



# Town of Abington

500 GLINIEWICZ WAY  
ABINGTON, MA 02351

## CONSERVATION COMMISSION 781-982-2100

**Minutes**  
**January 8, 2013**  
**Buckley Room**  
**7:00 p.m.**

Members Present: Alex Bezanson, Chairman, Jim Connolly, Hal Norton, Tim Warner, Denis Bergin

Absent: Chris Kane, Nathan Elliott

7:00 p.m. Conservation Commission meeting opened with Alex announcing the **NOI hearing for 84-465, Adams Street** was going to be continued, waiting for Planning Board approval. PMP, reviewing engineers for the Planning Board, had a list of issues, including drainage. The hearing is continued with the approval of the applicant's representative.\*

**Minutes** – motion to approve December 11, 2012 made by Jim, seconded by Tim, unanimous.

**Hal requested being listed on the agenda for the purpose of regulatory clarification and information, re tree cutting for property owner's own use.** He had been in touch with Christine Odiaga, DEP, who referred him to 310 CMR 10.04 (b)15. His intent is to harvest three trees for his own use, and there are no wetlands on his property. No filings would be required from DEP. Wanted it brought out to the public. Alex didn't feel anything further was needed from the board. Hal is going to put something together for the Commission for a general procedure.

**Ratify vote taken on December 11, 2012.** Motion was made by Denis to ratify the vote taken on December 11, 2012 regarding the Dombrowski Open Meeting Law complaints, seconded by Jim, unanimous.

**Denis made a motion to establish a subcommittee to look at open space plan inventory,** which was discussed by Jim Watson of the Old Colony Planning Council at the Commission's December 11<sup>th</sup> meeting, and report back to Commission, seconded by Jim, unanimous. Jim Dombrowski suggested the Commission should send a letter to the Board of Selectmen requesting it to form an Open Space Committee.

**Mail :**

Copy of a letter received from DEP re site walk scheduled for January 16, 2013 at 10 a.m. for #84-462, 237 Wyman Road, Superseding Order of Conditions.

Copy of letter from DEP responding to A. W. Learned re 538 Bedford Street.

\*NOI, #84-465, Adams Street – Motion to continue the hearing to February 26<sup>th</sup>, seconded by Hal, unanimous. Hearing was not opened.

**Request for Determination of Applicability, Rodney and Ellen Powers, 227 Wyman Road, for cutting down and leaving stump and root system for a tree that previously hit the house, also spread two to three inches of top soil and seed in the front yard along the street and between two maple trees, and repairing of stonewalls around the backyard and pool area and re-siding of house at 227 Wyman Road.** Hal recused himself.

Rodney Powers and April Letourneau attended – they were requested by the Board to file RDA because they couldn't comply with 30 day emergency certification. Exempt activities will be occurring as well. Root system will be in place. They are going to spread 1 cubic yard of loam in front yard and fix stone wall in back of yard.

The Board was told the filing for 237 Wyman Road wasn't sufficient due to no measurements, no plantings on it. Alex had a problem with spreading the loam, not re-siding the house, and felt plan was inadequate, and amount of loam to be spread differed from what was listed in RDA. April - it will only be 1 cubic yard.

Jim – brought up the emergency certification extension, and that April had related to the board that DEP had said she could get an extension from the commission. Alex had checked with DEP and was told extensions aren't granted. April – DEP told her she could ask the commission. Jim – their neighbor had to file NOI for similar activities; why don't they have to file NOI? April - it is an exempt activity in a previously landscaped area. Tree was there before foundation. Denis – there is a river that runs back there. April reiterated it will only be 1 cubic yard of loam. On existing driveway there is a culvert, pointed out catch basin. Alex - at a minimum there should be dimensions on plan. April – difference between Wayne's project and theirs is Wayne's was an expansion; this is maintenance of existing area, an already established lawn. What they did was more substantial on Wayne's property. Denis – felt they both have the river in common, and they should file an NOI. April - their activities are exempt.

April read from Wayne's Superseding Determination. Jim – Wayne had to file for anything within 50'. Alex – spreading loam would require NOI. April – they are worried about stability of tree; leaving stump is not going to alter bank. Jim – it will rot eventually. April – they were asked to file RDA. Alex – has issue bringing in loam and no measurements on the plan.

Jim Dombrowski, 28 Temple Street – there is the issue of the Shumatuscacant. There are two different activities – one expanding, one maintaining. Restoring wall is exempt. These are two cases – one exempt and one not exempt. This is exempt. If loam was removed from the plan, could they take down tree?

April - taking down tree required RDA. Rest of activities are exempt, they were making the board aware. Alex – there are no measurements, plan is inadequate, and they are bringing in loam.

