	\$85,400	
3	40-1		off Rt. 184			
3	40-3		off Rt. 184			
3	9-1	Y	31 Mill Rd	\$41,200	\$119,000	
3	9-2	Y	41 Mill Rd	\$41,400	\$90,100	
3	9-3	Y	49 Mill Rd	\$41,600	\$95,800	
3	9-4	Y	57 Mill Rd	\$41,700	\$113,300	
3	9-5	Y	65 Mill Rd	\$41,800	\$98,100	
3	9-6	Y	71 Mill Rd	\$41,700	\$100,300	
3	9-7	Y	83 Mill Rd	\$41,300	\$120,200	
3	9-8	N	79 Mill Rd	\$46,900	\$36,400	
3	9	N	14 Memory Lane	\$45,500	\$89,600	
3	9-A	Y	9 Memory Lane	\$46,600	\$164,600	
3	10	Y	22 Mill Rd	\$35,400	\$45,600	
3	10-1	Y	48 Mill Rd	\$42,300	\$123,700	
3	10-2	Y	54 Mill Rd	\$42,300	\$125,000	
3	10-3	Y	64 Mill Rd	\$42,300	\$140,500	
3	10-4	Y	70 Mill Rd	\$42,400	\$99,400	
3	10-5	N	78 Mill Rd	\$42,000	\$90,200	
3	10-6	Y	86 Mill Rd	\$41,400	\$93,300	
3	10-7	Y	38 Mill Rd	\$40,000	\$172,500	
3	10-8	Y	30 Mill Rd	\$47,000	\$125,400	
15	1	Y	1009 Shera Rd	\$31,000	\$110,700	
15	3	Y	950 Douglas Highway	\$43,700	\$134,400	
15	4	N	6 Lamone Beach Rd	\$44,200	\$81,800	
15	4-1		Lamone Beach Rd			
15	5	Y	18 Lamone Beach Rd	\$44,300	\$11,800	
15	6	Y	14 Lamone Beach Rd	\$15,700	\$74,900	
15	7		24 Lamone Beach Rd			
15	8		Lamone Beach Rd			Baptist Church Forest Hill Cemetery

Map	Lot #	Local?	address	Land value	Building Value	notes
15	11	Y	52 Lamoine Beach Rd	\$33,600	\$20,500	
15	12	N	58 Lamoine Beach Rd	\$25,000	\$61,800	
15	13	Y	60 Lamoine Beach Rd	\$26,200	\$21,200	
15	14	Y	64 Lamoine Beach Rd	\$26,200	\$59,500	
15	15		Lamoine Beach Rd			
15	16	Y	70 Lamoine Beach Rd	\$24,400	\$16,000	
15	17	N	76 Lamoine Beach Rd	\$29,100	\$43,000	
15	18		Lamoine Beach Rd			
15	19	N	6 Mill Rd	\$34,900	\$41,300	
15	20	Y	14 Mill Rd	\$41,500	\$166,600	
15	21	Y	27 Mill Rd	\$30,200	\$93,400	
15	22	N	102 Lamoine Beach Rd	\$42,000	\$129,900	
15	22-1	Y	114 Lamoine Beach Rd	\$44,200	\$149,900	
15	23	Y	90 Lamoine Beach Rd	\$38,500	\$115,100	
15	24		Lamoine Beach Rd			Lamoine School
15	24-1	Y	77 Lamoine Beach Rd	\$42,000	\$141,400	
15	24-2	N	87 Lamoine Beach Rd	\$41,500	\$121,300	
15	24-3	N	97 Lamoine Beach Rd	\$44,000	\$81,500	
15	24-4	Y	103 Lamoine Beach Rd	\$44,000	\$81,500	
15	24-5	N	111 Lamoine Beach Rd	\$44,200	\$71,200	
15	25	Y	69 Lamoine Beach Rd	\$32,300	\$131,200	
15	26	Y	63 Lamoine Beach Rd	\$32,500	\$50,100	
15	27		43 Lamoine Beach Rd			Fire Station
15	28	Y	39 Lamoine Beach Rd	\$44,100	\$117,100	
15	29	Y	23 Lamoine Beach Rd	\$50,100	\$230,400	
15	30	Y	15 Lamoine Beach Rd	\$39,100	\$108,600	
15	31	Y	11 Lamoine Beach Rd	\$44,900	\$108,600	
15	32		7 Lamoine Beach Rd			Lamoine Grange
15	33	Y	1008 Shera Rd	\$43,400	\$92,300	
15	34	Y	1010 Shera Rd	\$44,300	\$37,900	
15	35	N	1016 Shera Rd	\$43,800	\$119,700	
Lamoine address tax pinent				54		
Dwellings total value (2016 tax)					\$8,607,500	While the assessed value of homes are included, the real purpose of this study is to compute the number of people living within 1/4 mile of the proposed pt. The real estate value of buildings is a proxy for the stake our citizens have in this area
total dwellings					70	
Baptist Church (building)					\$236,800	
Lamoine School (building)					\$1,417,900	
Fire Station (building)					\$292,200	
Lamoine Grange (building)					\$92,300	
Community Bldg's total					\$1,948,900	
Dwellings+Community Bldg's					\$10,556,400	
Average Dwelling value					\$122,961	
Average household size, 2010 fed census					2.25	
Counted population					148	
Percent of Lamoine pop					9.24%	Lamoine pop. 1,602, 2010 census
Compare the population of this area to the population of people within 1/4 mile of the district						
Gott Pt						The denial of the Gott pt. upheld in Superior Court, should be reason enough to reject this application.

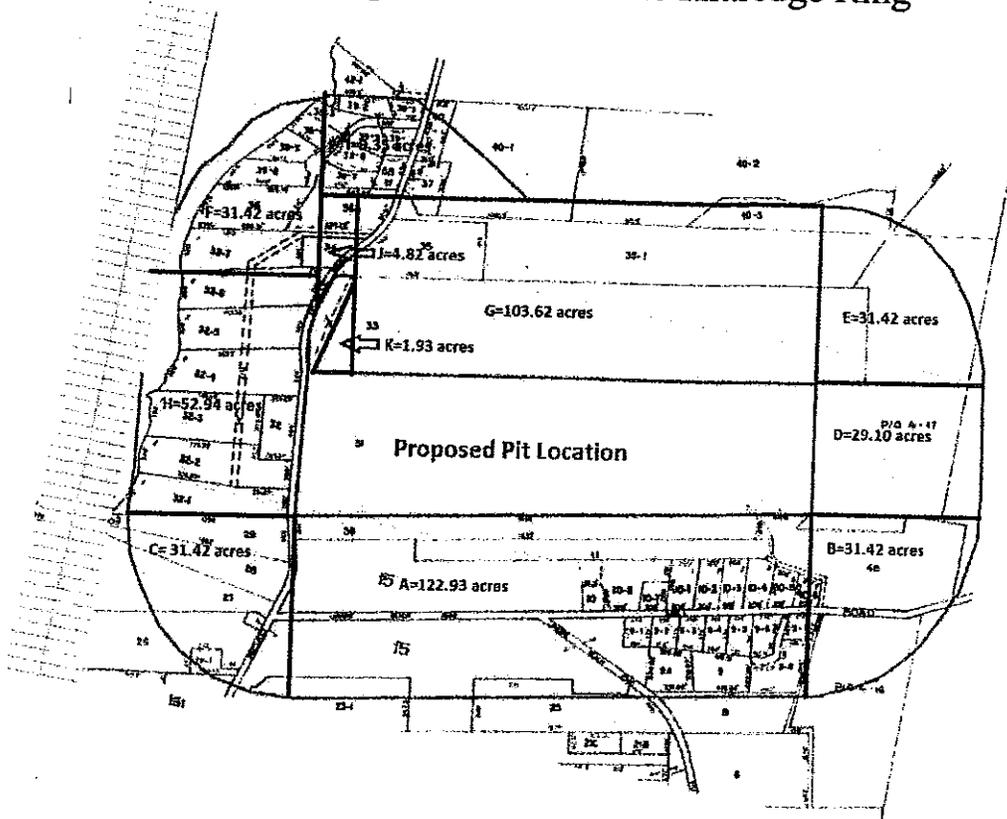
# 1/4 mile around denied Gott Pit



## Denied Gott Pit Border Properties

A	B	C	D	E	F
Map	Lot #	address	Land value	Building Value	notes
3	2	180 Lamoine Beach Rd	\$155,600	\$76,800	
3	1	185 Lamoine Beach Rd	\$46,100	\$21,300	
3	3-2	177 Lamoine Beach Rd	\$46,000	\$26,900	
3	5	5 Jaycee Dr	\$46,400	\$142,900	
3	5-1	13 Jaycee Dr	\$45,100	\$107,500	
3	5-2	33 Jaycee Dr	\$49,700	\$50,600	
3	7	153 Lamoine Beach Rd	\$47,400	\$76,200	
3	9	14 Memory Lane	\$46,500	\$89,600	
3	9-1	31 Mill Rd	\$41,200	\$119,000	
3	9-2	41 Mill Rd	\$41,400	\$90,100	
3	9-3	49 Mill Rd	\$41,500	\$85,800	
3	9-4	57 Mill Rd	\$41,700	\$113,300	
3	9-5	65 Mill Rd	\$41,800	\$98,100	
3	9-6	71 Mill Rd	\$41,700	\$100,300	
3	9-7	83 Mill Rd	\$41,300	\$120,200	
3	9-8	79 Mill Rd	\$46,900	\$35,400	
3	9-A	9 Memory Lane	\$46,600	\$164,600	
3	10	22 Mill Rd	\$36,400	\$45,600	
3	10-1	48 Mill Rd	\$42,300	\$123,700	
3	10-2	54 Mill Rd	\$42,300	\$125,000	
3	10-3	64 Mill Rd	\$42,300	\$110,500	
3	10-4	70 Mill Rd	\$42,400	\$98,400	
3	10-5	78 Mill Rd	\$42,000	\$90,200	
3	10-6	85 Mill Rd	\$41,400	\$93,300	
3	10-7	38 Mill Rd	\$40,000	\$172,500	
3	10-8	30 Mill Rd	\$47,800	\$125,400	
3	11	off Durphy Brook Rd			
3	14-2	Off Shore Rd			
3	19-2	Lamoine Beach Rd			
3	19-3	Tilden Way			
3	19-4	Tilden Way			
3	19-5	Tilden Way			
3	19-6	Tilden Way			
3	21A	1046 Shore Rd	\$58,800	\$134,700	
3	21B	5 Tall Pine Drive	\$44,600	\$117,000	
3	21C	23 Tall Pine Drive	\$47,800	\$163,000	
3	25	121 Lamoine Beach Rd	\$98,600	\$180,300	
3	48	92 Mill Rd	\$51,800	\$30,100	
15	14	64 Lamoine Beach Rd	\$26,200	\$59,600	
15	15	Lamoine Beach Rd			
15	16	70 Lamoine Beach Rd	\$24,400	\$16,900	
15	17	76 Lamoine Beach Rd	\$29,100	\$43,000	
15	18	Lamoine Beach Rd			
15	19	6 Mill Rd	\$34,900	\$41,300	
15	20	14 Mill Rd	\$41,500	\$166,600	
15	21	27 Mill Rd	\$30,200	\$83,400	
15	22	192 Lamoine Beach Rd	\$42,000	\$120,900	
15	22-1	114 Lamoine Beach Rd	\$44,200	\$149,900	
15	23	90 Lamoine Beach Rd	\$38,500	\$115,100	
15	24	Lamoine Beach Rd			
15	24-1	77 Lamoine Beach Rd	\$42,000	\$141,400	
15	24-2	97 Lamoine Beach Rd	\$41,500	\$121,300	
15	24-3	97 Lamoine Beach Rd	\$44,000	\$81,600	
15	24-4	103 Lamoine Beach Rd	\$44,000	\$81,600	
15	24-5	111 Lamoine Beach Rd	\$44,200	\$71,200	
15	25	69 Lamoine Beach Rd	\$33,300	\$131,200	
15	26	63 Lamoine Beach Rd	\$32,500	\$50,100	
15				\$4,643,500	
15		total dwellings		48	
15		Average Dwelling value		\$96,740	
15		Average household size, 2010 fed cen		2.25	
15		Estimated population		108	
15		Percent of Lamoine pop *		6.74%	Lamoine pop. 1,602 2010 census

### Area Computation of 1/4 Mile Kittredge Ring



Area computation			
Segment	Acres		
A	122.93		
B	31.42		
C	31.42		
D	29.1		
E	31.42		
F	31.42		
G	103.62		
H	52.94		
I	9.35		
J	4.82		
K	1.93		
<b>TOTAL</b>	<b>450.37</b>	<b>acres</b>	
<b>Square mile=</b>	<b>640</b>	<b>acres</b>	
<b>fraction</b>	<b>0.703703125</b>	<b>square miles</b>	
<b>persons/</b>	<b>148</b>	<b>persons</b>	
<b>square mile=</b>	<b>210.3159624</b>	<b>per sq. mile</b>	<b>surrounding proposed pit</b>
<b>Lamoine pop.</b>	<b>1602</b>	<b>persons</b>	
<b>Lamoine area</b>	<b>11,000.20</b>	<b>acres</b>	
<b>square miles</b>	<b>17.1878125</b>	<b>square miles</b>	
<b>persons/</b>			
<b>square mile=</b>	<b>93.20557808</b>	<b>per sq. mile</b>	<b>all of Lamoine</b>
<b>multiple</b>	<b>2.256473988</b>	<b>times Lamoine density</b>	

## Marlboro Beach Road Residency

Marlboro Map	Beach Rd Lot #	Local?	address
16	1	N	149 Marlboro Beach Rd
16	3	N	131 Marlboro Beach Rd
16	4	N	119 Marlboro Beach Rd
16	5	Y	111 Marlboro Beach Rd
16	6	Y	103 Marlboro Beach Rd
16	7	N	91 Marlboro Beach Rd
16	8	Y	79 Marlboro Beach Rd
16	43	Y	92 Marlboro Beach Rd
16	44	Y	28 Ford Ln
16	46-1	N	28 Mermot Ln
16	46	N	102 Marlboro Beach Rd
16	47	N	110 Marlboro Beach Rd
16	48	Y	101 Lupine Ln
16	49	Y	3 Starfish Ln
16	49-1	N	8 Brown Ln
16	50	N	15 Brown Ln
16	51-1	Y	148 Marlboro Beach Rd
16	52	Y	160 Marlboro Beach Rd
	total properties	18	
	total Lamoine tax addresses	9	

END.

STATE OF MAINE  
HANCOCK, ss.

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. CV-11-04

DOUG GOTT & SONS, INC.,

Plaintiff,

v.

**DECISION AND ORDER ON  
80B APPEAL**

TOWN OF LAMOINE,

Defendant.

