

# FRED GORDON

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November 14, 2010

Mr. John Hansen  
Town Planner  
100 Peck Street  
Seekonk, Massachusetts 02771

Mr. Hansen:

First and foremost, thank you for sharing the correspondence you received from Mr. Girard's legal representative, David Marcelino.

After a review of Mr. Marcelino's letter, along with receiving additional comments from neighbors, I feel it appropriate for our group to provide a brief response. Naturally, we wish to have this shared with the Planning Board as well as Mr. Marcelino. We would be happy to provide him with an electronic copy, but we have been unable to ascertain a functioning email or website for Mr. Marcelino's law office.

In any event, if it was Mr. Marcelino's intention to clarify the issues brought before the Board on October 26<sup>th</sup>, we believe his letter failed to achieve that goal.

The 'logic' in Mr. Marcelino's argument appears to be as follows: His client has violated no laws, rules, agreements, regulations, or policy. If any violations did occur, it was due to either 1) his client's ignorance; or 2) his client's inexperience; or 3) the malfeasance of others (e.g., Fuss & O'Neil); or 4) actions of the current property owner.

Moreover, Mr. Marcelino seems to believe all previous good faith agreements established by Mr. Girard no longer apply. He provides no reasoning for this opinion.

Naturally, the bordering property owners and neighbors disagree on virtually all points.

To start with, we believe Mr. Marcelino's own documented statements at previous Planning Board meetings contradict many of the conclusions he has reached, particularly on the issues pertaining to open space and easement restrictions. These statements were provided to the Board on October 26<sup>th</sup> from the official minutes of prior Planning Board meetings involving Girard Estates.

Mr. Marcelino would also lead you to believe Mr. Girard was totally unaware of any activity which pertained to the land he owns. In fact, I can confirm Mr. Girard appeared at all prior Board meetings in which the majority of these issues were discussed and decided upon. I know this, because many of us were there as well. Furthermore, Mr. Girard was onsite at various times during the 'clear cutting' of the lot. Again, several neighbors witnessed him there.

As to the issue of prior 'agreements' made with neighbors and/or the Planning Board, I suggest the Town review the audio tapes of those meetings. You will see Mr. Girard was well aware of the issues, and often spoke directly to the Board at those meetings. Mr. David Saad (who chaired the Planning Board during that time) will further attest to the purpose, intent and origin of these agreements.

Other points which we feel need clarification include:

- **Removal of Trees Exceeding 4" in Diameter:** We believe Mr. Marcelino's statements are blatantly erroneous. To our knowledge, Mr. Marcelino was not onsite during excavation of

lot #3. We, however, witnessed first-hand the cutting, stump removal, and backfill of the area in question. Several witnesses will attest to this fact. Ironically, Mr. Marcelino stated at the October 26<sup>th</sup> meeting that Mr. Girard was completely unaware of any activity pertaining to tree removal. Yet his representative now states unequivocally no trees were removed unnecessarily? Understandably, we are confused by such inconsistency. One only need to view the density and width of the trees in the surrounding lots to confirm the inaccuracy of Mr. Marcelino's contention.

- **Property Line Demarcation:** Our group has had two engineers review the property line and can find no 'spikes' or other markings (as alleged by Mr. Marcelino at the October 26<sup>th</sup> meeting) which establish property lines. We believe there is a strong possibility the current landowner not only removed trees in violation of the subdivision and easement rules, but may have also taken down trees outside his own property. We respectfully ask that you (or other Town officials) inspect the property to confirm this fact before the next Board meeting.

Mr. Hansen, our group intends to continue the pursuit of this matter. We sincerely hope for a reasonable solution, but we are disappointed in Mr. Marcelino's approach. At the last Planning Board meeting, it seemed fairly clear to the Board and those in attendance that violations have likely occurred. Certainly the 'spirit' of the Planning Board's intent for open space/undisturbed areas within Girard Estates was ignored. Again, we ask the Town to 'do the right thing' and hold Mr. Girard and/or other violators accountable.

As always, thank you for your time and keeping us informed.

Sincerely,

/s/

Fred Gordon (on behalf of numerous property abutters and neighbors)

cc: C. Arago  
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