

[<< back to story >>](#)

Portland Press Herald Maine Sunday Telegram

Westbrook officials seek quarry solution

The mayor says he will keep pushing Pike and neighboring businesses to reach a compromise.

By TOM BELL, Staff Writer

November 29, 2008

Westbrook officials want to resolve the controversy over Pike Industries' expansion plans this winter and have given the company until the end of December to respond to opponents' arguments that the company's quarry has been operating illegally for 40 years.

The city administration and the City Council want a solution before Pike's blasting and rock-crushing activities increase with the start of road-paving season next spring, said City Council President Brendan Rielly.

The council may decide to hand the issue over to the city's code enforcement officer.

Or the council may take action on a proposal to block Pike's expansion plans by rezoning the district for light industrial uses.

"The council intends to move forward in the new year," Rielly said. "The city doesn't want to let this hang."

Pike wants to build a \$5 million, state-of-the-art hot-mix asphalt plant on a 69-acre site on Spring Street.

But a coalition of nearby residents and a group of businesses led by Idexx Laboratories have been fighting the proposal, arguing that the asphalt plant would harm their property values as well as community ambitions to transform that section of the city into a hub for high-tech business.

Besides Idexx, the companies opposing Pike's plan include Artel, Creative Office Pavilion, WPME-TV, New Age Media, Calpine Corp., Smiling Hill Farm and Westbrook Energy Center.

In September, the coalition produced a legal analysis alleging that the quarry's previous owner, Blue Rock Industries, began operating it in 1968 without a permit from the Westbrook Appeal Board – after the city's code enforcement officer denied its authority to start a quarry.

Pike officials could not be reached for comment Friday.

Pike is a subsidiary of CRH, a multinational corporation based in Ireland. In 2005, it paid more than \$16 million for Blue Rock's assets.

In a Nov. 15 press release, Pike claimed that quarrying activities never become an issue until Idexx announced, in 2006, plans to expand its facility on Eisenhower Drive. Officials at Idexx could not be reached for comment Friday.

If the city prevents Pike from developing its property, the press release said, it would be violating state laws that prevent the use of eminent domain to condemn privately owned property for the benefit of another business entity.

"Pike believes that the city would be violating this important legal safeguard if it attempts to limit Pike's use of the property for the benefit of Idexx," the release said.

The council has not talked about using the power of eminent domain in relation to the property, and it is unclear whether Pike is suggesting in its news release that the zoning change would be tantamount to an eminent-domain action.

Rielly, the council president, said he was disappointed in the tone of Pike's press release.

"It's not a good use of anyone's time to make threats," he said.

The city has asked Pike to give the city a substantive legal analysis in response to the opponents' charges. Pike has yet to do that, said Mayor Bruce Chuluda.

The company asserted in its press release that it had city approval to operate the quarry. Moreover, if neighboring businesses and residents are successful in their attempt to shut down the quarry, the company said, it would lose more than \$620 million in revenues over the life of the quarry.

Pike also said it will be forced to continue producing asphalt at its Main Street quarry and cancel its long-term plans to develop the 50-acre Main Street site, which city officials believe has the potential to serve as a gateway to the city if redeveloped.

Warren Knight, owner of Smiling Hill Farm next door to the Pike property, said quarrying activities were so minimal under Blue Rock's ownership that neighbors didn't notice. He said Pike has substantially increased quarrying activities, including blasting.

Chuluda said he will continue to push Pike and neighboring businesses to reach a compromise.

"That's the ultimate goal," he said. "I do believe that Pike is a vital business, as Blue Rock was, to the city of Westbrook, and no less so than Idexx or other businesses."

Staff Writer Tom Bell can be contacted at 791-6369 or at

tbell@pressherald.com

Copyright © 2008 Blethen Maine Newspapers

[<< back to story >>](#)