This matter is before the Court on Plaintiff Doug Gott & Sons, Inc.'s M.R. Civ. P. 80B appeal from the denial of its permit application by the Town of Lamoine's Planning Board. Plaintiff makes an independent claim for declaratory judgment on the constitutionality of section 7(D)(6) of the Lamoine Gravel Ordinance. After review, the Court affirms.

#### **BACKGROUND**

Plaintiff owns and operates a gravel pit in Lamoine, Maine, and sought a permit in October of 2009 seeking to expand its gravel operations to an adjacent lot that was also under its ownership. Lamoine's Gravel Ordinance requires that a person seeking to extract gravel must acquire a permit, and Lamoine's Site Plan Ordinance requires that a site plan be approved. Plaintiff filed for both a permit and site plan approval on November 11, 2010. After a public hearing, the Lamoine Planning Board denied Plaintiff's applications. During the hearing, the Planning Board considered testimony from Plaintiff and the public. Plaintiff appealed both decisions of the Planning Board to the Lamoine Zoning Board of Appeals ("ZBA"), which consolidated the appeals, and reversed the Planning Board with respect to the Site Plan Approval.<sup>1</sup> The ZBA also reversed the Planning Board's determination that Plaintiff's proposed use would not "conserve natural beauty," but it affirmed the conclusion that the use would have an adverse impact on surrounding properties.

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<sup>1</sup> The Planning Board subsequently moved the ZBA to reconsider its decision regarding the Site Plan, however, after an additional hearing, the ZBA confirmed its prior decision.

Ultimately, the ZBA affirmed the denial of Plaintiff's request for a gravel permit. Plaintiff now appeals to this Court pursuant to 5 M.R.S. §§ 11001-11008 (2012) and M.R. Civ. P. 80B.

## DISCUSSION

### I. Standard of Review

This Court reviews adjudicatory decisions of a Planning Board "for abuse of discretion, errors of law, or findings not supported by the substantial evidence in the record." *Wyman v. Town of Phippsburg*, 2009 ME 77, ¶ 8, 976 A.2d 985; *Save Our Seabasticook, Inc. v. Bd. Of Environmental Prot.*, 2007 ME 102, ¶ 13, 928 A.2d 736. A Court will "not vacate an agency's decision unless it: violates the Constitution or statutes; exceeds the agency's authority; is procedurally unlawful; is arbitrary or capricious; constitutes an abuse of discretion; is affected by bias or an error of law; or is unsupported by the evidence in the record." *Kroeger v. Dep't of Env'tl. Prot.*, 2005 ME 50, ¶ 7, 870 A.2d 566. The Court will affirm findings of fact if they are supported by "substantial evidence in the record." *S.D. Warren Co., v. Bd. of Environmental Prot.*, 2005 ME 27, ¶ 22, n.10, 868 A.2d 210. Substantial evidence exists when there is any competent evidence in the record to support a finding. *Friends of Lincoln Lakes v. Bd. of Environmental Protection*, 2010 ME 18, ¶ 14, 989 A.2d 1128. A party seeking to vacate a state or local agency decision bears the burden of persuasion on appeal. *Bizier v. Town of Turner*, 2011 ME 116, ¶ 8, 32 A.3d 1048; *Anderson v. Me. Pub. Employees Ret. Sys.*, 2009 ME 134, ¶ 3, 985 A.2d 501.

This Court will review directly the decision of the agency or officer that acted in a de novo or fact-finding capacity, without deference to intermediate appellate review by the Board of Appeals, *Mills v. Town of Eliot*, 2008 ME 134, ¶¶ 13-16, 955 A.2d 258, *Yates v. Town of Southwest Harbor*, 2001 ME 2, ¶ 10, 763 A.2d 1168, unless, the local ordinance directs the Board of Appeals to hear evidence and decide facts in a de novo review. *Aydelott v. City of Portland*, 2010 ME 25, ¶¶ 9-10, 990 A.2d 1024.

This Court will interpret a local ordinance de novo as a matter of law. *Aydelott v. City of Portland*, 2010 ME 25, ¶ 10, 990 A.2d 1024; *Kittery Retail Ventures, LLC v. Town of Kittery*, 2004 ME 65, ¶ 10, 836 A.2d 1285. The ordinance

will be examined for its plain meaning in light of its purposes, objectives, and general structure. *Stewart v. Town of Sedgwick*, 2002 ME 81, ¶ 6, 797 A.2d 27. If the ordinance is clear on its face, the Court will not examine extrinsic evidence to determine meaning. *Rudolph v. Golick*, 2010 ME 106, ¶ 9, 8 A.3d 684. However, "local characterizations or fact-findings as to what meets ordinance standards will be accorded 'substantial deference.'" *Id.*, ¶ 8, 8 A.2d at 684; *Jordan v. City of Ellsworth*, 2003 ME 82, ¶ 9, 828 A.2d 768 (internal citations omitted).

## II. Analysis

As a preliminary matter, the Court must identify the last de novo decision-maker in order to conduct its review. In this case, the parties agree that the last de novo decision-maker was the Planning Board. Based on the ordinance and the record before the Court in this case, the Court will not, therefore, give deference to the review by the Board of Appeals. *Mills*, 2008 ME 134, ¶¶ 13-16, 955 A.2d 258.

### A. Adverse Affect on Surrounding Properties

Plaintiff first appeals from the finding of the Planning Board that its proposed use would "adversely affect surrounding properties." The Lamoine Gravel Ordinance states:

The Planning Board shall, after the submission of a complete application including all the information requested, and after review of the most recent Code Enforcement Officer compliance report and any other available enforcement information available with respect to the gravel pit in question, grant a permit if it makes a positive finding based on the information presented that the proposed operation:

1. Will not unreasonably result in unsafe or unhealthful conditions.
2. Will not unreasonably result in erosion or sedimentation.
3. Will not unreasonably result in water pollution, nor affect adversely existing ground water, springs, or ponds.
4. Will conserve natural beauty in keeping with the restoration provisions of [the] ordinance.

5. Will not adversely affect public ways.
6. Will not adversely affect surrounding properties.
7. Is in conformance with the performance standards of Section 8.

(Lamoine Gravel Ordinance, section 7(D).)

In particular, Plaintiff contends that the Planning Board's conclusion on this issue is not supported by "substantial evidence" in the record and was clearly erroneous. (Pl.'s Brief at 7.)<sup>2</sup> Lamoine, on the other hand, contends that substantial evidence existed to support the Planning Board's conclusion.<sup>3</sup>

The Law Court has stated that "[s]ubstantial evidence is evidence that a reasonable mind would accept as sufficient to support a conclusion. *York v. Town of Ogunquit*, 2001 ME 53, ¶ 6, 769 A.2d 172 (internal quotations omitted). "We may not substitute our own judgment for that of the Board." *Id.* However, "[t]he findings of a planning board must be sufficient to apprise either [the Court] or the parties of the basis for their conclusion. Although an agency is not always required to issue a complete factual record, written factual findings must be sufficient to show the applicant and the public a

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<sup>2</sup> Plaintiff contends that the Planning Board heard no testimony at its public hearing on the matter capable of supporting its factual conclusion that the use would adversely affect surrounding properties. Therefore, Plaintiff asserts that the Planning Board abused its discretion. Plaintiff argues that the public testimony "was almost exclusively comprised of community members' generalized displeasure with gravel extraction in Lamoine. (Pl.'s Brief at 7.) Plaintiff admits that one community member offered "substantive," and "compelling" testimony regarding noise and dust created by gravel operations, but contends that Plaintiff "did not identify the offending trucks as those of Plaintiff." (Pl.'s Brief at 8.) As a result, Plaintiff asserts that "[i]n the absence of evidence demonstrating a measurable and objectively unreasonable impact caused by Plaintiff's proposed use . . . , there was no legitimate basis for the Board's determination. . . ." (Pl.'s Brief at 8.)

<sup>3</sup> Lamoine asserts that the public testimony raised specific concerns about the proposed "additional" gravel pit with respect dust impact on vegetation, homes, air quality, erosion, water quality, visual appeal, danger to children, decreased property values, encroachment into residential areas, removal of natural buffers, irreparable loss of wild areas, and noise pollution. (Lamoine Brief at 4-5.)

rational basis [for] its decision." *Bodack v. Town of Ogunquit*, 2006 ME 127, ¶ 14, 909 A.2d 62 (internal citations omitted).

In this case, the Planning Board was required to determine that the proposed operation in question would not adversely affect surrounding properties. (Lamoine Gravel Ordinance, Section 7(D)(6).) The Planning Board made the following findings:

The board has heard testimony at two Public Hearings regarding the intrusion of gravel minding operations further into the residential neighborhoods to the west and north of this location. Some residents question the impact of this expansion on the property values of neighboring properties.

Further, the applicant stated more than once that this holds little value as a site for 'excavation' and 'extraction' of gravel as there is, to quote the applicant's representative, "not really very much gravel in there." Excavation and extraction are two essential reasons for a gravel pit, as stated in Section 1 of the Lamoine Gravel Ordinance. As present, Gott & Sons owns considerable acreage adjacent to and nearby the proposed B&H expansion area. This acreage could be used for the storage purposes noted as the primary reason for the application. In short, the 'gain' to the applicant does not outweigh the loss to neighbors and residents of the town.

Citizen testimony and the failure of the applicant to justify the need for a gravel pit in this location convinced the majority of the Planning Board that the proposal would adversely affect surrounding properties.

(Planning Board Findings at 5.)

Substantial evidence exists that could have supported the Planning Board's determination that property values would be adversely impacted by granting the requested permit. *Hutz v. Alden*, 2011 ME 27, ¶ 15, 12 A.3d 1174 ("Property owners, by reason of their ownership alone, may state their opinion as to the fair market value of their property"). At the December 7, 2011, public hearing held on

Plaintiff's application, the Planning Board considered the Plaintiff's application materials, testimony from the Plaintiff, and testimony from the public. The hearing lasted for approximately 18 minutes and several members of the public voiced concerns about the impact the increased gravel operations would have on the town and their quiet enjoyment of their properties. The Board also heard testimony on noise pollution, property devaluation, and dust. One resident stood and played an audiotape that she had recorded from her porch three days before the hearing of the truck noise from gravel operations near her home. (Hearing at 13:39.) The Planning Board meeting minutes noted: "The frequency and noise of these trucks render normal conversation difficult." (Exhibit E). This same resident also complained of the grime and soot that attached to her house as a result of these activities. A reasonable person could infer from the above testimony that permitting increased gravel extraction operations in this neighborhood might result in adverse impacts like those experienced in other Lamoine neighborhoods.

The Planning Board's balancing of the harms approach was harmless error because it needed only determine that surrounding properties would be adversely affected to deny the permit. See M.R. Civ. P. 61. Reduction of property value is certainly an adverse effect and is alone sufficient to support the Planning Board's conclusion. According, this Court holds that the Lamoine Planning Board did not abuse its discretion in denying Plaintiff's permit request.

#### *B. Constitutionality of Section 7(D)(6)*

Plaintiff's next argument is that section 7(D)(6) of the Lamoine gravel ordinance is unconstitutionally vague on its face. Plaintiff also argues that section 7(D)(6) permits the zoning board to "express legislative-type judgment and the value of a particular use rather than limiting its review to a consideration of whether an applicant has satisfied enumerated, objective criteria contained in the ordinance." Section 7(D)(6) states, "the Planning Board shall . . . grant a permit if it makes a positive finding based on the information presented that the proposed operation . . . will not adversely affect surrounding properties."

The constitutionality of a zoning ordinance is presumed, *Gorham v. Cape Elizabeth*, 625 A.2d 898, 900 (Me.

1993), and Maine Courts will seek to construe an ordinance to preserve its constitutionality. *Town of Baldwin v. Carter*, 2002 ME 52, ¶ 9, 794 A.2d 62, 66-67. A party challenging an ordinance's constitutionality bears the burden of proof. *Id.* The Court treats the concept of vagueness and unlawful delegation as one challenge because both are concerned with the issue of definiteness. *Uliano v. Board of Environmental Protection*, 2009 ME 89, ¶ 15, 977 A.2d 400, 408. A challenged ordinance will be constitutionally definite enough if it is applied using objective, quantitative, and measurable standards. *Id.* 2009 ME 89, ¶ 14; *Kosalka v. Town of Georgetown*, 2000 ME 106, ¶ 17, 752 A.2d 183.

The Standard is also not constitutionally deficient simply because it is not couched in empirical terms . . . . [The Law Court] has previously recognized that objective qualification, mathematical certainty, and absolute precision are not required by either the United States Constitution or Maine Constitution . . . . [there need only be] an intelligible principle to which the person or body authorized to act is directed to conform.

*Uliano*, 2009 ME 89, ¶ 30 (internal citations and quotations omitted).

Here the term, "not adversely affect surrounding properties" is not indefinite. This language is included in the Gravel Ordinance, which has the functional effect of tying the definition of "adversely affect" to common gravel extraction impacts. By its own terms, the Lamoine Gravel Ordinance identifies multiple impacts associated with gravel extraction, including erosion and runoff (including an express reference to adverse affect on adjoining properties), groundwater pollution, scenic impacts, vegetation impacts, spillage and leakage from transportation, open access dangers to the public, nighttime operations, and noise. (Lamoine Gravel Ord., section 8(A)-(H).) All of these impacts may reasonably be construed as adversely affecting surrounding properties by impacting the use, enjoyment and values of those properties. The logical construction of section 7(D)(6) reads it in the context of the gravel ordinance as a whole. In that context, the challenged term provides measurable, cognizable, and quantitative standards by which the board must make its decision. See *Uliano v. Board of*

November 6, 2017

Dear Planning Board,

We are writing in regards to the Macquinn Application for a 100 acre or more gravel permit, where some of the proposed site is abutting residential homes. There are also numerous homes within 500 feet of the proposed site, which will be adversely affected. We are opposed to having a gravel pit so close to our homes, our place to feel peace, our place to embrace our families. Residents want to be able to go out in their backyards and feel safe, have peace, and have the quality of life we all strived for when we moved to Lamoine.

Residents on the Mill Road have had to deal with a gravel mining operation, that came within feet of a Mill Road resident's home, which was supposed to have been a place for a garage, but only gravel extraction occurred. After the land was stripped of trees and the excavation began, many residents could hear the mining, excavators digging, the beeping of the dump trucks backing up, the pounding of a dump truck tailgate, and on the other end of the pit, the grinding of gravel being screened; which sounds like glass being crushed for hours on end.

