

**BALDWIN PLANNING BOARD MINUTES**  
**5/28/15**

Attendance: Norm Blake, Fred Miner, Jo Pierce, and David Strock  
Time: 7:00 p.m.

First Discussion Item:

Norm stated that we need to do a better job posting minutes on the website. If the Board does not actually meet, a notice to that effect should be posted.

Second Discussion Item:

Norm presented emails from the Town lawyer, David Lourie, regarding Maietta to update the members of the Board on the activities. No action was taken. Copies of the emails are attached.

Third Discussion Item:

The Board reviewed the list of all conditional use permits that have been issued by the Town and identified those permits that have not been active for the past two years. Norm agreed to provide this information to the Town Selectmen for further action.

Having no further business before it, the Board unanimously adjourned at approximately 9:20 p.m.

DRAFT SUBJECT TO APPROVAL BY BOARD

**From:** David A. Lourie <[david@lourielaw.com](mailto:david@lourielaw.com)>

**To:** Timothy Norton <[tnorton@krz.com](mailto:tnorton@krz.com)>; Dan Hill <[dhill@baldwinmaine.org](mailto:dhill@baldwinmaine.org)>; Gary McNeil <[gary@dodgeoil.com](mailto:gary@dodgeoil.com)>; Olin Thomas <[Othomasbaldwin@yahoo.com](mailto:Othomasbaldwin@yahoo.com)>; Danielle Taylor <[dtaylorbaldwin@gmail.com](mailto:dtaylorbaldwin@gmail.com)>; Bob Flint <[rflint57@gmail.com](mailto:rflint57@gmail.com)>; Norman Blake <[wa1ivb@att.net](mailto:wa1ivb@att.net)>

**Cc:** Dennis Finn <[sacorivercorridor@gmail.com](mailto:sacorivercorridor@gmail.com)>

**Sent:** Wednesday, May 27, 2015 10:09 AM

**Subject:** Re: Maietta - Baldwin Pit

Thank you. I am forwarding your e-mail to the Town's select board, planning board, and its CEO. In doing so, I express no opinion as to whether the hauling out of material previously excavated is relevant or sufficient to avoid a lapse or abandonment under the Town's mineral extraction or its conditional use rules.

Please send any additional information you choose to provide in a timely manner as to the failure to file the annual reports as required, or as to matters concerning the legal status of this operation, both of which are under review.

I am also forwarding your e-mail to Dennis Finn at the Saco River Corridor Commission, as it appears that your client's continued operation for MANY years has been in violation of the Commission's Rules as the SRCC approval of this operation has long expired.

On 5/27/2015 8:29 AM, Timothy Norton wrote:

David:

In follow up to our prior communications regarding the use by Maietta Enterprises of the Baldwin pit, I wanted to let you know that Maietta's records show that they hauled from that pit on at least the following dates:

8/5/2013

8/6/2013

8/7/2013

8/8/2013

9/30/2013

10/1/2013

10/2/2013

10/3/2013

10/4/2013

I expect that further inspection of the company's records will show other occasions when the pit was in use but these dates demonstrate use within the 2 year period which you previously raised. Sebago Tech is in the process of preparing the report of de-vegetation and re-vegetation and we hope to have that to the Town shortly.

Tim

Tim Norton  
Kelly, Remmel & Zimmerman  
53 Exchange Street  
P.O. Box 597  
Portland, Maine 04112-0597  
Telephone: [207-775-1020](tel:207-775-1020)  
Direct Dial: [207-420-3853](tel:207-420-3853)  
Fax: [207-773-4895](tel:207-773-4895)

[tnorton@krz.com](mailto:tnorton@krz.com)  
[www.krz.com](http://www.krz.com)

IRS CIRCULAR 230 DISCLOSURE: In accordance with Internal Revenue Service Circular 230, we hereby advise you that if this email or any attachment to this email contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used, by any taxpayer for the purposes of avoiding penalties that may be imposed on the taxpayer by the Internal Revenue Service.