Hal Norton, 226 Wyman Road, as an abutter – wanted clarification on the unnamed tributary – is it a tributary of the Schumatuscacant or tributary off the Schumatuscacant?

Back to board. Jim – this needs NOI. Denis – doesn't like to have home owners go to the expense, but they need to file NOI.

Motion by Denis for positive determination, requiring NOI. The board is looking for NOI, a proper plan with dimensions and exact amount of loam to be brought in. Seconded by Jim, unanimous.

Jim Connolly read letter from Marty Williams resigning his associate position.

Jim Connolly read his own letter of resignation.

Tim Warner read letter of resignation.

Hal Norton read letter of resignation.

Alex Bezanson read letter of resignation. Resignations to be effective immediately and letters to be submitted to the Board of Selectmen. Copies attached.

Meeting adjourned at 7:40 p.m.

Respectfully submitted,

  
Nancy Hurst

JAN 9 - 2013

Jan 8, 2013

To Whom it may Concern  
I Martin Williams Feels at this time  
that it would be best suited that i  
resign as a associate member of the  
Conservation Commission in the town of Abington.  
I would like to say that i enjoyed my  
short period of time on this board.  
I wish to thank the Board of Selectmen For  
the opportunity to serve during this time.

Sincerely  
Martin Williams

JAN 9 - 2013

Abington board of Selectmen

Due to my recent health problems and the new rules that the board of selectmen have made governing reappointments, I hereby resign from my position as a member of the Conservation Commission. I am proud of the 15 years I have been on this Commission and the help that we have given to the homeowners and business people of Abington, who would have otherwise been perplexed by the myriad of rules and regulations of the wetland protection act.

A handwritten signature in cursive script, appearing to read "James S. Connolly".

James S. Connolly

JAN 9 - 2013

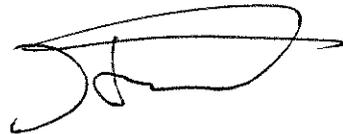
**Memo**

To: Town of Abington Board of Selectman  
From: Hal Norton  
Date: January 8, 2013  
Subject: Abington Conservation Commission

I have been a member of the Abington Conservation Commission for 25 years. There have been good times as well as hard times making decisions and serving the people of Abington as a Commission member and CO Chairman. Even when tough decisions were required, they were made in fairness and in accordance with accepted procedures. I don't recall any ruling of the Commission that was overturned with the exception of a somewhat recent hearing. In conjunction with that recent exception, it appears other town influences have tacitly entered into the fray.

It is now apparent that the current Commission Board and its members do not have the courtesy of being supported or confronted and circumvented recently. Be that as it may, I hereby tender my formal resignation from the Abington Conservation Commission immediately.

Furthermore, I would not have been eligible for reappointment as an Abington Conservation Commission member due to an imposed two term limit. I do not wish to be subrogated to being a part of a Conservation Commission that well may include Abington Non Residents.

A handwritten signature in black ink, appearing to be 'Hal Norton', written in a cursive style.

January 8<sup>th</sup>, 2013

JAN 9 - 2013

Town of Abington

500 Gliniewicz Way

Abington, Ma 02351

Conservation Commission

To: Town of Abington, Board of Selectmen,

I am writing this letter to formally notify you that I will be resigning from the Abington Conservation Commission effective immediately. I was appointed to this position in hopes to be able to give back to the community as well as learn from the years of experience other Board Members have. Currently I feel the board is being scrutinized every meeting, by misinformed residents and town officials. I was appointed nine months ago and came onto the board with hopes of gaining valuable knowledge and being able to give back to the community. With constant false allegations and scrutiny it has thus limited my ability to give back to the community and has hindered any knowledge I could have gained from other members on the board. My better judgment has lead me to resign this evening for the benefit of my family, myself, and my business. Thank you for the opportunity of being on the board and if I can be of any assistance during this transition, please let me know. I would be glad to help.

Sincerely,

Tim Warner

3 Fairview Ave

Abington, Ma 02351

January 8, 2013

JAN 9 - 2013

To the Board of Selectmen  
Town of Abington  
Abington Ma

During the past year it has been extremely difficult to perform the duties as a commission because there appears to be a movement in this town to fight every decision the Conservation Commission makes.

It is my opinion that Selectmen Andy Burbine and Mike Franey have encouraged the Powers family in doing everything in their power to disrupt this board.

It disturbs me deeply that from the start of the problems on Wyman Rd. we have not had the support of the board of Selectmen. As a matter of fact they have chosen to support the Powers in this dispute, even though Town Council has repeatedly said all accusations are without merit.