The 2011 Gravel Ordinance Section 7 also states, "Gravel mining will not adversely affect surrounding properties." When most residents moved to the Mill Road, there were no gravel mining operations near homes. Dick King had built residential homes and for about 25 years it was peaceful, quiet, and what you would expect from a residential neighborhood. We do not want more mining happening near the Mill Road because of noise, dust, quality of life, and the potential of water contamination to the Spring. The 2011 Gravel Ordinance Section 7 states, "Will not unreasonably result in unsafe health conditions." The noise, stress, and dust is unhealthy for people living near a mining operation. Having a hole 60 feet deep is no way a safe condition behind residential homes. Many residents along the Mill Road, and 184 have felt the impact of not being able to sit outside their home because it is just too noisy because of the beeping of the dump truck, the excavator digging, and/or the stripping of trees.

Another issue is marketability of our homes. If someone is looking to buy a home, having a gravel operation near a home is a definite reason to look else where. A son of one our residents wanted to buy a house in Lamoine, but decided to buy a home elsewhere because of the threat of a gravel pit coming near his home. We urge the planning board to think about adverse effects to landowners surrounding this operation. The effects are life altering and will never be able to be reversed.

We have already endured what gravel mining on one side of the street can do to the quality of life, please don't add more intrusion and hardships in our lives. We know first hand what mining can sound like and it is loud, adds dust to the air we breath, and many of us have to wash our screens every couple of weeks. There is also stress of not knowing whether to sell one's home before another mining operation begins. We moved here because it was a residential setting; not an industrial setting.

Our quality of life will be ruined for generations to come. There will be no end in sight if this application is approved. There will never be peace and quiet, there will never be clean air, there will never be a comfortable place to call home.

Yours truly, Mill Road Residence

Valerie Sprezza

Jay C. Jones  
Carol Astard

Paul Ward  
Russell Spofford  
Joyce Spofford

Andrea Smith  
T. Di  
Karyn Smith

Robert Jones  
Glen Williams 1032 Shore RD

Main Identity

From: "Lamoine Town Office" <town@lamoine-me.gov>  
 To: "Charles Weber" <cweber@seacoastmission.org>; "Chris Tadema-Wielandt" <marlboroabstract@roadrunner.com>; "Donald Bamman" <dbamman@mainevaluation.com>; "gordon donaldson" <cgdonaldson@myfairpoint.net>; <gordon.donaldson@umit.maine.edu>; "James Gallagher" <jgallag@maine.edu>; "John Holt" <johnjoyce@midmaine.com>; "Michael Jordan" <mrmike6996@gmail.com>; "Perry Fowler" <perry@jayfowler.com>; "Stu & Bonnie Marckoon" <marckoon@roadrunner.com>  
 Sent: Thursday, January 03, 2013 10:27 AM  
 Attach: Wuorinen.pdf  
 Subject: FW: Comments on MacQuinn (Map 3 lots 31 & 33) Gravel extraction application. Pls forward to planning board.

Dear Planning Board,

I am forwarding another public hearing comment received via e-mail, as well as a written comment which I've scanned and attached. My plan is to place all the comments in a folder to have available at the public hearing on Tuesday.

Stu Marckoon

-----Original Message-----

From: Kathleen Rybarz [mailto:klybarz@gmail.com]  
 Sent: Thursday, January 03, 2013 10:12 AM  
 To: Lamoine Town Office  
 Subject: Comments on MacQuinn (Map 3 lots 31 & 33) Gravel extraction application. Pls forward to planning board.

Hello Planning board members,

I want to thank you for your volunteer efforts for the Town of Lamoine. I wish I could attend the public meeting on January 8th, 2013. Because of my work schedule I am not able to attend the meeting, but I have got permission to watch the proceedings from my workplace.

I do feel that this permit to expand to 110 acres should not be approved.

I feel that the original 65 acre pit has the ability to adversely interfere with existing uses of the land and unreasonably harm habitat of the surrounding area. Removing even the north slope of that hill, that thousands of people see as they drive down route three to Trenton would change the landscape of Lamoine. It would also adversely affect the current natural water flow.

Therefore it makes no sense to even consider expansion of the approved pit to 110 acres - that would create one of the largest pit operations in the state of Maine - right in the middle of the current center of the community. It would remove the landmark hill that makes Lamoine unique in the area.

The existing informal use of the hill as a hiking and running trail would be adversely affected if not eliminated because of public safety concerns.

In addition, the possibility of the impact on the pit excavations on the water supply of the cold water spring company could be catastrophic. All the households in that area of town who depend on the communal source, the

) school and fire house. This would negatively affect the public safety of the school children of Lamoine. This would lower water quality for the town of Lamoine.

Thank you for the opportunity to speak on this issue.

Dr. Kathleen Rybarz

50 Ice House Lane

Lamoine, Maine 04605=

## Town of Lamoine

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**From:** ehneske@comcast.net  
**Sent:** Thursday, October 26, 2017 10:25 PM  
**To:** planning board  
**Cc:** ehneske@comcast.net  
**Subject:** The MacQuinn gravel pit expansion

To: The Lamoine Planning Board  
From: Elaine Hodgkins Neske  
Re: The MacQuinn gravel pit expansion

I am writing to express my deep concern about the MacQuinn application to excavate gravel that would remove all of Cousins' Hill, the most prominent geographic feature in Lamoine from the last ice age. As well as being a critical filtration system for the Lamoine aquifer it has provided important climate protection to the historic center of town which is Lamoine corner. There was a good reason why so many houses were built under the protection of Cousins' Hill as it provided a valuable buffer against the north winds.

Almost every year for the past eighty years I have returned to Lamoine in the fall from the west coast to visit family in Lamoine. The Nathan Hodgkins house located at Lamoine corner, now one of the oldest houses in Lamoine and built around 1810, was owned by my family up until the past few years. Lamoine Corner still has a large cluster of 19<sup>th</sup> century houses that are historic to the town as well as being the location for the Baptist Church and the Grange, also important old buildings in Lamoine. Over the years, the quality of life for this house and in the Lamoine corner area has been degraded by the noise of gravel trucks, and dust coming into the house.

Over many decades I have seen the changes in Lamoine resulting from the continued destruction of the Lamoine landscape by the ever expanding gravel industry. At one point I owned a piece of land in the area at the base of Cousins' Hill but with the illegal gravel mining started by Ralph Miro and then the expansion of that pit by Paul MacQuinn, I decided that it would not be an area that I would ever want to build a house in. My brother David Hodgkins sold the family homestead and donated the rest of his land near Cousins' hill to the Cold Spring Water Company in hopes of providing some additional protection for the water supply and the Forest Hills Cemetery. I have other Hodgkins relatives that I know would have continued to live near Lamoine corner in family homes but they too became concerned about how their quality of life would be lowered if the gravel mining continued.

In the past few years with the portion of Cousins' Hill now being mined, it is like a nightmare in slow motion. It's ugliness is repulsive especially when one realizes that the natural beauty of Cousins' Hill is derived not just from it's scenic quality in relation to the ocean but also because we understand that it is part of a geological feature that provides a delicately balanced water system that once gone can't be put back together again. That one industry could get a grip on a small town like Lamoine and systematically destroy the very essence of what makes it unique, it's unusual geographic features, is a great tragedy for the town and it's future. People like myself come back to Lamoine and the Hancock county area in part because of our long term family connections but also because it is one of the most beautiful locations in the world. Lamoine is so well located near the ocean, Acadia National Park, and Ellsworth, that the presence of this all consuming industry, has and will in the future limit the potential of Lamoine as the town has to work around the permanent scars of what was once a

perfect place. Lamoine has given up so much and has gained nothing in return. A poor bargain in deed.

- ) It is my hope that the Lamoine Planning Board votes "NO" for a second time to stop this application to destroy Cousins' Hill.

Sincerely,

Elaine Hodgkins Neske

To the members of the Planning Board:

I wish to add my voice to those who have already expressed concerns regarding Harold MacQuinn, Inc.'s proposal to remove the rest of Cousin's Hill.

Firstly, concerning the issue of water quality: While potential impact is unknown until it is too late to reverse it, what is known is that due its proximity to the proposed extraction, the water quality of the Cold Spring Water Company supply may be negatively affected. If this were to happen, the homes on Mill Road currently served by this water supply are LOTS THAT ARE TOO SMALL TO SUPPORT INDIVIDUAL WELLS due to the presence of individual septic systems.

In addition, the removal of the pressure arising from the hill's existence could affect the level of the water table, leaving the water table at the location more vulnerable to contamination. Any attempt to mitigate such contamination would cost \$1, 000, 000 per quart.

Secondly, regarding issues which include the proximity to the center of Lamoine, the safety of people walking, biking and even driving in the immediate area, the increase in traffic from such an expansion needs to be considered. Due to the high density of residents within one quarter mile of the proposed pit expansion and the presence of the Lamoine Consolidated School, the Lamoine Baptist Church and the Lamoine Bayside Grange, this is already a busy area traffic-wise. Increased noise and dust alone from such an expansion presents a critical problem.

Under the 2011 Gravel Ordinance, the one in effect when MacQuinn initially applied, Section 7 states several points. These include but are not limited to [the extraction] will not unreasonably result in unsafe or unhealthful conditions, will not unreasonably result in water pollution, nor adversely affect existing ground water, will not adversely public ways and will not adversely surrounding properties. It would appear that based on the above-listed factors alone there are a number or problems with this application under the 2011 Gravel Ordinance.

In addition, and just as importantly, conserving natural beauty is a provision of the 2011 Gravel Ordinance. And the issue of removal of an Historic geological feature cries out to be looked at.

The indisputable negative impacts on air quality, quality of life, property values, the unavoidable removal of wildlife habitat are all factors which argue strongly for a denial of this application.

I earnestly entreat the Planning Board to weigh all of these critically important factors very carefully in arriving at your decision. The impact of this will have a major effect on the future of this town.

Thank you for your time and consideration.

Sincerely,

Annie Crisafulli  
130 Seal Point Road  
Lamoine, Maine 04605  
207-664-0444  
zukes29p@icloud.com

A handwritten signature in cursive script that reads "Annie Crisafulli". The signature is written in dark ink and is positioned below the typed contact information.

113 Spring Rd  
Cherry Hill, NJ 08003-3025

September 23, 2017

Members of the Lamoine Planning Board,

Please include, as part of the public hearing record, my thoughts with respect to the proposed permit to allow Harold MacQuinn, Inc., to operate a gravel pit in the area known as Cousin's Hill.

My concern is the enforcement of Lamoine ordinances coupled with the demonstrated lack of trustworthiness on the part of MacQuinn, Inc. to abide by the spirit and letter of the law

As a part time resident for the past twenty two years I have personally experienced Lamoine government in action. Of particular concern is been Planning Board/code enforcement and the lack ability to depend on the implementation by each to act as the law intends.

I have nothing but the greatest respect for the individuals on the boards and commissions that make up the town government. They give freely of themselves in time, money and talent. Without them there would be total chaos. But, they also have personal and professional lives and obligations that must be met before they can even think of approaching an extra curricula activity such as serving the town. Nevertheless, they are amateurs and don't stand a chance when it comes to dealing with those who make it a practice to suck every advantage they think the law allows plus more as they play a game of "outsmart the local officials". In my opinion, Harold MacQuinn, Inc is the poster child for such behavior and the Asher Pit is an excellent example.

MacQuinn to Hiltz, Book 6531, Page 236. (Deed starts on p 233) recorded 2/26/2016

Reference may also be had to a Release of Right of First Refusal from Harold MacQuinn, Inc. of near or even date to be recorded prior hereto.

The Grantees, their heirs, successors and assigns, by acceptance of this deed, acknowledge that there is a gravel extraction operation on adjacent property owned by Grantor's predecessor in title, Harold MacQuinn, Inc. and that as further consideration for the purchase of this property from Grantor, Grantees, their heirs, successors and assigns agree that they will not object to such extraction operations, including traffic to and from the gravel pit, nor express concern over such operations to any local, state or federal governmental agency or officer or third party.

Together with all rights, easements, privileges and appurtenances belonging to the granted estate.

This was entered for a property adjacent to the Asher Pit. In my opinion it is a clear attempt to keep local code enforcement at a distance and hamstrung with respect to code enforcement. This was entered subsequent to the pit renewal permit in January of 2014. The permit was issued on condition that six Gravel Pit Ordinance standard be met. (Planning Board Minutes). It appears that MacQuinn Inc was anticipating not being in compliance and my reading of planning Board Minutes seems to bear this out.

The latest seems to be the restoration of the slopes. Hydroseeding was a farce and the latest attempt doesn't appear to be much better. The use of engineered soil is creative and a clear indication of trying to beat the intent of the ordinance, but not necessarily the letter. Having spent twenty years managing advanced technology projects , I can attest that there is always a difference between theory and reality. It is my opinion that the renewal permit should be held in abeyance until grass actually grows and the slopes are graded to safe angle. The remediation is supposed to lead to repurposing of the property and the slopes are not natural or safe.

All this leads to Cousin's Hill in the following way. If the town government had been following the case as town ordinance have directed, MacQuinn would be in compliance at this point. On the other hand, MacQuinn did not exhibit the responsibility of a good corporate citizen by voluntary compliance. It appears they they were doing damage control in anticipation of non-compliance. Their actions place into question their ethics trustworthiness.

It is my recommendation that the permit application be denied until the town can demonstrate the ability to enforce ordinances and the company can demonstrate that they are worthy of being allowed to operated in the town. Furthermore, I feel that the Asher pit should be closed pending proof of compliance. I believe that his approach is supported by state law.

W.M. Shubert

## Town of Lamoine

---

**From:** tmcollins401@gmail.com  
**Sent:** Wednesday, September 27, 2017 4:52 PM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** Gravel pit extension

I have reviewed the concerns raised by the "Friends of Lamoine" and share their concerns I do not believe Lamoine will benefit from an additional or expanded gravel pit Thank you Sorry we can not attend the meeting Molly & Tom Collins  
Sent from my iPhone=

## Town of Lamoine

---

**From:** Benjie Whitcomb <benwhitcomb3@yahoo.com>  
**Sent:** Tuesday, September 26, 2017 8:43 AM  
**To:** planning\_board@lamoine-me.gov  
**Cc:** Kath&P email; Stu (bro); Judy  
**Subject:** macQuinn expansion into town

The question is, really, whether gravel extraction will continue to be a good thing for the town, and/or to what extent. I do not trust the motives of the pit operators to be anything other than businesslike. MDI has no gravel to speak of, and so our town is an easy mark for their profits

Sent from my iPad

Sent from my iPhone

## Town of Lamoine

---

**From:** Marina Sapir <marina.sapir.mail@gmail.com>  
**Sent:** Thursday, September 21, 2017 1:07 PM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** Gravel Pit

Hello,

I just received a mailing from "Friends of Lamoine", which states that Mr. H. McQuinn submitted an application for a huge gravel pit in the center of Lamoine. Since we have already voted against expansion of gravel pits, is not it enough to reject this application?