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--  
The above is from the Law Offices of David A. Lourie, 97 India Street, Portland ME 04101, and 189 Spurwink Avenue, Cape Elizabeth, ME 04107 [\(207\)799-4922](tel:2077994922)/cell [\(207\)749-3642](tel:2077493642)/Fax [\(207\)221-1688](tel:2072211688).

This communication may contain attorney-client privileged or confidential matter that is exempt from disclosure under applicable law. If you received this e-mail in error, please "reply" to avoid repetition.

**From:** David A. Lourie <[david@lourielaw.com](mailto:david@lourielaw.com)>  
**To:** Timothy Norton <[tnorton@krz.com](mailto:tnorton@krz.com)>  
**Cc:** Gary McNeil <[gary@dodgeoil.com](mailto:gary@dodgeoil.com)>; Olin Thomas <[Othomasbaldwin@yahoo.com](mailto:Othomasbaldwin@yahoo.com)>; Danielle Taylor <[dtaylorbaldwin@gmail.com](mailto:dtaylorbaldwin@gmail.com)>; Bob Flint <[rflint57@gmail.com](mailto:rflint57@gmail.com)>; Norman Blake <[wa1ivb@att.net](mailto:wa1ivb@att.net)>; Dan Hill <[dhill@baldwinmaine.org](mailto:dhill@baldwinmaine.org)>; Dennis Finn <[sacorivercorridor@gmail.com](mailto:sacorivercorridor@gmail.com)>  
**Sent:** Thursday, May 28, 2015 4:26 PM  
**Subject:** Maietta Quarry

As you are aware, the Town is attempting to ascertain the legal status of the Maietta Gravel Pit. I was advised today that a quarrying operation was commenced by your client sometime after it sent the attached Notice of Intent to the State.

1-No one in Baldwin Town Government recalls receiving the copy of the Notice to the Town at the time. Please inquire of your client as to whether it has any evidence that it was sent as required, and advise.

2-Regardless of whether the required notice was sent to the Town at the time, the creation and operation of a rock quarry within the area of the pit previously approved by the planning board only as a gravel pit would appear to exceed the authorized use of the property. Please advise within ten (10) days whether your client will seek an amended (after the fact) approval for the quarrying operation, and if not, why not.

I assume that you must also get approval from SRCC of this operation, and I am therefore copying Dennis Finn on this communication.


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The above is from the Law Offices of David A. Lourie, 97 India Street, Portland ME 04101, and 189 Spurwink Avenue, Cape Elizabeth, ME 04107 (207)799-4922/cell (207)749-3642/Fax (207)221-1688.

