

Code Enforcement Office
Town of Edgecomb
PO Box 139
Edgecomb, Me 04556

July 31, 2009

Karen Smith
PO Box 163
Edgecomb, Maine 04556

Mailed Certified and First Class

RE: Gravel Pit Tax Map R07 Lots 23.2 & 23.3

Dear Ms. Smith,

On January 7, 2008, the Edgecomb Planning Board approved your application for the operation of a gravel pit. This approval was subject to the following conditions:

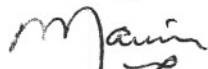
1. Submit a letter from the Colby's regarding the ROW used to access the gravel pit.
2. Evidence that you have met with Scott Griffin, Road Commissioner.
3. A letter from the DEP stating that the DEP has no jurisdiction on your gravel pit operations.

This approval and the conditions of the approval were based upon the facts as presented at the public hearing before the Planning Board. Any appeal from decisions of the Planning Board must be taken within 45 forty-five days from the final decision to Superior Court in accordance with State Law. The time period for appeal has expired.

You are in violation of this approval. The conditions have not been met. You must discontinue the illegal land use. You have 10 ten days from the date of this letter to provide written evidence to the Code Enforcement Officer that you have met the conditions of your site plan approval.

The penalties for continued violation are outlined in section 3.8 of the Town of Edgecomb Land Use Ordinance. If you need assistance please contact me at 207-504-6198.

Sincerely,



Marian L. Anderson
CEO, Town of Edgecomb

DYER GOODALL AND DENISON, P.A.

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Clifford H. Goodall
Mary A. Denison

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(207) 622-3693

Linda Smith Dyer
(1948 – 2001)

Fax:
(207) 622-4417

August 14, 2009

Code Enforcement Officer
Town of Edgecomb
PO Box 139
Edgecomb, Maine 04556

Re: Karen Smith Gravel Pit Permit, Tax Map R07, Lots 23.2 and 23.3

Dear Edgecomb CEO:

Karen Smith has asked us to assist her concerning compliance with her gravel pit permit that was issued by the Planning Board on January 7, 2008.

On July 31, 2009, Karen Smith received a letter from the then Town of Edgecomb Code Enforcement Officer indicating that the evidence required as a part of her Planning Board approval, as a condition of approval, had not yet been submitted. The letter instructed her that she should discontinue gravel pit operations until these issues had been resolved.

It is our understanding that all excavation activities at the site and in the transporting of excavated materials have ceased. Hanley Construction of Bristol, Maine was working the pit and all of its equipment has been removed. There will be no excavation and/or removal of excavated materials from this site until we have been able to deal with the three conditions of approval set forth in the Code Enforcement Officer's letter to Karen Smith of July 31, 2009.

For your information, Hanley Construction will have no further involvement or activities at this site. Dan Alley of Alley Excavating, LLC, who originally applied for the Planning Board permit on behalf of Karen Smith, will be the primary worker of the pit once we have resolved the permit issues. He will also be assisting us concerning the three conditions of approval.

August 14, 2009
Town of Edgecomb, CEO
Page 2

Because of scheduling issues, vacations, timing, etc., it may be the latter part of September when we are able to fully address the three conditions. In the event we need to submit anything to the Planning Board, we will try to get it submitted in advance, as required, for the October meeting.

If you have any questions, please don't hesitate to contact me.

Best regards



CLIFFORD H. GOODALL

CHG/bas

cc: Karen Smith
Board of Selectmen, Town of Edgecomb
Planning Board, Town of Edgecomb
Andrews Campbell, Esq.
Dan Alley

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August 14, 2009

Mark Stebbins
Bureau of Land and Water Quality
Department of Environmental Protection
312 Canco Road
Portland, Maine 04103

Re: Karen Smith Gravel Pit, Mount Hunger Road, Edgecomb, Maine

Dear Mark:

Karen Smith of Edgecomb, Maine has asked us to assist her concerning permitting issues for the gravel pit that she owns in Edgecomb, Maine.

The pit was given municipal site plan approval by the Edgecomb Planning Board on January 7, 2008. At that meeting, the Planning Board asked that they be provided evidence from the Department of Environmental Protection (DEP) that it had no jurisdiction over this gravel pit operation.

I have not yet had the opportunity to visit the pit and I will be some time in early September. It is my understanding, however, that it is less than five acres and that there are no Natural Resource Protection Act issues.

The Planning Board has asked for a letter from the DEP confirming that it has no jurisdiction over this operation.

It would be very helpful to Karen Smith and the Planning Board if you or one of your staff could visit the site and send me a letter concerning the DEP's observations and whether or not it has jurisdiction over any aspects of this operation.

August 14, 2009
Mark Stebbins
Page 2

I have enclosed a copy of the Town of Edgecomb's zoning map with the location circled. To get to the site, you exit Route 1, southerly, at the Edgecomb/Newcastle town line onto the Dodge Road. The Dodge Road is exited to the south onto Mount Hunger Road. The Mount Hunger Road goes down into the Schmid Preserve. Karen Smith's gravel pit is just before the entrance to the preserve on the west side of the Mount Hunger Road. The Mount Hunger Road is not maintained.

If you have any questions, please don't hesitate to give me a call.

Best regards,



CLIFFORD H. GOODALL

CHG/bas

Enclosure

cc: Karen Smith
Town of Edgecomb Code Enforcement Officer
Town of Edgecomb Board of Selectmen
Town of Edgecomb Planning Board

Maine OGIS: Rail, Town Lin
Town of Edgecomb: Parcels,
Propose