Why is this application even being considered?

How else the citizens of Lamoine can make their voice heard to have this application rejected once and for all? It affects everyone, and it would not be fair (probably, illegal) if you make this decision against clearly expressed will of the citizens.

Marina Sapir, Ph.D.

25 Rabbit Run, Lamoine, ME 04605

<http://sapir.us>

To the Lamoine Planning Board:

Mr. Chairman, John Holt, and Board Members,

We recently purchased a home in Lamoine. We are very concerned about the intent of Harold MacQuinn, Inc. to mine a significant amount of land in Lamoine. There are numerous reasons for our concern. We are worried about the aesthetic impact, as well as the effect on property values and the decrease in acres of land that can be developed. Will the quality of our air and ground water be affected? Will Lamoine benefit in any way? Is this worth the negative impact? These issues must be considered.

Please do what is best for the town of Lamoine. Say **no** to this strip mining.

Thank you for your time and consideration on this matter.

Sincerely,

Mark and Mimi Worthington

I own a house in Lamoine beach and am natureally concerned about a proposal being presented to the planning board for the excavation of a gravel pit adjacent to Lamoine Comer. I do not understand how the excavation of the gravel pit would in any way help the citizens of Lamoine or in any way enhance the beauty of the area or improve the quality of life. There are already three gravel pits in the area and another pit is not needed or wanted. Lets deny the petition for another gravel pit and keep the natural beauty of the area intact. As John Keats wrote " A thing of beauty is a joy forever." Lamoine is a thing of beauty a gravel pit is not.

Sincerely, Nelson Ayling  
17 Stolt Rd, Lamoien Maine

**Main Identity**

**From:** "Lamoine Town Office" <town@lamoine-me.gov>  
**To:** "Charles Weber" <cweber@seacoastmission.org>; "Chris Tadema-Wielandt" <marlboroabstract@roadrunner.com>; "Donald Bamman" <dbamman@mainevaluation.com>; "gordon donaldson" <cgdonaldson@myfairpoint.net>; <gordon.donaldson@umit.maine.edu>; "James Gallagher" <jgallag@maine.edu>; "John Holt" <johnjoyce@midmaine.com>; "Michael Jordan" <mrmike6996@gmail.com>; "Perry Fowler" <perry@jayfowler.com>; "Stu & Bonnie Marckoon" <marckoon@roadrunner.com>  
**Cc:** "Stephen Salsbury" <steve@herrickandsalsbury.com>  
**Sent:** Monday, January 07, 2013 7:46 PM  
**Attach:** faint\_grain1.jpg  
**Subject:** FW: gravel pit

**From:** robert l.mikes [mailto:orbo@earthlink.net]  
**Sent:** Monday, January 07, 2013 5:01 PM  
**To:** town@lamoine-me.gov  
**Subject:** gravel pit



To Lamoine Planning Board:  
 Our concern is that we want Lamoine to remain the same peaceful community it has been.  
 Too many trucks are already a traffic concern, please keep it the same laid back Lamoine.

Yours Truly. Robert I. & Orna Mikes  
 91 MeadowPoint



**FREE Animations for your email [Click Here!](#)**

**Main Identity**

**From:** "Lamoine Town Office" <town@lamoine-me.gov>  
**To:** "Charles Weber" <cweber@seacoastmission.org>; "Chris Tadema-Wielandt" <marlboroabstract@roadrunner.com>; "Donald Bamman" <dbamman@mainevaluation.com>; "gordon donaldson" <cgdonaldson@myfairpoint.net>; <gordon.donaldson@umit.maine.edu>; "James Gallagher" <jgallag@maine.edu>; "John Holt" <johnjoyce@midmaine.com>; "Michael Jordan" <mrsmike6996@gmail.com>; "Perry Fowler" <perry@jayfowler.com>; "Stu & Bonnie Marckoon" <marckoon@roadrunner.com>  
**Cc:** "Stephen Salisbury" <steve@herrickandsalsbury.com>  
**Sent:** Monday, January 07, 2013 7:46 PM  
**Subject:** FW: 110 Acre Gravel Pit - Harold MacQuinn, Inc.

**From:** Lenka Marie Hospodka [mailto:Lenka.Hospodka@nau.edu]  
**Sent:** Monday, January 07, 2013 6:19 PM  
**To:** town@lamoine-me.gov.  
**Subject:** 110 Acre Gravel Pit - Harold MacQuinn, Inc.

Lamoine Planning Board:

I urge you to please reject the expansion of this gravel pit for the following reasons:

- #1. Increased traffic on Route 184. Damage to the surface of the road (which at this time is not of high quality).
- #2. Increased noise in the area.
- #3. Reduced quality of water despite reassurance from various authorities.
- #4. Negative impact on wildlife/plant life – I believe eagle nesting area not far away, as well as other wildlife currently in the area – deer, birds, etc.

These are concerns/reasons for careful consideration of this application and I request that you deliberate carefully regarding this proposal.

Thank you.

Lenka Hospodka  
 Lamoine Resident

JANE PETTE / JOHN PETTE

WE HAVE LIVED CLOSE TO MACQUINN ROAD FOR THE PAST TWO YEARS, AND HAVE BEEN DISTURBED FROM THE START BY THE ENDLESS DOWNSHIFTING, BRAKING, AND ACCELERATION OF GRAVEL-LOADED DUMP TRUCKS LEAVING THE PIT ON THAT ROAD.

IN AUGUST OR SEPTEMBER OF THIS YEAR, THE ACTIVITIES AT THE PIT WERE RAMPED UP, WITH WORK STARTING AT ABOUT 3 A.M. AND CONTINUING THROUGHOUT THE DAY UNTIL 4-5 P.M.

THIS ACTIVITY WAS AN INDICATION TO <sup>US</sup> ME OF A FLAGRANT DISREGARD FOR THE QUALITY OF LIFE OF SURROUNDING RESIDENTS, AND I WONDERED THROUGHOUT THIS PERIOD WHETHER IT WAS EVEN LEGAL.

<sup>WE</sup> I THINK THIS SPEAKS TO THE ISSUE OF WHETHER MACQUINN INC. CAN BE EXPECTED TO ACT IN GOOD FAITH DURING THE APPLICATION PROCESS AND, IN PARTICULAR GOING FORWARD, IN THE EVENT THAT ITS APPLICATION SHOULD BE APPROVED.

<sup>WO</sup> I WOULD URGE THAT IT BE ~~BE~~ DECLINED.

Jane Pette  
John Pette

Steven Callahan  
13 Sugarbush Drive  
Lamoine, ME 04605  
207-664-0939

30 April 2014  
Select People of Lamoine  
c/o Town Hall Lamoine  
Douglas Highway  
Lamoine, ME 04605

Dear Select People,

Sand and gravel open-pit mining in Lamoine has become a very hot-button issue. This should be no surprise because, basically, pit operators, especially non-resident large-pit operators have proven themselves to be very bad neighbors for many years now, and the problem continues to grow worse. Many residents who have no financial interests in these pits, especially those of us who live bordering or near large pits, feel exploited and under attack. These pits primarily benefit only the pit operators while imposing significant liabilities on Lamoine citizens. Yes, we all understand the need for sand and gravel, but to use that as a rationalization to let pit operators create their own regulation is a dog that won't hunt. Let us be honest; enough material comes out of pits in Lamoine in a year to do all the groundwork ever done in this town, probably many times over. Are we obliged to become an industrial wasteland to provide sand and gravel to the whole state, and in some cases, out of state? I really don't think so.

I've been a Lamoine resident since 1977 when my wife and I purchased an old farmhouse from Joe Hodgkins, a member of one of the oldest families in Hancock County, and forty acres that we have sought to improve. The original property (prior to Joe's selling a lot off the west side) bordered a sand and gravel pit owned originally by Aubrey Davis and now owned by Goodwin, recently referred to as the Marlboro Pits. The active pit rests close to our line and Mr. Goodwin owns additional property abutting a substantial section of our south line.

We had no problems with Aubrey and his small-pit operations, but as soon as Mr. Goodwin bought the land abutting ours and began expanding the old pit, it became a nightmare. When he purchased additional land on our south side, Goodwin immediately clear cut the property, including *every* tree on our abutting line, resulting in substantive blowdown damage to our land. The cutters also left huge amounts of brush both on the line and into our land. It's my understanding that neither the cutting of all trees on a line or leaving brush all over it is legal. At the least, it is indicative of his total lack of concern for neighbor's interests. Noise from ordinary pit operations carries easily to our house site about a half mile away, and on weekends it actually gets worse because people use the pit as a shooting gallery. With automatic weapons fire and even some kind of cannon, it often sounds like a war zone, literally. Bullets have flown well past the property lines, and I am afraid to walk on the back portions of my property in summer.

From my view, however, erosion of soil, reduction of nearby property values, and the threat to water remain the biggest costs of strip mining for sand and gravel. Standards in some states to reclaim all pits at a 4:1 (horizontal run per foot of height) ratio well exceed Maine standards, but it is hard to find any old pit walls in Lamoine that even meet the 2.5:1 ratios required by Maine's DEP (see attached). Perhaps setbacks from abutting property lines might be more effectively related to pit depth than a fixed number, but it seems obvious by just looking at many pit walls

that crawl up to current setbacks that the eventual sloping of these walls will erode into neighboring land. In short, many pit operations, even if meeting current regulations, amount to the taking of abutters' lands. Also, little is known about the underground waterways in Lamoine. On our side of the knoll that separates us from the Goodwin pit, one can tap into water in as little as 16 feet below the surface in selected spots. There also is wetland on the crown of this property with waterways close to the pit line that might easily be drained should pit operations accidentally tap into them. Finally, it is clear to anyone who has lived anywhere around a pit that land located anywhere within the vicinity is significantly reduced in value, if not becoming completely unmarketable. I sure wouldn't buy it. Would you?

These issues, as well as pollution and heavy-truck roadway problems, are well known. What is a mystery is why the town does not assess these pits at a rate much higher than other land that is being preserved or actually improved, especially as pit land actual value erodes as mining operations continue, which severely reduces tax value and income over time.

The bigger mystery, though, is why the town does not see fit to fight for its legal right to regulate the pits as its citizens see fit, even to ban pits outright should the citizens so choose. If one were to assume that the town had no right to regulate or even prohibit heavy industry and open-pit mining, on what legal ground does the town have to regulate land use in any way at all? It makes absolutely no sense that the town prohibits, for example, manufacturing facilities in the rural and agricultural zone but allows pits. Many manufacturing operations can easily be made unobtrusive and quiet with minimal impact on the environment and neighboring land values. Lamoine even requires housing developments over a certain size to set aside land for public use and prohibits building tall houses. In fact, the town regulates personal property in numerous ways that are much more stringent than the most onerous envisioned for sand and gravel pits. By not defending its right to regulate these pits, or even ban them, does not Lamoine open itself up to multiple lawsuits by anyone seeking to undertake operations that are less destructive in the same zones, or for that matter by residents whose properties are damaged by mining operations or are made to adhere to other town regulations? Is this not unequal treatment under the law?

In addition, one need only look at the town map to see that almost none of the town is zoned Residential, including "down town" East Lamoine, the Seal Point Road, and other areas that fit the definition of densely populated. If these areas are not Residential, why not? The proposed alteration of the land-use ordinance to prohibit further pit operations from the Rural-Agricultural Zone only rectifies the discrepancies between how these zones are actually used. If this proposed alteration is not approved, perhaps it is time to re-zone the town to put a much greater part of it into the Residential Zone.

It seems clear to this resident that large-pit operators have declared war on Lamoine and its citizens, not only via the damage they do to their own and neighboring properties but also via their now-dropped lawsuit against the town with the clear threat to re-institute it should they not get their way. So far, the worst of the pit operators have done little but to antagonize their neighbors and leave behind near-useless and valueless land. It's pretty easy to find old pits in this town, but how many meet standards of reclamation as noted in the attached? I've seen no sign at all that these operators have any intention except to continue their grab-and-go approach until Lamoine becomes nothing more than a mining town and, eventually, a wasteland.

For many of us, then, even proposed rules do not go nearly far enough. The money set aside for pit reclamation is, I believe, completely inadequate, and the penalties for not reclaiming pits toothless. So what if the town puts a lean on an unclaimed pit; the pit operator has already sucked it dry and so why not just let the town have the hole in the ground? The point is, Lamoine residents already *did* compromise a great deal to establish some reasonable regulations of open-pit mining yet pit operators insist on additional compromise. We believe we have the right to protect our properties and the character of the town into which we have invested our lives even more than pit operators have a right to exploit their land.

I hope that all pit operators will begin to show some interest in creating a sustainable long-term relationship with the residents of Lamoine, which includes acceptance of reasonable regulation, a prohibition of future pit operations in the Rural and Agricultural Zone, and the creation of an earnest reclamation program for both new and abandoned pits. If, on the other hand, they insist on continuing the onslaught against residents, they are likely to find an increasingly aggressive movement against them. Simple appeasement of pit-operator demands may not result in the end of legal challenges either, but give rise to more. I would hope that the town selectpeople and resident small-pit operators realize that those who oppose large and minimally regulated pits actually have been forced into their positions, and that resident-pit operators would be better served by working with other residents, as they always have, rather than against them.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Callahan". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Steven Callahan

Source: State of Maine, DEP; bold highlights are mine.

June 1995. Enacted P.L. 1995 Chapter 287 and P.L. 1995 Chapter 460 which replaced the previous standard addressing protected natural resources. In an effort to maintain consistency between local and state regulation, this law revamped the requirement for buffer strips for gravel pits near protected natural resources. The existing performance standards were made similar to both the standards under the Mandatory Shoreland Zoning Act for gravel extraction and the standards under the Natural Resources Protection Act (NRPA). See Table 1 below. These changes were developed through a stakeholder process with representatives from industry (Maine Aggregate Association), the Maine Water Utilities Association, citizens and municipal officials. **The previous standard used a setback standard of "75 feet plus 4 times the average slope." The new standards for excavations use different setbacks depending upon the resource type, ranging from 75 feet to 100 feet.**

Title 38: WATERS AND NAVIGATION

Chapter 3: PROTECTION AND IMPROVEMENT OF WATERS

Subchapter 1: ENVIRONMENTAL PROTECTION BOARD

Article 7: PERFORMANCE STANDARDS FOR EXCAVATIONS FOR BORROW, CLAY, TOPSOIL OR SILT HEADING: PL 1995, C. 350, §5 (NEW); 1995, C. 700, §12 (RPR)

§490-D. Performance standards

14. Reclamation. Except as provided in subsection 15, the affected land must be **restored to a condition that is similar to or compatible with the conditions that existed before excavation.** Reclamation should be conducted in accordance with the department's best management practices for erosion and sediment control, and **must include:**

**A. Regrading side slopes to a slope no steeper than 2 1/2 horizontal feet for each vertical foot; [1993, c. 350, §5 (NEW).]**

**B. Establishing a vegetative cover by seeding within one year of the completion of excavation. Vegetative cover is acceptable if, within one year of seeding:**

**(1) The planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession, sufficient to ensure a 75% survival rate; and**

**(2) The planting of all materials results in permanent 90% ground coverage; [1993, c. 350, §5 (NEW).]**

**C. Removing all structures and, once no longer in use, reclaiming all access roads, haul roads and other support roads; [1995, c. 700, §24 (AMD).]**

**D. Reclaiming all affected lands within 2 years after final grading; and [1995, c. 700, §24 (AMD).]**

**E. Stockpiling soil that is stripped or removed for use in reclaiming disturbed land areas. [1995, c. 700, §24 (NEW).]**

The department may require a bond payable to the State with sureties satisfactory to the department or such other security as the department may determine adequately secures compliance with this article, conditioned upon the faithful performance of the requirements set forth in this article. Other security may include a security deposit with the State, an escrow

account and agreement, insurance or an irrevocable trust. In determining the amount of the bond or the security, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of grading and reclamation required. All proceeds of forfeited bonds or other security must be expended by the department for the reclamation of the area for which the bond was posted and any remainder returned to the operator.