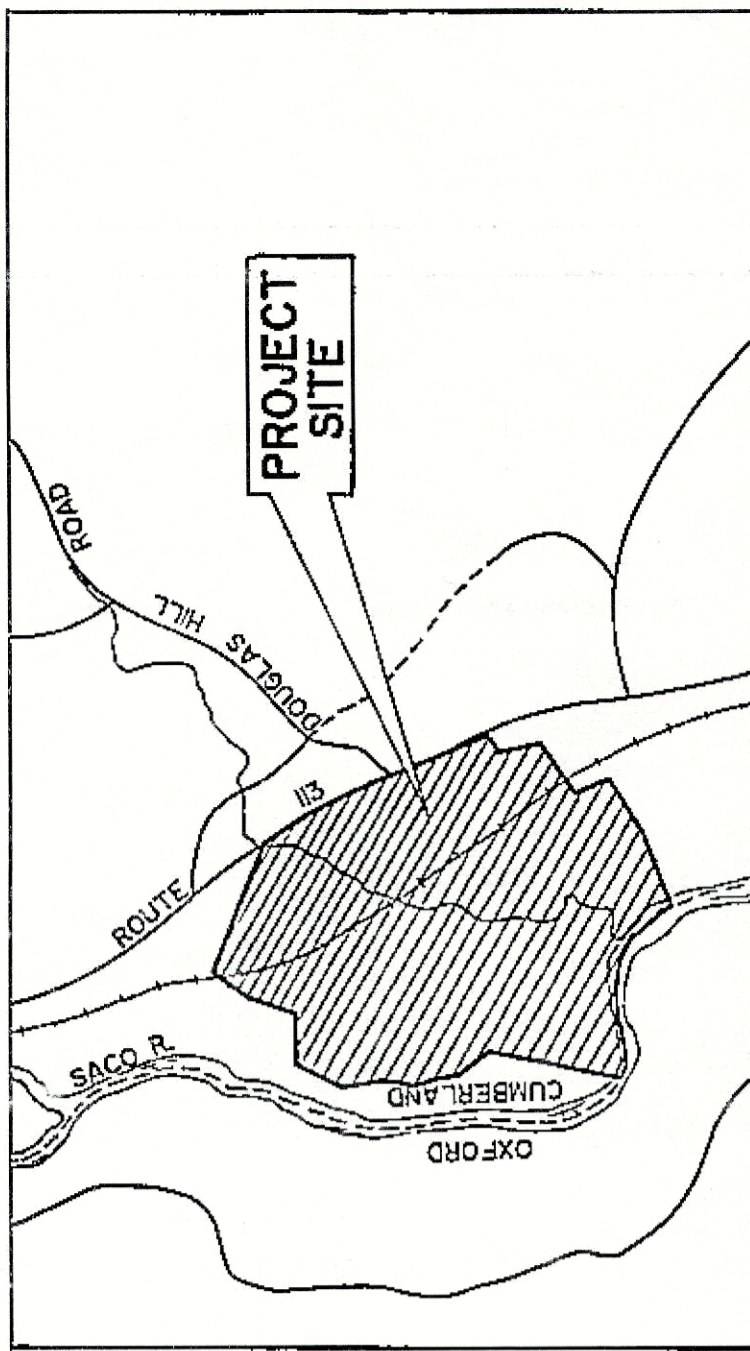
This communication may contain attorney-client privileged or confidential matter that is exempt from disclosure under applicable law. If you received this e-mail in error, please "reply" to avoid repetition.

