

Zoning Complaint RE Plat 7 Lot 4

This Operation Lacks a Certificate of Compliance

Town Of North Smithfield

Sept 2, 2022

Zoning Enforcement Officer

83 Green St

North Smithfield, RI 02896

Good morning,

I am writing in order to file a complaint that Plat 7 Lot 38 AKA Pine Hill Rd Quarry is being mined without a Certificate of Zoning Compliance by Material Corp. The owner, Pound Hill Realty has never applied for or received a Certificate of Zoning Compliance to do Earth Removal Operations on the 32 acre parcel of plat 7, lot 38 that was purchased on Nov 11, 1987. These 32 acres do not enjoy the same nonconforming status as the rest of Plat 7 Lot 38. From 2013 to present, the 32 prohibited acres have been and are being mined, blasted and quarried in violation of Article IV Soil and Earth Removal Operations.

Violations noted:

1. Lateral expansion is prohibited. Nevertheless, the 32 acres that are restricted have been mined extensively
2. The property has been mined to the edges of the property and the 200-foot buffer from neighboring lot lines has not been maintained.
3. The ground appears perpetually damp in the lowest mined areas. The operation must maintain at least 4 feet of distance from the water table. This does not appear to be the case
4. There were at last count, 5 ponds on the property that appear to be dug BELOW the groundwater table. There shall be no permanent bodies of water created.
5. Most of the ponds are green in color and indicate levels of stagnation. This too is prohibited.
6. Fencing is missing above the blasted areas and other mined areas that are greater than 15 feet in depth and have a slope in excess of 1 to 2.
7. Any access to excavated areas shall be adequately posted with Keep Out Danger signs. The property is surrounded by residential land and the whole perimeter lacks "Danger" signage.
8. There isn't a site plan on record as the application to remove 450,000 cubic yards from this 32 acre section was not approved.
9. Following a cease-and-desist order in 1990, stopping the mining of the 32 acres, the owner had to have the property surveyed and proper metes and bounds were established so that the Zoning Inspector could easily look and determine if the excavation was not encroaching upon the restricted area. These metes and bounds have since been demolished.
10. There is not site plan on file.
11. There is no Restoration Plan on file.
12. There is no Certificate of Compliance. The operation cannot run without one. See Sec 7.4 Certificates of zoning compliance for new, altered, or nonconforming.
13. Lastly, the property is not Bonded to ensure compliance with a restoration plan. This leave the taxpayers liable for restoration if the owner fails to comply with the restoration requirements.

As outlined in Section 15 Complaints Regarding Violations, I expect The Zoning Inspector to follow the Sec 15.1 procedure:

“Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance. Within 14 days of such notification, the inspector shall notify the complainant of his findings and/or determinations in writing.”

I request a copy of the Recorded Complaint as soon as it has been recorded by the Zoning Inspector

If you need an APRA Request for the above mentioned “Recorded Complaint” please inform me of such immediately and I will provide one.

Thank you,

Jason Richer

45 Douglas Pike

N Smithfield, RI 02896