

John Eaton
18 Citation Ave
Stoneham, MA 02180

February 27, 2014

Ellen McBride, Chairman
Conservation Commission
35 Central Street
Stoneham, MA 02180

Subject: The Commons at Weiss Farm;
MassHousing Project #SA-13-006

Dear Chairman McBride:

This is regarding the application for project eligibility submitted by Weiss Farm, LLC currently under review at MassHousing.

On January 13, 2014, the applicant submitted a new proposal to MassHousing with revisions that made no substantial changes to the project. The total unit count and overall unit mix is unchanged. The proposed new massive construction calls for 3 five story buildings and 5 townhouses including 264 rental apartments and 443 parking spaces in a quiet residential area at 170 Franklin Street.

I am writing to you because I am disappointed in the response by the Conservation Commission to this proposed project. Fifteen other Stoneham residents share my concern and with their permission I have added their names to this letter below my signature.

The mission of the Stoneham Conservation Commission is to protect wetlands and resources in the Town of Stoneham through acquisition, management, education, and regulation (s); to act as a liaison between the public and other governmental agencies in protecting our natural resources and to become an environmental/educational resource for citizens, groups, organizations, as well as local, State and Federal agencies.

Comments by the Conservation Commission on the Project to date are in Robert Conway's letter of December 10, 2013 to the Board of Selectmen. (I understand that Robert Conway is no longer a member of the Conservation Commission.)

Robert Conway's focus was on the geology of the property. He expresses concern over the conversion of rock to deep pockets of peat, an unstable structural material that entraps large quantities of ground water. When the area is filled in order to meet ground water separation, resultant compaction of the fill

will cause the settlement of adjacent areas and divert ground water elsewhere. Mr. Conway calls for a soils engineer and hydrologist be employed to determine the characteristics of the area for development. Mr. Conway's comments and recommendations seem reasonable.

Another issue Robert Conway raised based on testimony is possible ground contamination caused by disturbance of historic land-fills adjacent to and on the property. To the extent that such contamination could be a health hazard to the community, this matter should be referred to the Board of Health for consideration.

There are other issues that Robert Conway did not mention. According to the Massachusetts Environmental Protection Act, an Environmental Notification Form and possible Environmental Impact Report is triggered when there is creation of five or more acres of impervious area or 300 or more parking places. Inasmuch as developer's plans create 5.1 impervious acres and 443 parking places, it appears that MEPA regulations apply. MEPA might also apply if there is an expansion of untreated storm water or if a new sewer line or new discharge to a sewer system. Pertinent MEPA regulations are at 301 CMR 11.

Another pertinent law is the Wetlands Protection Act. Construction in the vicinity of wetlands requires the developer to appear before the Conservation Commission. The contact for more information is Michael Abell of the Massachusetts Department of Environmental Protection, 205B Lowell Street in Wilmington, phone number 978-694-3257. Pertinent MassDEP regulations are under 310 CMR 10.

There is a wealth of information at the Massachusetts Energy and Environmental Affairs website. The MassDEP has a Wetlands Enforcement Manual to assist Conservation Commissions in protecting wetlands. The Massachusetts Stormwater Handbook covering Stormwater Management Standards also could assist. Either document can be googled.

In addition, the Conservation Commission should ensure that the developer obtains all necessary permits from the federal EPA. On November 5, 2013, by certified letter, the U S Environmental Protection Agency notified Richard High, President of John M Corcoran & Company, that due to the large extent of wetlands on the property, the Project may require a permit from the U S Army Corp of Engineers.

Further, due to the massive size of the Project, the development may require a Construction General Permit from the U S Environmental Protection Agency to discharge stormwater during construction under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Additional information can be obtained from Newton Tedder of the U S Environmental Protection Agency at 5 Post Office Square, Suite 100, Boston, phone number 617-918-1038.

This massive apartment project will likely encroach upon significant wetlands. Accumulation of water from rainfall on the property at Weiss Farm and flooding of the surrounding area historically has been a problem at this location. The size of this proposed development will likely make water drainage worse as formerly pervious land becomes impervious with new construction. An increase in water runoff and the combination of new construction, farmland soil erosion and the disturbance of historic land-fills on or adjacent to the property could contaminate and destroy our precious wetlands forever. Based on this possibility, the Conservation Commission must do everything possible to protect our natural resources and ensure that the developer complies with all local, State and Federal laws and regulations.

Time is of the essence. Under the regulations in 760 CMR 56.05 (3), within seven days of receiving an application for comprehensive permit, the Board of Appeals will invite the participation of each local board to assist in making its decision on the application. That means the Conservation Commission must have its research on the Weiss Farm Project ready for prompt dissemination.

I hope all members of the Conservation Commission are aware of pertinent laws and regulations and that they will be ready to participate in decision making when the time comes.

Thank you for reading my letter.

Sincerely,

John Eaton

Others who share my concern:

Paul Armano
Kristen Armano
Mary Lou Bracciotti
Camille Chesnick
Stan Chesnick
George Georgountzos
Effie Georgountzos
Mary Pecoraro
Joe Pecoraro
Tara Lawler
Robert Lawler
Paula Sarno
James Sarno
Russell Wilson
Linda Wilson

cc: Chairman Robert Saltzman, Board of Appeals, 35 Central Street, Stoneham,
MA 02180

cc: Chairman Robert Sweeney, Board of Selectmen, 35 Central Street,
Stoneham, MA 02180