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2 attachments

 Maietta\_Baldwin\_SitePlan.pdf  
5417K

 Maietta\_Quarry\_NOITC.pdf  
2620K

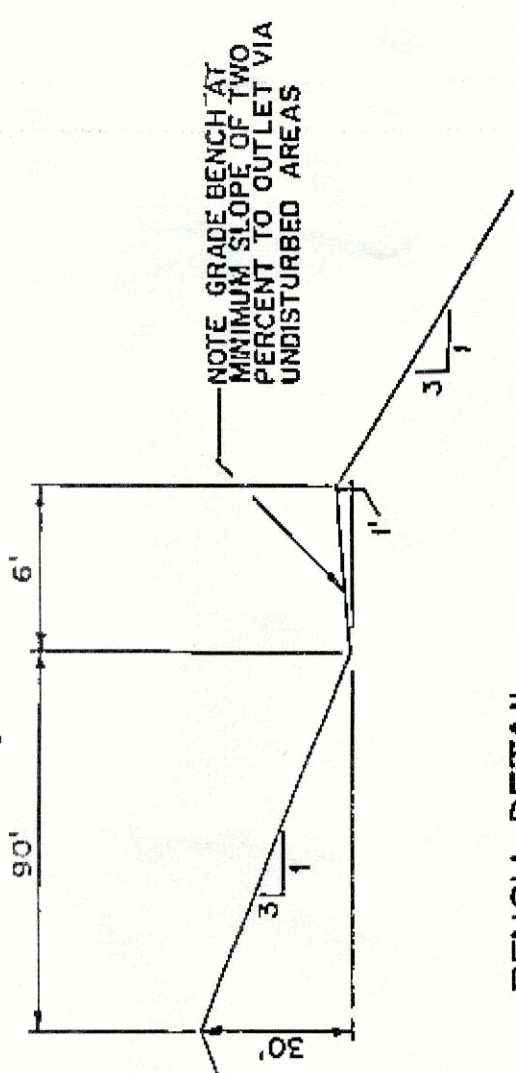


LOCATION MAP

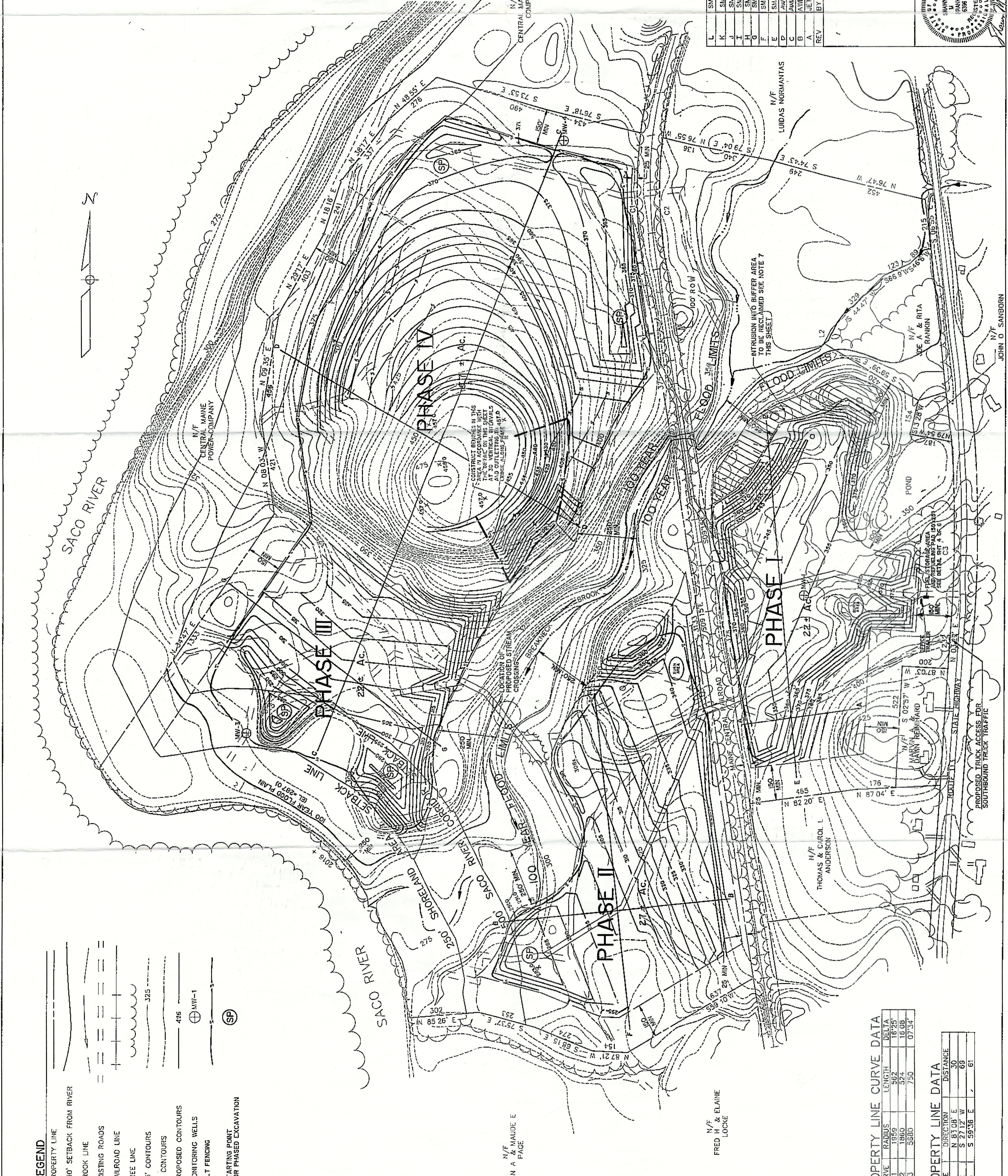
GENERAL NOTES

1. TOPOGRAPHY AND 5' CONTOUR INTERVALS COMPILED FROM AN AERIAL SURVEY BY JAMES W. SEWELL COMPANY, OLD TOWN, MAINE
2. TOTAL AREA OF PARCEL. 224+ ACRES
3. ZONING DISTRICT RURAL (R), SHORELAND AREA
4. PHASING AREA
  - A PHASE I = 22 ± ACRES
  - B PHASE II = 22 ± ACRES
  - C PHASE III = 22 ± ACRES
  - D PHASE IV = 57 ± ACRES
5. 100 YEAR FLOOD LIMITS COMPILED FROM THE TOWN OF BALDWIN, MAINE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 230200 0009 B, DATED JULY 2, 1980
6. THE BOUNDARY SURVEY HEREON IS A GRAPHIC REPRESENTATION BASED UPON FIELD LOCATION. IT DOES NOT CONSTITUTE A FULL STANDARD BOUNDARY SURVEY
7. THE AREA DESIGNATED AS AN INTRUSION INTO THE PROPOSED BUFFER AREA IS TO BE RECLAIMED IN ACCORDANCE WITH THE RECOMMENDATIONS AND NOTES HEREON. THE RECLAIMED AREA WILL BE MARKED WITH THE BUFFER AREAS IN THE FUTURE. THE SETBACKS WILL BE LOCATED AND MARKED IN THE FIELD PRIOR TO EXCAVATION
8. THE SEDIMENT BASINS SHALL BE THE FIRST AREA OF ANY PHASE EXCAVATED TO THE POINT WHERE THE SEDIMENT BASINS AS SHOWN ON THIS SHEET WILL BE GRADDED TO SERVICELY DRAINING. SILT FENCES SHALL BE STAKED ACROSS THE SLOPE AT 100 FOOT INTERVALS

N/E  
FRED H. & ELAINE LOCKE  
JOHN A. MAUDE E  
PAGE



BENCH DETAIL



**LEGEND**

- PROPERTY LINE
- 250' SETBACK FROM RIVER
- BROOK LINE
- EXISTING ROADS
- RAILROAD LINE
- TREE LINE
- 25' CONTOURS