The board may adopt or amend rules to carry out this subsection, including rules relating to operation or maintenance plans; standards for determining the reclamation period; annual revisions of those plans; limits, terms and conditions on bonds or other security; proof of financial responsibility of a person engaged in excavation activity or the affiliated person who guarantees performance; estimation of reclamation costs; reports on reclamation activities; or the manner of determining when the bond or other security may be discharged. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. The department may grant a variance from paragraph A, provided that the slopes exhibit substantial vegetation and are stable. The department may not assess a fee for a request for a variance from paragraph A. The department may grant a variance from paragraph E if the applicant demonstrates that the soil is not needed for reclamation purposes. The department may not grant a variance from the other provisions of this subsection.

[ 2001, c. 466, §9 (AMD) .]

W.D. Schick  
66 Bittersweet Lane, Lamoine ME  
P.O. Box 453, Hancock ME 04640

19 September 2017

Planning Board  
Town of Lamoine  
606 Douglas Highway  
Lamoine, ME 04605

To whom it may concern:

As I am unable to attend the scheduled hearing I am submitting this letter in regards to the the application to expand the Harold MacQuinn, Inc. gravel pit as shown on Map 3, lots 31 and 33.

I am **strongly opposed** to approval of the expansion for the following reasons:

- 1) We live in a period of manifest climate perturbation, and the land area to be altered in the proposal overlies and contributes to one of the major aquifers in the town. I feel that long range protection of our water resources is critical at this juncture, and that mining operations of the scale of the proposal threaten those water resources. If the aquifer's structure is damaged, or polluted, the result will be a dead loss of critical water resource to the town.
- 2) The combined pit area of the proposal will be huge, and massively out of scale in the adjacent landscape. The industrial operations involved will negatively impact local topographical features (i.e. Cousins hill), local view sheds, and the quality of life enjoyed by the residents in the area. Furthermore, complete excavation of the permitted area will threaten the quality, and perhaps the existence, of what has been the traditional and historical town center with it's associated church, cemetery, school, fire station, grange hall, and homesteads.

3) The pit expansion will obliterate forty-five more acres of wildlife habitat and timber resources which are important to the quality of life in Lamoine. I feel that even though due diligence was respected, as part of the application process, that the situation with regards to the floral and faunal resources in the affected area is still not well understood. I think further ground survey of the proposed area would be justified given the fact that the data provided by the state in regards to habitat is already somewhat dated, that climate shift is changing the situation rapidly, and that many new species are appearing on state and federal lists of animals and plants at risk (i.e. the Rusty Patched Bumble Bee). In short, I am of the opinion that we still do not have a good understanding of the wildlife and plant resources which will be affected, and destroyed, in the area of the proposed expansion.

Thank you for your attention.

A handwritten signature in black ink, appearing to read 'W. David Schick', with a long horizontal line extending to the right.

W. David Schick

Main Identity

From: "Lamoine Town Office" <town@lamoine-me.gov>  
 To: "Stephen Salsbury" <steve@herrickandsalsbury.com>; "Charles Weber" <cweber@seacoastmission.org>;  
 "Chris Tadema-Wielandt" <marlboroabstract@roadrunner.com>; "Donald Bamman"  
 <dbamman@mainevaluation.com>; "gordon donaldson" <cgdonaldson@myfairpoint.net>;  
 <gordon.donaldson@umit.maine.edu>; "James Gallagher" <jgallag@maine.edu>; "John Holt"  
 <johnjoyce@midmaine.com>; "Michael Jordan" <mrmike6996@gmail.com>; "Perry Fowler"  
 <perry@jayfowler.com>; "Stu & Bonnie Marckoon" <marckoon@roadrunner.com>

Sent: Monday, January 07, 2013 3:55 PM

Subject: FW: MacQuinn Application

-----Original Message-----

From: Ann Teele [mailto:annskendall@yahoo.com]

Sent: Monday, January 07, 2013 3:40 PM

To: town@lamoine-me.gov

Subject: MacQuinn Application

We are James and Ann Teele, part-time residents and owners of a seasonal cottage in Lamoine at 22 Lorimer Rd. We regret we cannot be present for the public hearing tomorrow, Jan. 8, 2013.

We have serious questions about the possible implications of the proposed gravel pit as follows:

Deforestation of such a large, heavily wooded parcel that could affect erosion, drainage, plant and animal life

Impact on the aquifer, given the surface area and depth of the excavation -- it is on our underground water supply

Pollution of the atmosphere by carbon emissions from the trucks and machinery, especially given the current unstable nature of climatic conditions in the current era of global warming

Intrusive influences on the living conditions of permanent residents and summer visitors alike such as noise pollution and increased heavy industrial traffic on the relatively small roads that service this area

Unknown impact on the coastal ecology and marine life so close by.

We live in seaside town here that relies heavily on tourism and both passive and active enjoyment of its beautiful natural features. Many campaigns and battles have been waged about preservation vs. growth, but the solution has been for intensive study of all problematic aspects of proposals of a large scope such as this. For example, after much research and consultation, the town now has two windmills.

We urge Lamoine to do the same, that is to thoroughly study all legitimate issues of concern, using qualified experts in the relevant fields. Failure to do so will surely result in regrets and second guessing later on, and the inability to reverse harmful consequences. We have seen this here too.

Finally, some primary questions: who will benefit from the gravel pit besides the MacQuinn Corporation? Is there sufficient LOCAL need for such a

large operation, or would all the benefits go to other consumers, and what compensation would there be for the population of Lamoine which would have to bear the collateral environmental burdens of this project?

We appreciate the opportunity to share our opinions.

Sincerely

James and Ann Teele  
71 Argilla Rd. Ipswich, MA 01938

Tom Keenan <cottagefarmteaakgb@roadrunner.com>

Feb 13 (5 days ago)

to me

Dear Dr. Gallagher:

I have become aware of yet more threats to our fragile Aquifer and water in Lamoine. I would like to share with you 5 concerns I have.

1. Blunts Pond in Lamoine is the end of the Waltham/Aurora esker aquifer. We need to protect the pond. It came to my attention some years ago that a similar pond/lake in New Hampshire had it's aquifer overmined for sand and gravel. It blew out causing multiple problems. This New Hampshire story and perhaps similar ones should be researched by Lamoine residents before any action is taken regarding the application.

2. There was an acceleration of mining the Aquifer after the year 2000 for the benefit of MDI, not Lamoine. Remember, many people in Lamoine were petitioning to conserve our precious resource, and succeeded in defeating a proposal to put a gasoline station and holding tanks over the Aquifer.

3. There appears to be a direct connection between the streams/springs that come from the pond and supply all of East Lamoine with water, such as Latona Spring.

4. Why are miners working close to Latona Springs in Lamoine?

5. Now returning to the application. At this particular time how would the mining of that part of the Aquifer (Delta) impact the amount and quality in the water supply for the area?

It seems we have alot to thing about!

Sincerely,

Karen G. Blennerhassett  
679 Lamoine Beach Rd.  
Lamoine, ME 04605

## Town of Lamoine

---

**From:** donald kimmelman <donaldkimmelman@yahoo.com>  
**Sent:** Thursday, November 09, 2017 11:05 AM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** MacQuinn Application to expand gravel pits

I am asking the Planning Board to not approve this application. We moved to Lamoine in 2011. Prior to purchasing our present house we did look at a house for sale on Orchard Lane. Our real estate agent did say that there were gravel trucks on the adjacent highway which might cause noise, etc. Since we did not buy the other house for other reasons, we did not look into this further. However it was definitely a negative and I think this has a negative effect on property values.

I am 82 years old and have lived in various states in various locations. Before moving to Lamoine I did not know how extensive the gravel pits were in this town. Having lived in many other places it never occurred to me that there could be so many gravel pits in one small town. If I had known this prior to buying a home in Lamoine, I likely would not have bought a home here even though our home is not nearby to the pits. To be clear there are many things I like about Lamoine and like about living here. I am not against people earning a reasonable living. However I believe we already have more than enough pits in Lamoine. Expanding the pits will have a negative impact on property values in Lamoine and the quality of life in this town.

Donald M. Kimmelman  
32 Boulder Cove Way  
Lamoline, Maine 04605

**Main Identity**

**From:** "Lamoine Town Office" <town@lamoine-me.gov>  
**To:** "Charles Weber" <cweber@seacoastmission.org>; "Chris Tadema-Wielandt" <mailboroabstract@roadrunner.com>; "Donald Bamman" <dbamman@mainevaluation.com>; "gordon donaldson" <cgdonaldson@myfairpoint.net>; <gordon.donaldson@umit.maine.edu>; "James Gallagher" <jgallag@maine.edu>; "John Holt" <johnjoyce@midmaine.com>; "Michael Jordan" <mrmike6996@gmail.com>; "Perry Fowler" <perry@jayfowler.com>; "Stu & Bonnie Marckoon" <marckoon@roadrunner.com>  
**Sent:** Thursday, January 03, 2013 8:11 PM  
**Attach:** Borns.pdf  
**Subject:** FW: Harold Mac Quinn application to mine gravel (Miro's Land) east of Douglas Highway - Lamoine, Maine  
 Dear Planning Board,

Below is an e-mail received this evening. Attached is a fax from Harold Borns – both have been added to the written public comment file.

Stu Marckoon

**From:** ehneske@comcast.net [mailto:ehneske@comcast.net]  
**Sent:** Thursday, January 03, 2013 6:47 PM  
**To:** town@lamoine-me.gov  
**Cc:** Hodgkins, Dave  
**Subject:** Harold Mac Quinn application to mine gravel (Miro's Land) east of Douglas Highway - Lamoine, Maine

Planning Board Lamoine Maine, John Holt Chairman

Dear Sir,

I wish to address you regarding the application by Harold Mac Quinn to gravel mine 110 acres (Miro's land) east of the Douglas Highway. I've seen the map of the area and have read information on his application.

You may inquire as to why I have interest in this. My past ancestors, Hodgkins and Holts and present Hodgkins and Holt relations have owned and do own, and have been and are residents at the Lamoine Corners and elsewhere in Lamoine for generations. (I have been going to Lamoine all of my life and feel very strongly involved in Lamoine and shall be buried there).

The Cold Spring Water Company was originally developed by my Hodgkins ancestors.

Suffice it to say, when I learned that the Planning Board would even consider to allow this assault on Lamoine, I was astounded and outraged. This "gutting" of land in the heart of Lamoine will have long range negative effects on Lamoine. The rape of the land over many years will actually: decrease land value for residential consideration, reduce the growth of residences, reduce tourist attraction, and increase truck traffic, etc. The large number of sand trucks on the roads will increase the cost of maintenance of the roads. Leveling Cousins Hill destroys some of the beauty of the land, stripping forests and making a huge gash in the land. Then there is the consideration of the reduction of the aquifer. This could well impair the Cold Spring Water Company which provides water to so many homes in the area, reducing the company's capabilities to supply water. Home owners may then have to go to the expense of drilling deep wells.

How could the town supply water to them? Can these people afford the loss of water from Cold Springs Water Company? Could you?

There are certainly many other unnamed ramifications resulting from such a horrendous sandpit not mentioned, and also ones that cannot be foretold.

Again why would the Planning Board even consider approving such an application? MacQuinn may increase his income by thousands of dollars, but at the expense of the present and future inhabitants of Lamoine.

I urge you to turn down Harold MacQuinn's application and prevent this dispicable desecration to Lamoine land.

Sincerely,

Elaine Holt Hodgkins Neske

January 3, 2013

John Holt  
Lamoine Planning Board  
606 Douglas Hwy  
Lamoine, Maine 04605

John,

I will be happy to read this letter at the Public Meeting if you would like me to:

Regarding the request of Harold MacQuinn, Inc. to expand its gravel pit and remove more of Lamoine's valuable land, trees and wetlands. According to the request they intend to preserve this wet land, but mine all around it. It does not take a degree in hydrology to understand if you remove the gravel, the ground water and tiny the streams which feed the wetland, it will disappear.

To quote Maine's DEP "Wetlands provide critical habitat for a myriad of species that form a delicate and complex web of life. Frogs, salamanders, turtles, fish, insects, songbirds, waterfowl, deer and moose are just some of the creatures that depend on wetlands for food, shelter and/or breeding habitat." I would also like to mention that wetland prevent flooding and clean the water. At one time this particular wetland was the only place in Lamoine where the pitcher plant could be found. You can say, "Oh, this is just one tiny wetland", but taken together with all the other "tiny" wetland that have been destroyed by mining, it will make a huge difference in your clean ground water supply and what ends up in the Jordon River. I am not anti-gravel, but I am all for the responsible stewardship of the land we all share, the water we all drink and the air we all breath.

  
Susan Wuorinen

498 Lamoine Beach Road  
Lamoine, Maine 04605  
207 664 2484  
[susawuorinen@gmail.com](mailto:susawuorinen@gmail.com)

## Town of Lamoine

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**From:** Rebecca Morrison <rmorriso@mdibl.org>  
**Sent:** Friday, September 22, 2017 3:45 PM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** 9-27-17 public hearing

To the Lamoine Planning Board -- We have a conflict and are unable to attend the public hearing next Weds., but I wanted to share a few thoughts, as a resident.

We moved into Lamoine in the fall of 2009, thrilled to be moving to a small, quiet, "bedroom" kind of community. We were aware of the gravel pits, but didn't really know how many there were in our tiny town. Over the years, the existence of the many pits has made itself known, as we've seen quite the increase in trucks, headed to and from Lamoine. Seeing the aerial photo of Lamoine and the vast number of pits was pretty shocking.

