

To: Oak Bluffs Board of Selectmen  
Date: April 3, 2011  
Subject: Goodale Construction Company, Inc. Expansion

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Recent events regarding the expansion of the Goodale's sand and gravel pit have raised a number of questions and concerns on the part of local, neighboring and community residents. On each occasion when we inquire about the expansion we are informed that it is zoned R3 and the company has unlimited and unrestricted rights to expand (grandfathered). This explanation falls short in that there are issues regarding public safety, public health and responsible community behavior.

Numerous attempts to reach out to owner/operator Jeremy Goodale have either been unnoticed or ignored. There has been no attempt on his part or a representative of the company to reach out or otherwise inform the concerned parties.

We believe there is intent to wantonly and irresponsibly expand the sand and gravel pit at the expense of public safety, public health and the general community welfare.

As such, we respectfully ask the Town of Oak Bluffs to inquire and determine the following:

1. What permission has Goodale's been granted to expand?
  - a. What legal entity was given those rights/permissions?
    - i. When were they given/granted and by what authority
    - ii. What was grandfathered and to whom and by whom was it granted
  - b. Has that legal entity remained in existence?
  - c. Have any rights/permissions been conveyed to another entity?
  - d. Has the business operated as a legal and viable business entity?
    - i. Board of Directors
    - ii. Minutes of Board meeting
    - iii. Is the company properly capitalized?
2. What, if any, special permitting has been approved over the past 10 years and by whose authority?
3. What research has been conducted relative to:
  - a. Water table ( within the entire area ) as it affects the community
  - b. Water Shed as it affects Lagoon and Duarte's Pond
  - c. Who is responsible for inspecting and overseeing the current topography and log of soil borings conducted by Goodale's?
  - d. By what authority has Goodale's been granted permission to allow the use of firearms i.e. guns, rifles, 50 caliber and automatic weapons on the gravel pit site?

- i. The impact of lead in the ground and possible contamination of the water (aquifer) as a result of the shooting done in the pit
    - ii. Are rules/regulations regarding shooting/shooting ranges being adhered to?
    - iii. What EPA violations have been observed/documentated?
  - e. Safety regarding the lack of fencing or protective barriers to prevent falls
    - i. Is there proper liability insurance in place should there be an incident/accident.
    - ii. What OSHA violations have been observed/documentated?
    - iii. What liability does the town of OB have?
  - f. Rights/permissions to cut the gravel/sand pit within 50 feet of the road
  - g. What property belongs to the town (road) and is the expansion in violation of the town's zoning by-laws?
  - h. Clarification of where Watcha Road and Checama Path meet, and are they classified with the town of Oak Bluffs as a public way?
  - i. Are there proper permits in place for the production of asphalt on Goodale's property?
    - i. Has there been any engineered testing and monitoring of the air and water quality of the neighboring communities?
    - ii. Identify new structure in asphalt plant area and its use?
    - iii. What EPA or OCHA violations have been observed/documentated?
- 4. Town of Oak Bluffs:
  - a. Is there oversight of the Goodale operation regarding depth, width and public safety?
    - i. Who and how often? Are the records available to the public?
  - b. Has Goodale Construction Company, Inc. developed a reclamation plan? If so what is it? If not, why not?
    - i. If a plan is in place is it acceptable and properly funded?
    - ii. What happens if the Company files a Chapter "7"?
  - c. What is the extent of the Town of OB's exposure should there be no reclamation plan?
  - d. What is the extent of the Town of OB's exposure should the Company file Chapter "7"?

In conclusion, there has been a lack or reasoned response, attention or concern regarding the above matters.

Our request is you conduct the necessary research of the above in an effort to assure yourselves, the Town of Oak Bluffs and the MV community at large as to the rights, privileges, permissions and actions of the Goodale Construction Company, Inc.

We suggest a moratorium until such matters are thoroughly investigated and resolved.

Thank you for your time and consideration in looking out for the future of our community.

Respectively,

Little Pond Association and

Concerned Citizens of Martha's Vineyard

[contact@littlepondassociation.org](mailto:contact@littlepondassociation.org)

cc:

Massachusetts Department of Environmental Protection

United States Department of Environmental Protection

Massachusetts Senator Daniel Wolf

Massachusetts House Timothy Madden

Massachusetts Attorney General

Martha's Vineyard Commission

Martha's Vineyard Land Bank Commission

Martha's Vineyard Preservation Trust

Boy Scouts of America