- 5' CONTOURS
- PROPOSED CONTOURS
- MONITORING WELLS
- SILT FENCING
- STARTING POINT FOR PHASED EXCAVATION

**PROPERTY LINE CURVE DATA**

CURVE	RADIUS	LENGTH	DELTA
C1	1855	562	16°25'
C2	1860	524	16°08'
C3	5680	750	07°34'

**PROPERTY LINE DATA**

LINE	DIRECTION	DISTANCE
L1	N 83°08' E	30
L2	S 27°12' W	69
L3	S 59°56' E	61

REV	BY	DATE	STATUS
L	SMF	11/23/92	ADD PROPOSED TRUCK ACCESS
K	SMF	10/1/91	REVISE GRADING AND BENCHING NOTES AND DETAIL
J	SMF	7/23/91	ADD PROPOSED BURN AREAS
I	SMF	6/5/91	ADD NOTE B STARTING POINTS ADDITIONAL SILT FENCE
H	SMF	4/16/91	REVISE GRADING PHASES II & IV
G	SMF	2/19/90	ADDED REFUELING PAD, INTRUSION INTO BUFFER AND GENERAL NOTE 7
F	SMF	9/9/90	ADDED CROSS SECTION BASELINES
E	SMF	7/19/90	REVISED GRADING
D	AVL	4/12/89	REVISED GRADING
C	AVL	12/14/89	REVISED GRADING
B	AVL	7/17/89	REVISED GRADING
A	AVL	6/9/88	ADDED MONITORING WELLS

**SITE PLAN**  
OF  
**MAIETTA MINERAL EXTRACTION OPERATION**  
ROUTE 113  
W BALDWIN, MAINE

PREPARED FOR  
**MAIETTA ENTERPRISES, INC.**  
129 WALNUT STREET  
SOUTH PORTLAND, MAINE

DESIGN BY AVL  
DRAWN BY PSS/LWP/CWW  
CHECKED BY SMF  
DATE 5/11/89  
SCALE 1"=200'

FIELD BK  
PROC NO 88320

**ST Design Techniques Inc.**  
(Civil Engineers, Surveyors, Landscape Architects)

841 SPRING STREET  
WESTBROOK, ME 04092  
TEL (207) 761-0359

SHEET 2 OF 6



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 NOTICE OF INTENT TO COMPLY  
 PERFORMANCE STANDARDS FOR  
 EXCAVATIONS FOR BORROW, CLAY, TOPSOIL OR SILT  
 (For Use with 38 MRSA Section 490-C)

PLEASE TYPE OR PRINT IN INK ONLY

Name of Owner: Maietta Enterprises, Inc.

