



Town of Abington

500 GLINIEWICZ WAY
ABINGTON, MA 02351

CONSERVATION COMMISSION
781-982-2100

Minutes
December 10, 2013
7 PM
Buckley Room

Members Present: Denis Bergin, Chairman, Bill Stone, Mike Noonan, Russ Forsythe, Jerry Kelliher
Absent: Joe Feeney, Kathy Creighton

Emergency Certification, 123 Centre Avenue – Jerry excused himself from the table. Denis got a call from John Stone, Sewer Department, for installation of sewer pipe. He went out on December 3. The Commission had already approved the demolition of the building. Now there is an issue with sewage overflow. Glenn LaPointe is going to be doing the work. There was an existing tank that went through the building that was taken down and was on a pump chamber. When the building was taken down, there was no power to the tank. They had to run tank from gravity to sewer. Sewer already existed out back. They were along the river, so they did haybales. They removed the existing line, and put it 3 feet deeper. Denis requested the board ratify the emergency certification which was consistent with previous order #SE084-470.

Motion to ratify the emergency certification for 123 Centre Avenue made by Russ, seconded by Mike, unanimous.

Enforcement Order on 267 North Quincy Street – Denis had been called by Fire Chief John Nuttall. Jerry and Denis went out, and Denis drafted a report on the visit. Manny Bugginga, owner of MJM Construction, has the ABC permit from DEP for 267 North Quincy Street, and Victor Cimino, owner of the property, attended the meeting. Denis explained he had been contacted because of fire. Mr. Bugginga hadn't received his copy of the enforcement order, but had been notified by Mr. Cimino. Jerry – concerned with the railroad ties stacked up, the proximity of the fire to wetlands, and the road to the State Park. Mr. Bugginga – they have cleared the road. They could have smothered the fire, but the Chief had it put out with water. They brought a site plan with boundary lines and indicated where the pile was. Their land goes beyond the railroad ties 150-200 feet. The gate is on the property line. They own up to the gate. Mr. Cimino – most of the property that burned was his, not the State Park. The stone wall is on Mr. Cimino's property.

Denis – asked them if because they own the land, they didn't think the commission had jurisdiction over this? He saw tree stumps smoldering, forest that was devastated, wetlands. He saw isolated wetlands and pile of wood beside it. There were resource areas involved – wetlands, nearby conservation land and activities in the tree stump area, railroad ties that reached the stone wall, and refuse in nearby wetlands. Denis asked them to reduce the risk of fires in the stump pile, and they worked with Chief Nuttall on that. If the wall is on their land, they don't have to repair it, but make sure they don't encroach on the wetlands. The DEP permit they have is for solids, not wetlands. Denis asked them if they had a problem with anything he had written. Mr. Bugginga – yes, the stone wall and stumps smoldering. They hadn't started this. Was concerned at the possibility of a \$300 fine. They had tried to put out the fire.

Mike Noonan went out there and was informed that DEP does go out there every three months and inspects site operations. Mr. Cimino – any water that leaves their property goes into a catch basin with oil trap. DEP checks all the ponds to make sure everything is clean. He has planted cat-o'-nine tails because

they clean the water. The stump pile is a disaster with dirt thrown on it; DEP has given them until the spring to clean it up. They lost thousands of dollars due to fire. Mike asked that they give the commission a call when it's all cleaned up in the spring so they can see the operation. It took Mr. Cimino two years to clean the property, and everything is permitted. The fire was vandalism. DCR and DEP have been out there. Mr. Bugginga suggested a fire hydrant out there and they are talking to Brockton Water Department about bringing in a water line.

Mr. Bugginga – wanted to make sure they were all on the same page. The stone wall is on Mr. Cimino's property and they don't have to fix it. Correct. They are going to try to build something around the property to stop people from coming in to the property. There were no penalties issued. Mr. Cimino suggested if the commission wants to come on to the property, if they call, he will show them whatever they want to see, and felt this could have been avoided if he could have gone over things and met them at the site.

Motion by Mike to ratify enforcement order on 267 N. Quincy Street, seconded by Russ, unanimous.

Enforcement Order, 92 Central Street – Jerry had gone out to look into a complaint received re clearing in wetlands. Order had requested them to file a Notice of Intent by January 14th.

Motion to ratify enforcement order on 92 Central Street made by Bill, seconded by Mike, unanimous.

FY2015 budget – to go in the same as last year - \$12,836 salary, \$1,600 professional and technical, \$350 postage, \$250 office supplies, \$400 other expenses for a total of \$15,436.00.

Issue Order of Conditions on #84-473 and 84-474, Abbreviated Notice of Resource Area Delineation and Notice of Intent filed by the Massachusetts Department of Transportation, Highway Division, for the widening and reconstruction of a 1.2 mile section of Route 18 in Abington, from the northerly limit at the Weymouth town line to a point just north of the intersection with Randolph Street (Route 139) at the southerly limit.

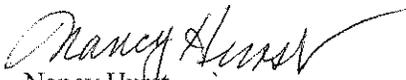
Motion to approve ANRAD #84-473, made by Jerry, seconded by Mike, unanimous.

Denis reviewed draft of the Order of Conditions. The board can't approve alteration over 5,000 s.f. Weymouth has already denied the project.

Motion to deny Order of Conditions #84-474 made by Mike, seconded By Russ, unanimous.

The next meeting will be January 14, 2014. Motion to adjourn the meeting at 7:55 p.m. made by Jerry, seconded by Mike, unanimous.

Respectfully submitted,


Nancy Hult

2. Extent and Type of Activity

On November 26, 2013 Gerry Kelleher and Denis Bergin viewed 267 North Quincy Street based on a report by Fire Chief Nuttall that there was a fire or conflagration arising from a pile of tree stumps that progressed into the nearby conservation lands. See Photographs A – E taken by Denis Bergin.

267 North Quincy street shown on the assessors map as simply a small building and land appears to be in fact an area of approximately 3 miles back from North Quincy street, with many small industries and located on the Power Lines of the local utility (NSTAR?).

The tree stump pile that erupted (Photograph A) is to the south-east of the area. Along the south-west line is the Ames Nowell Conservation land (Photographs B- G). Rail way ties are heaped along this side, south-west. The ties block a fire road into the Conservation lands. Photograph G. A wood shavings pile is also along this side. There is also a drainage system that flows into a wetland by this wood shavings pile and railway ties. (Photographs H-I). A blue plastic bin was noted in this area. Photograph H and I. Lastly, the ground itself is crushed stone, presumably from the railroad ties that have pushed over the stone walls demarking the conservation lands. (Photographs E-F).

The fire from the stump pile had advanced into the nearby forest, laying waste to the dry vegetation approximately 200 yards in from the stonewall boundary. Photographs B, G and J). As I write on November 26, 2013 the fire has been contained (although the forested land still shows smoke) and the stump pile continues to burn for the second or third night.

The Resource areas are (1) the wetlands by southwest of the property (photographs H and I); (2) the nearby Conservation land owned by the State and Town (Photographs H – J inclusive). The drainage areas in addition protected by Town Bylaw chapter 171 are the drainage system and basin to the southwest.

The activities noted at this Viewing are (1) the tree stump pile which has grown and allowed to become a fire risk to the nearby conservation land (2) the crushed stone and railway ties that have breached the stonewall of the conservation lands, (3) the refuse in the nearby wetland and drainage basin.