My husband and I have both voted to stop the expansion of the gravel pits. We are sensitive to the fact that gravel is a business, there is a need for it, and there certainly are folks who rely upon the business to make their living. We just feel that the needs of a business shouldn't take priority over those that live in the community. We're not saying "close the pits" but are instead saying "no MORE pits."

A friend was looking to buy a home last year, looked at two in Lamoine, but commented to me more than once about the trucks and noise from the gravel businesses. He ultimately bought in outer Ellsworth. We've seen an increase in truck number, noise, and dust along our roads. My previous vehicle had chips in its paint from following trucks with flying gravel (those tarps are not efficient). We don't live very close to the proposed expansion, but who knows how extensive the impact could be upon groundwater, in general. Wells take from the same aquifers. For those citizens living closer to the center of town and the proposed expansion, I know the concerns loom large.

I believe the voters in Lamoine have made their wishes known. Thank you for your time.

Sincerely, Rebecca Morrison

--  
**Rebecca Morrison**  
**Research Lab Manager**

P.O. Box 35 | Salisbury Cove, ME 04672  
207-288-9880, Ext. 137 | [www.mdibl.org](http://www.mdibl.org)



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This message and its contents are confidential. If you received this message in error, do not use or rely upon it. Instead, please inform the sender and then delete it. Thank you.

September 24, 2017

To: Members of the Lamoine, Maine Planning Board.

RE: Public Hearing regarding New Gravel Excavation in the area of Cousins' Hill

Dear Members of the Planning Board:

As we are unable to attend the planned public hearing on September 27, 2017 we are writing to voice our concerns about the impact of this project .

First, and most importantly, we are very concerned that this excavation, along with the many other sites of excavation already functioning in Lamoine, pose a significant risk to the aquifer that runs underneath the town and upon which we all rely for an adequate, potable and long term water supply for our homes and properties. Without such a supply, our quality of life, and our property values will plummet to the point of being essentially worthless.

Second, we are concerned about the impact that another large-scale gravel operation will have on the infrastructure of the town. The roads, already narrow and crumbling at the sides, will have to bear the weight of even more heavily laden gravel trucks and will certainly degrade further.

Finally, the aesthetic beauty of this town is affected by excavation projects, leaving large areas of ugly, scarred appearing land that is not appealing to those of us who already live here and may discourage others from moving here. Given the aging of the population in Maine, the continued success of the town may soon depend on attracting younger residents to work and live here. Destroying the natural beauty with projects such as the one proposed will not help in that effort.

Sincerely,

A. Merrill Garrett, MD  
Elizabeth W. Garrett  
147 Great Ledge Rd  
Lamoine, ME 04605

## Town of Lamoine

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**From:** Steven Roiphe <sroiphe@yahoo.com>  
**Sent:** Tuesday, September 26, 2017 9:42 PM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** Testimony re MacQuinn, Inc. Gravel Permit Expansion

September 26, 2017

To the Members of the Lamoine Planning Board:

I am writing to oppose the expansion of Harold MacQuinn, Inc's gravel-extraction operations on Cousins (aka Miro's) Hill.

While I understand that the original permit for this expansion was submitted under a previous ordinance, it's clear that such a large increase in industrial activity in the center of our town will violate both the letter and spirit of that previous ordinance. Here's where I feel MacQuinn's application violates the 2011 provisions (Quotes are from page 5 of the 2011 ordinance, specifying rules for approval of permits):

- 1) MacQuinn's expansion may "unreasonably result in water pollution." For reasonable doubt about mining and water safety, see page 1 of the Ellsworth American dated 9/14/17, headlined "Fuel Compounds in Well at Lamoine Gravel Pit are 'First Sign of Something.'" If such doubt already exists for John Goodwin Jr.'s smaller pit, how can we reasonably know a much larger MacQuinn pit won't harm us worse?
- 2) MacQuinn's expansion would surely fail to "conserve natural beauty." Every day I drive to pick up my son from daycare, I see the eyesore of MacQuinn's current pit across Jordan River Road. Clearly, excavating the area ABOVE that wouldn't conserve beauty!
- 3) MacQuinn's expansion would "adversely affect public ways." We've already got more than enough truck traffic and noise on our roadways; do we seriously believe that a several-fold expansion of that pit won't multiply this traffic, along with the weight-pressure on roads, the dust and air pollution these additional trucks would bring?
- 4) MacQuinn's expansion would "adversely affect surrounding properties." In meetings I've attended on the subject, residents of surrounding properties have consistently voiced opposition to expanding MacQuinn's operations. And, given the range of the expanded pit, I can clearly see how the noise pollution would affect my family along the Shore Road, too. (An anecdote comes to mind, from our first days at #1434 Shore. After taking the dog out for an early morning walk, I commented to my wife that the neighbor must've left their alarm-clock running. We don't need more crack-of-dawn alarms/truck backup signals ringing through our air!)

I run a Lamoine-based pet care business, where I strive to protect each and every resource described in these four provisions. I keep dog refuse away from water sources. If a dog makes a mess, whether on my own property, surrounding properties, or in a public way, I clean it up immediately. If the pets make a racket, I soothe them so they're quiet. It's offensive to me that MacQuinn, Inc. and other companies based outside Lamoine could be allowed to flout all four provisions so freely.

Now, I do understand that these same four 2011 provisions can just as easily be interpreted to ALLOW MacQuinn's expansion. Different beholders may define words like "unreasonable" and "adverse" very differently. That's why I believe that, in its service to Lamoiners, our Planning Board should make this decision in context provided by three subsequent votes that were prompted by MacQuinn's and others' gravel operations: first in March, 2013 to emplace a new, more restrictive ordinance; next in a June, 2014 referendum that prohibited new pits; and then AGAIN in a November, 2015 vote against weakening the 2013 ordinance. Together, these votes provide clear guidance that our lawmakers and enforcers may in good conscious use in deciding that MacQuinn's proposed expansion fails to meet provisions of the 2011 ordinance.

I know there are litigation issues in play here as well, that the gravel operations have already made themselves annoying to us in more ways than simply driving too many trucks, making way too much noise, and stirring up flying stones and dust clouds. Maybe we should ask the majority of voters who rejected more mining to chip in money to silence these lawsuits, which run counter to the people's vote, before rolling over to the pressure of legal fees. Heck, I'm far from wealthy, and I'd be willing to throw in a couple hundred to fund legal defense that I knew would keep Lamoine safe and healthy.

Knowing we are a society of laws, I've striven in this letter to address legislative and litigious concerns. I'll close with a simple plea. I would not like my son and grandchildren to see Mom and Dad's neighborhood as a noisy, high-traffic, ugly and unsafe place to live or even visit. The pit operators paint this as a question of their corporate property rights and government land grabbing-- why can't they accept that the wisdom already expressed by We the People of Lamoine (three times!) counts for something?

Thank you for hearing my concerns.

Sincerely,

Steve Roiphe  
Steve's Dog Walking & Pet Sitting  
1434 Shore Road  
Lamoine, Maine 04605  
(207) 610-1512 Cell: (207) 669-5195  
sroiphe@yahoo.com  
stevespetsitting.yolasite.com

Remarks for Planning Board PUBLIC HEARING Nov. 9, 2017

I am Carol Korty. I live at 32 Fox Run.

Later as a representative of Friends of Lamoine, I'll present a paper that deals specifically with criteria in our ordinances and the Comp Plan. But now I want to state some things for the record that are my personal reflections on the context of this application by Harold MacQuinn, Inc.

It makes me heart sick to look across the Jordan River from Rt. 3 at the gash in the mountain we call Cousins' Hill. Many of us Lamoiners have this reaction. It's painful to realize that favorite scenes in any landscape we've taken for granted for years may not remain if the land isn't owned by us individually or collectively. Twenty years ago those of us who love the hill should have approached Ralph Miro to buy it. It could have been a park with spectacular views of Frenchman Bay, a destination like Lamoine Beach or Lamoine State Park. It could have been an outdoor sculpture garden. It could have had a restaurant or tiered housing down its slope. It could have been something Lamoiners were proud of, that brought us together instead of a source of divisiveness. But we were asleep, complacent. It didn't happen.

Instead Ralph MacQuinn bought the hill. Because his firm now owns it, they can do what they want with it. But fortunately the town has collectively passed ordinances to place some restrictions on what may be done on or with privately owned land when it impacts the whole community. That's why we're here to night to address the impact we think it his proposal would have.

Lamoine's peninsula has many resources. Most of them are renewable. Some are not. We need to look ahead now at how we use them-- not just five or ten years from now, but fifty or 100 years. Our activities have consequences -- foreseen and unforeseen. It's critical that we provide ways to correct moves that we later want to change. For instance, if clear cutting a large swath of forest proves to have been economically unwise, we can replant (and wait) because trees are a renewable resource. Farm land is more difficult to renew once it's been turned into house lots. Possible, though very difficult. But we can't do it at all with nonrenewable resources. Sand and gravel is nonrenewable. So is a hill; no matter what its composition. Once it's gone, it's gone forever.

Lamoine's most precious resource is our aquifer. Polluted aquifers cannot be cleaned up. Although we can live without beautiful surroundings, we cannot

live without potable water. The state regulation permitting mining down to 5 feet above the water table is a regulation not based on science. The figure was a political compromise reached in Augusta years ago between the gravel industry and environmentally concerned legislators. Lamoine has been extraordinarily fortunate in having testimony regarding our unique aquifer by two local scientists—Dr Harold Borns, Jr in Orono and Lamoiner Dr. Willem Brutsaert, neither of whom have any vested financial interest in this issue. Both of these scientists have extensive training, experience, and recognition in their field on the national level and the international level. Both say to remove the valuable filtration system above our aquifer would be at our peril.

Our 1996 Comp Plan states no industry is allowed in town but mining of sand and gravel is. No mention is made, however, of the size, scale, and location of the mining. In addition to the issue of filtration protection of our aquifer, this MacQuinn application involving 108 acres is too large and out of scale for the size of our peninsula. And its proposed location in the center of our community is completely inappropriate. Can we really endure this excavation in the center of town for the next 60 to 100 years? (Both terms of duration have been given verbally or in writing.) Think about what that will mean for people living in this neighborhood – the most densely populated part of Lamoine – what it will mean for our school, the church, the Grange now home to our Community Arts organization. At the risk of being factious, I can't help including our ancestors in the cemetery up there who'd be turning over in their graves.

In my opinion the application fails to pass a great number of criteria in both the Site Plan Review Ordinance and the Gravel Ordinance. I urge the Planning Board to reject it based on both these ordinances.

In closing I want to thank all of you on Planning Board for your many, many hours of work on this and many other issues for the town. It's important to recognize that you're all volunteers and have to fit this into the rest of your busy active lives.

November 9, 2017

Lamoine Planning Board  
606 Douglas Hwy  
Lamoine, Maine 04605

Re: Harold MacQuinn's Application to Expand and remove Cousin' Hill

Dear Planning Board Members:

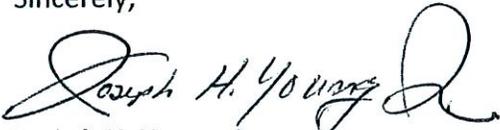
I am a Lamoine citizen, homeowner and a full time resident located just one mile from the proposed MaQuinn Pit expansion. I respectfully request that you, as Planning Board members, legally representing the citizens of the Town, reject the pending MacQuinn application to expand mining operations to include the removal of Cousins' Hill.

The basis of my request to reject the application is as follows:

1. The close proximity and possible endangerment to the sole water source supplying the Lamoine School, many citizens, private homes, municipal fire department, Lamoine Church, and Grange.
2. An undisputable negative affect on the real estate values in the town of Lamoine. The applicant inaccurately claims there would be no affect. Just ask the city of Ellsworth or any other community how they would feel about a 108 acre pit just off their main street/ community center. It is certainly a major negative to values that never goes away. It is a negative to all the citizens who have invested in property in good faith in our community.
3. Constant noise and increased air pollution to the students at the Lamoine School located in close proximity to the proposed pit operation. People located in Lamoine also have the reasonable expectation of clean air and no excess noise.

The citizens of Lamoine who have lived here for generations and those who have relocated here more recently all have the reasonable expectation that the Town will represent their interests fairly. Allowing one family or company, for purely financial gain, to seriously disrupt the values and quality of life for much of the community is not in keeping with those expectations.

Sincerely,



Joseph H. Young, Jr

29 Deer Run, Lamoine, Me

September 7, 2017

Regarding the Kittridge Pit Expansion application before the Lamoine Planning Board

My name is Nick Holt. My wife Sandra and I own 10.5 acres on Douglas Highway (Map 3, Lots 36 and 36a). The driveway to our property is about two hundred feet from the entrance to the Kittridge gravel pit on the Manring property. I understand that our property is not officially an abutter to the Kittridge gravel pit in spite of our proximity to it, but the present excavation is clearly visible from our property and definitely within earshot.

My wife and I have signed a contract with a local builder to erect our home on the property and we hope to be living there by next year at this time, so I feel my testimony should be included in this hearing. Therefore, I am writing to voice my strong objection to the proposed expanded gravel operations at the Kittridge gravel pit and ask that the application now before the Planning Board be denied.

- 1) It is well known that gravel pits decrease the value of property located nearby. Since my property is located within easy walking distance from the proposed Kittridge pit expansion, I can reasonably anticipate that the value of our investment will be eroded if the Kittridge pit is expanded.
- 2) Noise pollution from the existing Kittridge pit is already very noticeable from our property and expanding the pit will undoubtedly increase the level of noise pollution six days a week. The noise pollution is from both the pit itself and from the increased gravel truck traffic.
- 3) In addition to the noise that gravel trucks produce, these large vehicles are a danger to pedestrians, cyclists, joggers and smaller vehicles they encounter on our narrow Lamoine roads. An increase in gravel truck traffic can reasonably be expected if the Kittridge pit is expanded. And since my driveway is within a few feet of an existing Kittridge pit exit, my wife and I can reasonably anticipate an increase in the number of gravel trucks we encounter as we attempt to gain access to Douglas Highway from our driveway should this application be granted.
- 4) The additional dust produced from an expanded Kittridge gravel pit will expose my family to unhealthful conditions. Dust is a known trigger for asthma sufferers and my wife falls in that category. Although she is able to control her asthma attacks with prescription medication, the additional dust will undoubtedly cause her additional health problems.
- 5) Since our property is down-gradient of the pit, I fear that the quality of our well water might be compromised. Certainly, the destruction of the largest remaining esker atop Lamoine's sand and gravel aquifer should not be permitted to take place under any circumstances.
- 6) The beautiful hill that would likely be destroyed if the expanded pit is approved, marks the highest point in Lamoine and is the town's most distinctive landmark. As a child and youth growing up on the "Corner," I spent many hours on that sunlit summit watching the planes fly in and out of Trenton, identifying the various mountains visible on Mt. Desert Island and picking wild blueberries. To remove this geologically and personally significant landmark would be an irreplaceable loss to the community.