Mailing Address: 129 Walnut St.

Town/City: So. Portland State: ME Zip Code: 04106 Tel.No.(daytime): 207/883-9546

Name of Operator: Maietta Enterprises, Inc.

Mailing Address: 129 Walnut St.

Town/City: So. Portland State: ME Zip Code: 04106 Tel.No.(daytime): 207/883-9546

Name of Nearest Road and Directions to Site: Project site is directly off State Route 113 in West Baldwin, Maine. A sign exists at the project entrance. The quarry consists of Phase IV of the enclosed site plan.

Town/City: West Baldwin County: Cumberland

1. Attach a check for \$250 payable to Treasurer State of Maine.
2. Attach to this form a location map with project site clearly marked (use a U.S.G.S. topo map or Maine Atlas & Gazetteer map).
3. Attach to this form a site plan drawn to scale showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, locations of applicable private or public drinking water supplies (within 1000 feet of the limit of excavation) and all existing or proposed solid waste disposal areas.
4. Attach to this form a parcel description including size, by tax map or deed description.
5. Attach to this form the names and addresses of all abutting property owners.

I am filing my notice of intent to comply with the performance standards under 38 MRSA §490-D. I fully understand that I can be subject to enforcement action, including a stop work order, on my failure to comply with the performance standards. I authorize staff of the Department of Environmental Protection and the municipality, if it has delegated authority, to access the project site for the purpose of determining compliance with the standards. **I also understand that this permit is not valid until I receive a postal receipt. If the Department determines that a notice is not complete, the Department will notify the applicant no later than 45 days after receiving the notice.**

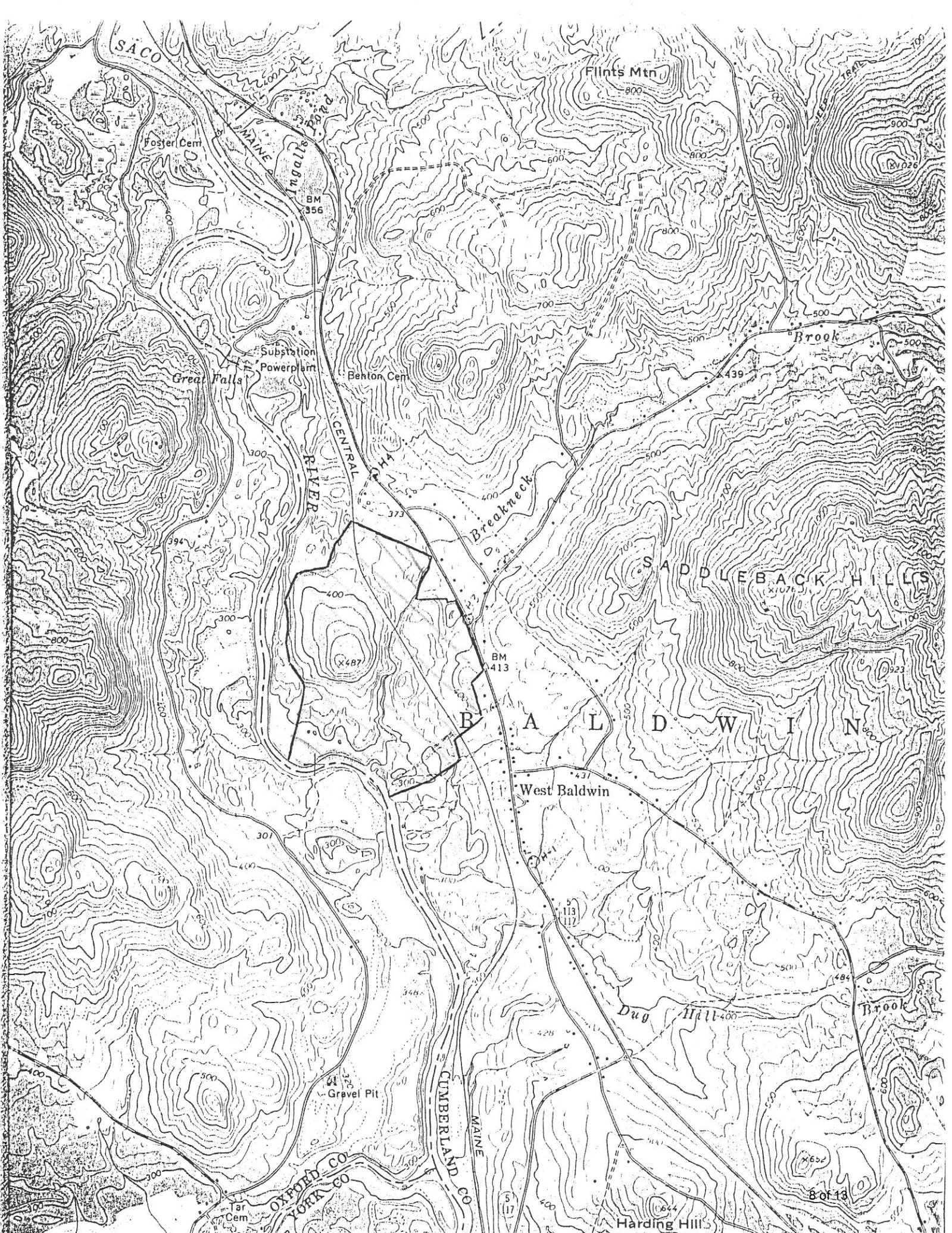
Signature of Applicant: *Suzanne A. Maietta* Date: 8-1-06

