

# Future of Pike in limbo

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Pike Industries is waiting to hear from the city about how the company will be allowed to operate on Spring Street, following last week's Zoning Board decision to remove its right to quarry there.

Code Enforcement Officer Rick Gouzie said Tuesday he was drafting a letter to Pike that would inform the company it could continue removing rock from the quarry, but could not blast.

The Zoning Board of Appeals ruled last week that Pike Industries does not have the right to quarry on its Spring Street property – a decision that came after months of hearings and should

spur a court battle between Pike and neighboring businesses opposed to its proposed expansion.

The dispute between Pike and those businesses began about a year and a half ago, after Pike proposed to add an asphalt plant to its Spring Street quarry. Neighbors said the smell, noise, traffic and reverberations they believed would come with Pike's expanded operations would have a detrimental impact on their lives and businesses. The matter has been the subject of lengthy debates in front of other city boards and is not expected to be resolved soon.

Pike's attorneys said they're disappointed by the board's decision, but are optimistic that

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# Pike battle faces more volleys

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it will be overturned in court. However, in the meantime, the uncertainty of what Pike is and will be allowed to do at its Spring Street site affects its business.

"They're definitely in limbo," said William Hagedorn of Preti Flaherty, Pike's lawyer.

Knowing whether the company will be able to extract rock from the Spring Street quarry, he said, determines how Pike should continue to go about competing for paving jobs.

"The whole dispute surrounding their future rights there makes it difficult for the bidding process," Hagedorn said.

Gouzie said he believes the company could take legal action to put a temporary hold on the city's ability to enforce the Zon-

ing Board's decision, while the dispute continues to play out in court. Hagedorn said the company would be exploring its options once it receives the letter from Gouzie. For now, all he could say for certain was that it would be appealing the decision to superior court.

Hagedorn said the board's decision does not reflect Pike's actual rights on Spring Street because of the limits of the board's purview. The board's attorney, Ralph Austin, advised the board not to consider issues of fairness in the matter - like the fact that the city has been issuing building and blasting permits to Pike for decades.

Not taking the fairness of the situation and the historical precedent into consideration "defies common sense," Hagedorn said.

"They took a very narrow approach and ruled, we think,

incorrectly," he said.

Board members expressed their own frustration with that limitation at the meeting last week.

"This is a personally unsatisfying result," said Zoning Board Chairman Phil Brown. "That the issue has gone unresolved for 40 plus years is mind-boggling."

The board's July 22 ruling came in response to appeals from both Pike and Westbrook Works, the group of neighboring businesses opposed to Pike's proposal, regarding a decision made in January by Gouzie.

After Pike proposed to add asphalt and concrete plants to its Spring Street site, Westbrook Works came forward with records alleging that the company never had a right to quarry on Spring Street, let alone expand.

Gouzie determined that Pike did have a right to quarry, but

not to add asphalt and concrete plants or rock-crushing operations on the Spring Street property. Pike appealed the part of the decision that said the company couldn't expand, and Westbrook Works appealed the part of the decision that said Pike could continue to quarry.

The Zoning Board last week granted Westbrook Works' appeal and denied Pike's, overturning part of Gouzie's decision and ultimately ruling that Pike does not have a right to either quarry or expand on the site.

"This ruled in our favor," said Dick Daigle, director of facilities management for Idexx, a leader of Westbrook Works.

But Daigle recognized that this was far from the end of the battle, adding that he fully expected the matter to be settled in court and is now waiting to "let that go through its process."