7) If Lamoine has a community hub, it has to be Lamoine Corner with the Lamoine Baptist Church, the Grange Hall, the Cemetery, the Fire House, the Lamoine Consolidated School and the ball field all within a short stroll from the proposed pit. The residents of Lamoine do not need and, according to Lamoine voting results, do not want yet another gravel pit to scar the natural beauty of our town - and certainly not one that would change the character of Lamoine Corner forever.

Sincerely,

Nick and Sandy Holt

**Main Identity**

**From:** "Lamoine Town Office" <town@lamoine-me.gov>  
**To:** "Charles Weber" <cweber@seacoastmission.org>; "Chris Tadema-Wielandt" <marlboroabstract@roadrunner.com>; "Donald Bamman" <dbamman@mainevaluation.com>; "gordon donaldson" <cgdonaldson@myfairpoint.net>; <gordon.donaldson@umit.maine.edu>; "James Gallagher" <jgallag@maine.edu>; "John Holt" <johnjoyce@midmaine.com>; "Michael Jordan" <mrmike6996@gmail.com>; "Perry Fowler" <perry@jayfowler.com>; "Stu & Bonnie Marckoon" <marckoon@roadrunner.com>  
**Sent:** Wednesday, January 02, 2013 7:33 AM  
**Subject:** FW: Harold MacQuinn's Request to Gravel Mine Miro's Land East of RT184/

**From:** David Hodgkins [mailto:davehodgkins59@gmail.com]  
**Sent:** Tuesday, January 01, 2013 9:47 AM  
**To:** town@lamoine-me.gov  
**Subject:** Harold MacQuinn's Request to Gravel Mine Miro's Land East of RT184/

Attn: John Holt, Planning Board Chairman

Dear Sir,

Per your solicitation request regarding the subject request of Harold MacQuinn, I will voice my opposition to granting mining of gravel in this area.

As a user of water from the Cold Spring Water Company, I feel it is too Risky to take the chance that mining Cousin's Hill won't have a chance of effecting the water supply to the Cold Spring Water Company which intern would have a terrible negative effect on all the homes along the Mill Road, that presently benefit from the water supplied from the CSWCo. resevoir, as well as those along the Lamoine Beach Road that are supplied by the CSWCo distribution system.

Also, I believe the more Lamoine is pegged as a Gravel Pit Town, the lower will be the evalutation of the properties which intern will affect the tax base available to the town. I don't see anyway the town can benefit from opening up this land to more gravel mining. Please consider voting against approving Harold MacQuinn's request.

Thank you

David H Hodgkins  
 6 Lamoine Beach Road

Walter Jean Grenier II  
3 Tinker Meadow Way  
Ellsworth, Maine 04605

September 27, 2017

To the Town of Lamoine

Residents, fellow neighbors, and friends of Lamoine, my name is Walter Jean Grenier II. I was, until June of 2016 a very proud resident of Lamoine for 17 years. When my wife passed away in June 2016, we had our home up for sale to downsize and did finally sell it that year, after 5 years of being on the market. In the process of selling it, my wife and I had numerous conversations with real estate brokers regarding the market conditions at that most recent time, wondering outside of the federal or state economies, what else is affecting our sale?

One of the troubling points that was repeatedly discussed, during an open house for real estate agents at our home, were the gravel pits in Lamoine and the affect that they had during that time period, for people wanting to relocate to Lamoine. It was stated "People did not want to live near a gravel pit", as well as have the attendant issues of noise and heavy truck traffic. Another issue as well was the adverse effect of lowering the real estate values of property and homes. One broker told me that her clients would be more willing to look in Blue Hill rather than Lamoine, due to the perception of Lamoine as "being a gravel pit town". This was a more troubling statement for us due to the broadened and scope of understanding touching on real estate brokers and their prospective clients, beyond the Lamoine market into adjoining markets. The questions in my and my wife's minds were: (1) would be able to sell our home in Lamoine, (2) if we did, how much would we have to discount it?

The problems are still genuine. They currently pose risks for Lamoine residents on being able to hold on to secure real estate investments and not have their home equity eroded by the threat the gravel industry diminishing their future either by the actual physical imposition of a gravel pit in the proximity of their property or the threat of one being located nearby in near future. There may be perhaps an even worse effect in the minds of future home and land owners to the Town of Lamoine, which would be one of the town hosting the growth of development of gravel pits versus the promotion of real estate growth and development of homes and prosperous neighborhoods.

Sincerely,

  
Walter Jean Grenier II

The drive toward the village of Lamoine holds its own familiar, loved landmarks: the horse farm, the general store followed immediately by the pine-scented hill, the steep curve before Lamoine Corner, and most obviously, Cousin's Hill. It is so beautiful, and more, a presence, speaking of green space, woods, habitats for wildlife.

It is important to consciously acknowledge the things that feed the spirit, so that they are handled carefully, and regarded as valuable. So they are not misplaced or ruined without realizing the consequence.

Cousin's is more than a local hill. It defines the contours of the village. It makes a mini-climate at times, with intervals of rain on one side while the other side is dry. Its solid bulk is comforting, and speaks of home. These are not gifts to be taken lightly. Whether realized or not, Cousin's Hill contributes a great deal to the aesthetic, and ambiance, of Lamoine. It's loss would have huge ramifications for property values, wildlife integrity, and the loveliness of our area. The loss to our inner world, the part that registers peace and beauty, even subconsciously, would be profound.

Please don't let this devastation occur.

A handwritten signature in black ink, appearing to read "Charlotte Stephens". The signature is fluid and cursive, with a large initial "C" and "S".

Charlotte Stephens, Lamoine

## Town of Lamoine

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**From:** Doug and Nancy Jones <icemanandace@yahoo.com>  
**Sent:** Tuesday, September 26, 2017 10:45 PM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** MacQuinn Gravel Permit Application

To The Lamoine Planning Board;

I am writing this e-mail in opposition to the granting of a permit for gravel extraction by Harold MacQuinn, Inc. on the Cousins' Hill tract.

As a member of the Cold Spring Water Company and as a board member of that water cooperative, I feel that the scale of the proposed gravel pit would seriously endanger the spring that provides water to the company and its members. I find it hard to believe that a pit that would end up being 60 feet below the existing grade of Route 184 would not adversely affect the springs that emanate from the base of Cousins' Hill and its associated esker. These affects may include both the quantity and quality of the water from those springs.

No one can guarantee that gravel extraction of this scale will not damage or destroy that water supply. I urge the planning board to err on the side of caution and protect this vital town water supply by rejecting the the MacQuinn permit application.

Sincerely,

Douglas C. Jones  
86 Mill Road  
Lamoine

## Town of Lamoine

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**From:** Doug and Nancy Jones <icemanandace@yahoo.com>  
**Sent:** Monday, September 25, 2017 4:19 PM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** MacQuinn application

I live on the Mill Road. The property in question is directly behind my home and I have some grave concerns about what the MacQuinn company wants to do.

My greatest concern has to do with how digging to the depth they are proposing will effect the spring that supplies the water to my home and 49 others including the school. Experts seem to differ but considering that this is our water supply, I'd rather be cautious than suddenly hear "oops" and "we're sorry".

I am also concerned how this could effect our property values. My husband and I hope to sell our home in the near future and I'm concerned that the additional noise and dust of a larger pit could make that more difficult and reduce the price we might otherwise enjoy. Noise from local pits is already a problem on our road. In the warmer months, banging of truck tailgates can be heard as early as 6:00am and it persists through out the day. We even hear it on weekends. Besides the noise from the pits, there is the increased traffic noise of trucks constantly moving up and down the roads and the wear and tear on the roads, especially Douglas Hwy.

There are many quality of life concerns that come to mind if this application is granted. One of the most important is the character of our town. Lamoine is not currently an industrial town. We are a residential community. It is important that we safe guard the character of our community. Once the hill is removed, it's gone. A 60 foot hole can not be restored. At best, they will throw in some "fill" and plant a few trees. Cousins' Hill will no longer exist. We need to think about how this will effect not only the people of Lamoine but the natural habitat as well.

There are few benefits to the town from allowing this application to go through and many detriments if it does. I am asking the planning board to deny the application for all the reasons stated above.

Thank you for hearing me.

Nancy Jones

## Town of Lamoine

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**From:** Stephen Belden <stvbelden@yahoo.com>  
**Sent:** Wednesday, September 20, 2017 4:38 PM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** Gravel pits

As a long time resident of Lamoine I have serious concerns about the out of control quarrying going on. I had my house for sale a couple years ago and a big concern was the destruction of land and its visual effects. This industry has seriously effected property values here. I have had several broken windshields by trucks not obeying secure loads as well as the substandard roads being constantly beat up by this. We all pay a huge price for this industry. We need to stop this destruction and make this a peaceful non commercial work zone. Water quality has been effected and is very environmentally damaged by this activity. The town and all residents should get together and bring suit against this out of control business.

Sincerely,  
Steve Belden ( resident of Shore Road, Lamoine.  
P  
Sent from my iPad

## Town of Lamoine

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**From:** Stu Whitcomb <stuna1938@gmail.com>  
**Sent:** Monday, September 25, 2017 8:32 PM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** Permit request by Harold MacQuinn

Dear Lamoine Planning Board Members,

As a property owner in Lamoine, I have enjoyed the offerings of the our town for nearly 80 years and watched Lamoine grow and balance the influx of year-round residential living with tourism and commercial fishing. It has been a productive relationship, thanks to our beautifully operated state park. This well balanced relationship is a working example of what I hope for, as we face gravel extraction, so close to Lamoine's homes, Blunts Pond, our drinking water resources and the very setting of historic Lamoine Corner.

The introduction to our town, Lamoine Corner, is the heart of Lamoine. Losing Cousins Hill would be a lost opportunity for the town, if not handled in a sensitive manner. Creative protection of this defining hill and cemetery of Lamoine's forebears requires that we must husband the only backdrop for the architecture of the church and surrounding community.

I trust that the Planning Board will make a fair decision, balancing the benefits to the residents with the responsible needs of the business community.

Maintaining the livability of Lamoine Center, and having a healthy and responsible business partnership with our citizens requires creative give and take on both sides. However, allowing this application to be accepted, at this point, is premature. We hope that the Planning Board will thoughtfully consider a more comprehensive plan to include options for the livability of our community, as they consider the application by Mr. MacQuinn,

Stu Whitcomb

375 SW 88<sup>th</sup> Ave.

Portland, OR 97225

## Town of Lamoine

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**From:** Paul Dudzinski <bikeski@mac.com>  
**Sent:** Monday, September 25, 2017 4:57 PM  
**To:** planning\_board@lamoine-me.gov  
**Cc:** Marckoon Stu; Whitcomb & James Hunt Judy; Dudzinski Paul and Kathie; friendsoflamoine@lamoine.org  
**Subject:** NO on Permit Request by Harold Mac Quinn for (expanded) pit to remove Cousins Hill, Lamoine Center

Dear Lamoine Planning Board Members:

We are property owners of land abutting Blunts Pond on the east, and gravel pits to the west owned by Goodwin, Jordan, and Gott. Our father, Dr. Benjamin B. Whitcomb, Jr., bought the land to preserve the quality of the land, of water in the aquifer underlying the area, and in Blunts' Pond itself, to allow for healthy community use. We have often voiced our concerns which arose as the pit owners increased gravel extraction both in depth and breadth, threatening water quality, and visible and auditory peace. We're relieved that the 100' limit was passed.

Dad had grown up in Ellsworth, had a cottage near the Lamoine Beach, which remains in the family, and he retired in the area. Lamoine was for him, as with year-round residents and summer folk alike, a refuge from the increasing crowds attracted to the beautiful and geologically exceptional Acadia National Park, a geology we share.

Much of Maine's attraction is its corrugated shoreline, allowing a higher density of population to enjoy a secluded experience. Certainly, improved highways, which depend on gravel extraction, improve the travel experience of tourists, local populace, etc., but if the areas to which these people are drawn are ruined by that very gravel mining, the quality of life for all is severely diminished.

### The Essence of Quality of Life

1. Fresh, unpolluted water is a basic tenet for healthy life 2. Beautiful landscape feeds the aesthetic needs of the spirit and enhances property values 3. Safety and quiet on the streets is desired by inhabitants 4. The life-giving oxygen given off by trees balances the environment

The goal of the Planning Commission and all of government should be to enhance the quality of life for its residents and businesses.

it is a balancing act, but when the increasing presence of a business threatens the environment for all, it should be kept in check.

As Lamoine is built on gravel, the government, community, and the businesses constantly face a balancing act which is challenging.

The gravel extraction companies continue to extract gravel in their existing pits, but as extraction has become too invasive, the majority of the community wisely voted for greater (100') setbacks. The balance between business and residential benefit has been shifting as the amount of the peninsula being extracted has greatly increased. Trucks and large equipment create more noise, and danger on the streets, and a report of fuel compounds in a local pit was recently reported.

Lamoine Center is the heart of the life and beauty of Lamoine. Even just stripping the trees from Cousins Hill would create a horrible impact on the town. The ultimate devastation caused by allowing an invasion of machines to cut down the defining hill, to dig up the cemetery of Lamoine's forebears, and to devastate the heart of the town, would be reprehensible: polluting even the beauty of the architecture of the church and surrounding homes, and the view from the school and fire station. Is not the purpose of a planning commission, (and all the government) to make decisions

which provide a quality of life for the residents and businesses of the area? This must include providing for the continued existence of the very town which it represents, and destroying its "center" would initiate its demise. For the life of the town itself, with the Mac Quinn Pit already so close by, we highly recommend the Board deny acceptance of this application by Mr. Mac Quinn.