Send the white copy of this form by certified mail to the **ME Dept. of Environmental Protection, State House Station #17, Augusta, ME 04333**. Send the yellow copy of this form to the ME Historic Preservation Commission, State House Station #65, Augusta, ME 04333. Send the gold copy of the form, including the exhibits listed above, to the municipality where the project site is located. **All abutting owners must receive a copy of the notification form only. The notice that is mailed to the municipality and each abutting property owner must be mailed at least 7 days prior to filing the notice with the DEP.** Retain the pink copy as a record of the permit. No further authorization by DEP will be issued after the receipt of this notification.

For Office Use Only			
Project No: <u>1031</u>	Fee Paid: <u>\$250.00</u>	Date: <u>8/3/06</u>	Def: <u>gms</u>
			Sign Off: <u>10/12/06</u>

*cl #4042*

PITFRM 2/97



SACO

Flints Mtn

Foster Cem

Substation  
Powerplant

Great Falls

Behton Cem

Brook

CENTRAL RIVER

BALDWIN

SADDLEBACK HILLS

West Baldwin

Gravel Pit

Dug Hill

Brook

OXFORD CO  
YORK CO

CUMBERLAND CO  
MAINE

Harding Hills



MUNICIPAL ASSESSORS RECORDS

Municipality: Baldwin      Researched By: Ceg      Job # 80320  
 Project Name: Maretha      Date: 6-28-06

Map	Lot	Owner Name / Mailing Address	Book/ Page	Zone	Locus/ Abutter
11	74	Maretha Enterprises 129 Walnut St S. Port 04106	—		
	74B	Joseph + Ruth Ercolani PO Box 52 E. Baldwin 04024	18139/179		
	76	John O III + Linda R Sankorn 1101 Pequawket Trl. W. Baldwin 04091	15912/173		
	75	Malcolm Burnett + Elizabeth 164 Smutty Ln Saco 04072 Mesaue	—		
	75A	Stephen Estes same	—		
	73	Stephen Estes PO Box 86 W. Baldwin 04091	15655/337		
	70	Marvin + Dawn Rennard PO Box 98 W. Baldwin 04091	—		
	69	Thomas + Carol Anderson PO Box 15 W. Baldwin 04091	—		
	60	Paul + Susan Thomas 992 Pequawket Trl W. Baldwin 04091	17312/104		
	61	11	17312/104		
	74A	John + Maudella Page 219 Senator BIK Rd W. Baldwin 04091	—		