This was evident at the Selectman's meeting on December 10, 2012 when Mr. Burbine pushed to have a letter from Powers attorney (his former law partner) on the agenda with out inviting the Conservation Commission to the meeting. Prior to the meeting Mr. Franey called me and we discussed the letter and I told him all the issues had been discussed and resolved at our November 27, 2012 meeting. During that December 10 Selectman's meeting Mr. Franey did not relay the conversation I had with him regarding the letter from the Powers attorney. He then allowed April Powers and her attorney to go on live TV and lie about actions this board had taken.

It was inappropriate to discuss this letter publically at a Selectman's meeting since Conservation issues are firmly under the legal control of the Conservation Commission. Further, this particular matter was in the hands of DEP.

On December 11, 2012 I had another phone conversation with Mr. Franey. I expressed my displeasure with him for not relaying our previous conversation and he became extremely agitated, stating "I won't forget this conversation". I took that as a threat.

It is also my opinion that Andy Burbine's hostility towards myself and the commission stems from his belief that when he had applied for a building permit I did not sign off quick enough (2 days after I learned about it). He sent an email to the Town Manager complaining about the long wait.

This letter is being copied to the State Ethics Commission as well as the Attorney General. I am asking for a full investigation into the actions of both Selectman Burbine and Selectman Franey.

I have also spoken to my attorney and he is reviewing legal action that we may take against all parties involved.

Therefore I hereby resign from the Conservation Commission effective at the close of this meeting on January 8, 2013. I would like to thank the residents of Abington for allowing me to serve on the Conservation Commission for the past 22 years.

My congratulations to Mr. Burbine and Mr. Franey as you have succeeded in your goal to have me removed from the Commission.

  
Alex Bezanson

**From:** Nancy Hurst <NHurst@abingtonma.gov>  
**To:** ra.burbine <ra.burbine@verizon.net>  
**Cc:** alex <alex@btadevelopment.com>; John D'Agostino <JDAgostino@abingtonma.gov>  
**Subject:** building permits  
**Date:** Tue, Jun 19, 2012 4:43 pm

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Hi Andy,

For clarification, when building permits are brought up for Conservation sign-off, I contact Alex, he okays it and I sign it on his behalf, or he goes out to check on it, and gets back to me. Very rarely does the process take more than a day, and the permit is brought back down to the building office or the home owner picks it up.

In the case of your permit, it was on my desk when I got back from a doctor's appointment at noon today , and was signed and brought down to the building office this afternoon for their attention. There was no delay on the part of Conservation.

Nancy

Nancy Hurst

Administrative Assistant

Tel: 781-982-2100

Fax: 781-982-2138

Abington Town Hall

500 Gliniewicz Way

Abington, MA 02351

Town of Abington website: <http://www.abingtonma.gov/pages/index>

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This E-mail correspondence may be considered public records. Public disclosure of this communication may be required.

**From:** John D'Agostino <JDAgostino@abingtonma.gov>  
**To:** Andrew Burbine <RABurbine@verizon.net>  
**Cc:** Alex Bezanson <alex@btadevelopment.com>; Marshall Adams <MAdams@abingtonma.gov>  
**Subject:** Re:  
**Date:** Tue, Jun 19, 2012 4:10 pm

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Andy:

Spoke with Marshall, anytime there is an expansion of an existing structure it requires sign off from Conservation to ensure there are no wetland issues. Alex has been contacted and once he signs off, the permit will be signed by the Building Inspector.

Thank you

John D'Agostino  
Town Manager, Town of Abington

**From:** Burbine R Andrew <ra.burbine@verizon.net>  
**Date:** Tue, 19 Jun 2012 15:59:42 -0400  
**To:** John D'Agostino <jdagostino@abingtonma.gov>  
**Subject:** RE:

30 Lantern Lane

**From:** John D'Agostino [mailto:JDAgostino@abingtonma.gov]  
**Sent:** Tuesday, June 19, 2012 3:50 PM  
**To:** Andrew Burbine  
**Subject:** Re:

Andy:

Is the address 15 Lanturn Lane?

**From:** Burbine R Andrew <ra.burbine@verizon.net>  
**Date:** Tue, 19 Jun 2012 15:35:25 -0400  
**To:** John D'Agostino <jdagostino@abingtonma.gov>

Hi John;

I am contacting you as an anxious and frustrated homeowner. I am in the process of adding a couple of decks at my house and my contractor filed for a building permit a week ago. The permit has still not been issued. Can you give me some help? I am extremely frustrated.

Thanks,

Andy

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This E-mail correspondence may be considered public records. Public disclosure of this communication may be required.

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