Sincerely,

Katherine Whitcomb Dudzinski, Fort Collins, Colorado  
Judy Whitcomb, M.D., Anchorage, Alaska

Main Identity

From: "Lamoine Town Office" <town@lamoine-me.gov>  
 To: "Charles Weber" <cweber@seacoastmission.org>; "Chris Tadema-Wielandt" <marlboroabstract@roadrunner.com>; "Donald Bamman" <dbamman@mainevaluation.com>; "gordon donaldson" <cgdonaldson@myfairpoint.net>; <gordon.donaldson@umit.maine.edu>; "James Gallagher" <jgallag@maine.edu>; "John Holt" <johnjoyce@midmaine.com>; "Michael Jordan" <mmike6996@gmail.com>; "Perry Fowler" <perny@jayfowler.com>; "Stu & Bonnie Marckoon" <marckoon@roadrunner.com>  
 Cc: "Stephen Salsbury" <steve@herrickandsalsbury.com>  
 Sent: Monday, January 07, 2013 7:45 PM  
 Subject: FW: Permit Application for Gravel Pit

-----Original Message-----

From: Meriby Sweet [mailto:meriby@ropewalk.com]  
 Sent: Monday, January 07, 2013 6:21 PM  
 To: town@lamoine-me.gov  
 Subject: Permit Application for Gravel Pit

To Members of the Planning Board, Lamoine, Maine:

Lamoine is my family's home, our homestead having been occupied by Joseph B. Hodgkins, the eldest son of Charles H. Hodgkins, Sr. Many visits to Lamoine over the years, and the presence there of many relatives -- both alive and deceased -- have kept it a village close to my heart. My own grandfather, Charles H. Hodgkins, Jr. was Joe's younger brother, so did not inherit the family home. He lived in Castine, where I was born.

The gravel pits of Lamoine held a fascination for me as a child. We played in the ones that had been mined out, set off firecrackers with our dads and rode our bicycles up and down the raw hills that were left. As I grew older I realized that the land was fallow -- of no use to anyone who might want to reside in Lamoine, to grow crops or a garden, to live in a beautiful place with a dazzling view of one of America's great National Parks. There was nothing left . . . nothing . . . no trees, no plants, no water, no soil, no gravel, no revenue, no jobs, nothing that was of any benefit to Lamoine or its residents.

The proposal now before you sets into motion a ravaging of the highest point in Lamoine -- with views of Acadia National Park -- stripping the land of all its value, endangering the water supply throughout the town and enriching only one family that doesn't live in Lamoine. They must think we are chumps!

The revenues gained from the proposed pit goes to MDI; the land value will plummet; tax revenues will diminish to nothing as the usefulness of the land disappears; Lamoine will establish its reputation as "the gravel pit town". Lamoine already has something like 14 gravel pits; they are visible from the air as one flies into MDI airport; they are visible from the road into town; they are scars that never heal because they have no sustainable life left in them.

I live now in a mid-coast community transitioning from a rural village to a

bedroom community. Last year, when my well ran dry, the drillers who came to deepen my well revealed that this was happening all over town. As new homes were being built with new wells, those of us 'downhill' were finding that our aquifer had disappeared. We had to increase the depth of my well by some 130 feet to capture water in the next aquifer level below.

Please do not allow this permit to pass. Please take the long view -- beyond the 50 years that a pit exists -- and disallow the short-term profits that this proposal may generate to Lamoine's endless regret.

Thank you for your attention.

Sincerely,  
Meriby Sweet

----- Original Message -----

**Subject:** Message to the Planning Board re: MacQuinn gravel application

**Date:** Mon, 28 Jan 2013 14:52:10 -0500

**From:** David R. Sanderson <davidsand@myfairpoint.net>

**To:** [town@lamoine-me.gov](mailto:town@lamoine-me.gov)

Dear planning board members:

I am writing to oppose the MacQuinn proposal for a greatly expanded gravel pit in the middle of Lamoine and to support the many townspeople who spoke against the proposal at the public hearing on January 8, 2013. I would like to make three points.

First, I was shocked to hear one of the conclusions in Willem Brutsaert's presentation, that if gravel is extracted from the proposed pit to the 70' level the spring that supplies the Cold Spring Water Company will be destroyed. As a former member of the water company and user of its water for 12 years, I find that consequence completely unacceptable. That in itself would be enough reason for the Planning Board to deny the MacQuinn application. At the very least I would urge you to contract with a hydro-engineering firm to evaluate Professor Brutsaert's conclusion.

Secondly, I believe that the current gravel extraction ordinance sets out enough adverse consequences of MacQuinn's proposed pit that the Board can justify a denial. Consider these criteria from p. 5 of the ordinance:

- "3. Will not unreasonably result in water pollution, nor affect adversely existing ground water, springs, or ponds.
4. Will conserve natural beauty in keeping with the restoration provisions of this ordinance. . . .
6. Will not adversely affect surrounding properties."

To tear down the largest hill in town, in the center of town, would hardly conserve natural beauty, and would certainly adversely affect surrounding properties.

Finally, I want to raise a criterion that I would call "proportionality." It has to do with the scope and scale of a project. In the U.S., particularly, we are often unable to resist projects of extraordinary and destructive size—witness for instance the strip-mining of coal in West Virginia and elsewhere, where whole mountaintops are leveled; or, in the retail world, the development of the big-box stores, which transform communities and their local economies, blight the landscape, and destroy urban and suburban neighborhoods. For me, the MacQuinn expansion would be the big-box-building that would destroy life in our little town.

Though I don't know how best to make "proportionality" measurable, I hope that you will find it useful enough to consider including in the new gravel ordinance, and to think about in connection with the MacQuinn application.

Thank you very much.

Sincerely,

Planning Board members:

Because I won't be able to attend the public hearing on this application on September 27, I appreciate this opportunity to express my viewpoint on this MacQuinn application.

I urge you in the strongest terms to turn down this application. If permitted, the MacQuinn project will remove a major geological feature of Lamoine, Cousin's Hill, in the heart of town. It will transform the landscape of Lamoine, and even worse, I believe, over time it will coarsen the quality of life for all of us by adding more industrial traffic, more pollution, and more danger and potential damage to our precious aquifer.

This is the time literally to think globally and act locally. This gravel application is one small town's example of how we humans must stop despoiling our home on this planet, and we must respond by saying, emphatically, NO!

Thank you,

David Sanderson  
12 Martin's Cove Lane  
Lamoine ME 04605  
207 667-7969

## Town of Lamoine

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**From:** Diane Sanderson <disand@myfairpoint.net>  
**Sent:** Saturday, September 16, 2017 8:46 AM  
**To:** planning\_board@lamoine-me.gov  
**Subject:** MacQuinn's proposal concerning Cousin's Hill

Dear Planning Board and friends of Lamoine:

I am not able to attend the meeting concerning MacQuinn's proposal to remove the rest of Cousin's Hill and want to express my thoughts and opinion about this potentially devastating possibility.

We lived for a dozen years on the corner just down from the Hill and listened day after day to the noise and screeching brakes from the gravel trucks. We've watched as the dust accumulated in the house, and the noise woke us before dawn. We have walked the hill and watched as the trucks have carted the hill out of our town.

The hill is in a high density area with the the school, the Grange, the fire department, the church and cemetery, not to mention many residents all in very close proximity. It is also an historic geological site and provides aesthetic beauty to residents and the entire neighborhood. It is fairly easy to predict that property values would suffer from diminished property value if the hill disappeared. And all the while the removal of the gravel is making money for the gravel companies and is not generating any financial benefit to the town.

I am sorry not to be in attendance tonight and want to strongly state that I think it would be a very poor decision on the part of the town to accept MacQuinn's proposal. And I hope there are many others gathered here who feel the same and would stand to oppose yet further destruction to the beauty of our town.

Sincerely,

Diane Sanderson

October 20 2017

Kathleen and George De Fusco  
5 Orchard Lane  
Lamoine, Me 04605

Re: Recent meeting and comments for the Lamoine Planning Board, Macquinn  
Gravel Permit Expansion

Kathleen and I have to reiterate on a recent email we had received from our neighbor on Orchard Lane, Brian Engelhard, he has stated quite a few concerns and serious issues with the expansion of the Macquinn Pit, near our subdivision, which we definitely agree with.

Many of the concerns are with, many dump trucks, effects on our aquifer, valuation of resale of our homes, they are taking away what thousands of years of what we have been given to our landscapes in town.

We have been in this subdivision the longest and have listened to Macquinn's trucks going back and forth, maybe 12 hours or sunset a day, for many years now. Behind our home is another Macquinn's pit, and at times of the year it can be very noisy in the AM, and all day.

Please accept our concerns for this expansion. I do hope everyone in town considers how serious this is.

Respectfully submitted,

Kathleen and George De Fusco

Cc: Brian Engelhard

Brian Engelhard  
36 Orchard Lane  
Lamoine, ME 04605

October 6, 2017

Ref: Comments for the Lamoine Planning Board, MacQuinn Gravel Permit Expansion

I am writing to express my opposition to the Harold MacQuinn gravel extraction expansion application. We have enough gravel extraction already in Lamoine. I am opposed for the following reasons:

- I live close to the area they are asking to expand gravel extraction from. I am tired of seeing all the dump trucks coming and going as much as they do. This will undoubtedly add to dump truck traffic which is noisy and hard on the roads. As close as I do live to the proposed extraction, this will hurt my home value and I don't want to hear gravel extraction all day M-F. This will reduce my home value and make it harder to sell my house if I ever do decide to sell my house.
- I am concerned about how the extraction may affect the aquifer. Having a supply of drinkable water is of utmost importance to me. I disagree with how close to the water table gravel extraction is allowed. I can't change what is already permitted, but I do ask that the town does not allow for even more of this.
- The land will never be the same and very unlikely to ever be developed into anything meaningful. The land value is forever reduced by the extraction and I ask that the town does not allow more than what is already permitted.

Finally, I ask that the Planning Board and the Town not be afraid to deny the application in fear of civil litigation. If we have to take the matter to court, so be it. This is worth fighting for and spending money to fight if need be.

Thank you

Brian Engelhard

January 2, 2013

Lamoine Planning Board  
Att : John Holt, Chairman  
Lamoine, ME 04605

Dear Chairman Holt,

If I cannot attend you public hearing on the Miro Pit expansion, please accept my letter for testimony as a neighbor and tax payer in our town.

The current pit owned by the MacQuinn's has been operating harmoniously in the neighborhood for many years now. There is no diminishment of our enjoyment of the neighborhood caused by the operation. Harold MacQuinn, Inc. has always been a considerate neighbor.

As far as I know, Ronnie and Paul MacQuinn have let everyone walk and snowmobile on their property along the field and over the roads and trails, which we all appreciate. The MacQuinn's give something back to the community, which is allowing us all to enjoy the use of their land. The planning board ought to consider this in their criteria.

Everyone can see the application on the town's web site. I see quite a bit of land between the road and the gravel pit, like there is now. It looks like more trees will be planted along the road. If there are more trees along the road, then the area will be more attractive. Your criteria calls it natural beauty I believe. The setback will save the natural beauty.

Lamoine has had gravel pits being dug for longer than anyone alive. In my opinion, the value of my property will not be diminished by the expansion of the Miro pit. There is no existing impact on my land, and the expansion will not cause any negative impact or have a negative affect on my land or surrounding land.

Thank you for your consideration.

Sincerely,

*Barry McQuinn*

January 4, 2013

Lamoine Planning Board

Town of Lamoine, 04605

Dear Sirs,

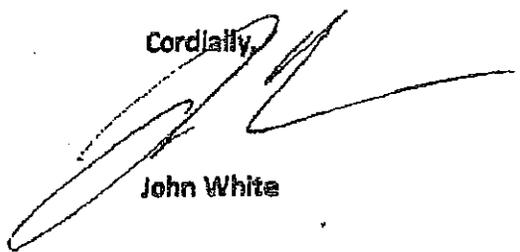
**Please accept my letter in support of the proposed addition to the Kittredge gravel pit. The town needs to have jobs for their people and this project would support jobs.**

**I'm sure my taxes will not go down because of the gravel pit. Their pit will not affect my property value.**

**The MacQuinn's have always made their land available to walk and hunt on. I hope this permission will continue on the land that we all enjoy.**

**I have concerns about trucks travelling through the town, especially in the village. Fortunately MacQuinn's trucks do not need to travel thru the village. Perhaps the town could spend some of the extra tax money coming from the gravel pits and hire police coverage to enforce the speed limits along Route 184.**

Cordially,



John White

398 Douglas Henry  
Lamoine, Me.  
Jan. 7, 2013

To Whom it may concern:

I have owned property and lived nearly 50 years on the corner of S. Rt. 184 and MacQuinn's Rd. There has been three generations of the MacQuinn Family company my husband and I have dealt with, and have been treated respectfully by all of them. The one and only complaint I have had was when my sons were young students waiting for buses, and MacQuinn's trucks were not stopping at the stop sign. We spoke to Mr. MacQuinn and this safety issue was quickly addressed. The drivers have since then been courteous and thoughtful, even stopping to allow me to cross the road for my mail, and giving me adequate room on Rt. 184 when I walk. UNLIKE OTHER TRUCKERS!

The permit this company is seeking has my support. They are a reputable company and seem to be mindful of the ground water issue that is so important, as well as the aesthetics of a barrier strip along the road. The topography will change, but that may not be a bad thing as it is in the flight path of the airports.

The granting of this permit will also broaden our tax base a bit, which certainly should be appreciated by our citizens.

Respectfully yours.

Marilyn B. Lachert  
Marilyn B. Lachert

Dec. 26, 2012

Carl Crowley  
44 Lamoine Beach Rd  
Lamoine, Maine 04605

To the  
Lamoine Planning Board

Concerning the MacQuinn gravel project.

I am in support of MacQuinn mining gravel off from  
Rte 184

As a resident of Lamoine for the past seventy one years, I  
have seen the progress of gravel mining in Lamoine.

We already have the pits and gravel trucks, so why not  
take advantage of the tax revenue that this project will  
bring?

Sincerely,

*Carl Crowley*

Rte 184 Lamoine

Gary Higgins  
223 MacQuinn Road  
Lamoine, ME 04605

Planning Board  
Town of Lamoine  
606 Douglas Highway  
Lamoine, ME 04605

January 2, 2013

Dear Board :

In support of the MacQuinn family, please accept my written letter at your public hearing on the application to expand the Kittridge Pit.

I have lived beside the MacQuinn gravel pit on the other side town for a long time. The pit operation on the MacQuinn Road has never been a distraction to us. There are no objectionable odors or dust coming from the property. The noise level is no worse than what I hear from the other neighbors. Our property is not negatively affected by the MacQuinn operation and gravel pit.

They are a good taxpayer and provide year round employment for people who live in this town. They allow us to walk and ride on their property on the MacQuinn Road. It's good open space the town should appreciate.

We need more companies in Lamoine like the MacQuinn's. Please vote on approving their project.

Regards,



Gary Higgins

Town of Lamoine  
606 Douglas Highway  
Lamoine, ME 04605

December 31, 2013

Dear Planning Board,

In lieu of testifying at the public hearing about the MacQuinn gravel pit expansion, please accept my written testimony about the project.

I live very near the property owned by MacQuinn. Since Ron and Paul MacQuinn bought the property, I have not heard any noise coming from the gravel pit, seen any dust or smelled any fumes that might have come from the gravel pit.

You should allow the MacQuinn's to go ahead with buying the extra land and taking the gravel. The existing and new pit will not have any effect on my property at all.

Thank you.

Sean A. Clark 49 Hill Rd