MUNICIPAL ASSESSORS RECORDS

Municipality:	Researched By:	Job #
Project Name:	Date:	

Map	Lot	Owner Name / Mailing Address	Book / Page	Zone	Locus / Abutter
12	7	?			
	3	Ralph & June Crawford 30 Crawford Rd W. Baldwin 04091	—		
	6	Lurdas Normatas 346 Hampshire St Hiram 04041	—		
	11	FIL Energy ME Hydr LLC % PO Box 14000 Juno Beach FL 33408 FIL Cap. TAX	14669/151		

**SEBAGO TECHNICS, INC.**

One Chabot Street  
 P.O. Box 1339  
 WESTBROOK, ME 04098-1339

**LETTER OF TRANSMITTAL**

14660

*Hand Delivered*

Phone (207) 856-0277 FAX (207) 856-2206

TO Main Department of Environmental Protection  
312 Canco Road  
Portland, ME 04103

DATE <i>8-3-06</i>	JOB NO. <i>88320</i>
ATTENTION <i>Mark Stebbins</i>	
RE: <i>Baldwin Pit, Maieffa Enterprises</i>	

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

- Shop drawings   
  Prints   
  Plans   
  Samples   
  Specifications  
 Copy of letter   
  Change order   
 *Notice of Intent to Comply*

COPIES	DATE	NO.	DESCRIPTION

THESE ARE TRANSMITTED as checked below:

- For approval   
  Approved as submitted   
  Resubmit \_\_\_\_\_ copies for approval  
 For your use   
  Approved as noted   
  Submit \_\_\_\_\_ copies for distribution  
 As requested   
  Returned for corrections   
  Return \_\_\_\_\_ corrected prints  
 For review and comment   
  \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_   
  PRINTS RETURNED AFTER LOAN TO US

REMARKS *Mark, the enclosed application is provided as requested to allow blasting for a quarry operation within Phase IV of the Maieffa Enterprises pit in Baldwin which has a Site location of Development permit. Upon your review of the enclosed information, please call with any questions or comments. Thank you*

COPY TO \_\_\_\_\_

SIGNED *[Signature]*

**Subject:**Re: Maietta Quarry  
**Date:**Fri, 29 May 2015 15:54:53 -0400  
**From:**Dennis Finn <[sacorivercorridor@gmail.com](mailto:sacorivercorridor@gmail.com)>  
**To:**[david@lourielaw.com](mailto:david@lourielaw.com)

Hello David

I have been out of the office today, but looked up the file before I left yesterday. I will investigate further, but I believe your suspicion that there may be a violation could be correct. Thanks for keeping the Commission in the loop and please look for further correspondence from me early next week.

Dennis

On Fri, May 29, 2015 at 8:27 AM, David A. Lourie <[david@lourielaw.com](mailto:david@lourielaw.com)> wrote:

Time: I have reviewed the 1989 planning board approval, and am correcting my prior e-mail as some quarrying was approved by the Town.

Therefore, Please ask your client to provide evidence that the Notice was sent as required, and compliance with conditions for quarrying in the excavated area.

NB Condition #8:

"Excavation shall not occur within five feet of the seasonal high water table. **Prior to beginning excavation in Phases 2, 3 and 4, Maietta Enterprises, Inc., shall submit to the Planning Board detailed information on the profile of the groundwater within the site as prepared by a groundwater hydrologist. This information shall be tied to a permanent benchmark established on the site and maintained during the operation of the facility. "**

It is my understanding that water has been observed in the quarried area, indicating that the depth has exceeded the water table. Please advise.

On 5/28/2015 4:26 PM, David A. Lourie wrote:

As you are aware, the Town is attempting to ascertain the legal status of the Maietta Gravel Pit. I was advised today that a quarrying operation was commenced by your client sometime after it sent the attached Notice of Intent to the State.

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Town at the time. Please inquire of your client as to whether it has any evidence that it was sent as required, and advise.

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