

TOWN OF
M A S S A C H U S E T T S

Town Hall
35 Central Street

Stoneham Conservation Commission
781-279-2696

**STONEHAM CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 9 2023 REMOTE 7 PM**

Please join meeting <https://meet.goto.com/814699605>

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Ellen McBride, Norman L'Esperance, Bob Parsons, Rob Fotino, Jessica Gerke, Alex Rozycki, Brett Gonsalves, Raymie Parker

DISCUSSION

Veterans Lane #297-0407

Brett Gonsalves

Update as waiting on report from Rich Kirby. Wetland remediation on sight. Wetlands mix planted with erosion control mat, site is cleaned up, Rich Kirby will send final report. Springtime other measures may be needed, perhaps in April 2023.

Whip Hill

Recap Santa at Whip Hill

Bob Parsons said smashing success, lots of Christmas spirit and wonderful event. Ellen McBride lovely event, happy folks attended.

Correspondence

Two email chains were read into record by Ellen McBride.

From: Ellen McBride <emm4256@gmail.com>

Sent: Monday, December 12, 2022 10:42 AM

To: Geilen, Alicia (DEP) <Alicia.Geilen@mass.gov>

Subject: DEP 297 #297-0371 Weiss Farm Stoneham MA

Hello Alicia,

Thanks for speaking with me today. I am attaching the FOC to be signed by the Commissioner on Sept. 26, 2017. The DEP decision was appealed by Stoneham to Superior Court and the judgement from the Court is dated February 11, 2019. I am looking to clarify the date we use as the starting point for permit extension. Logic would say the latter date from the Superior Court decision.

Additionally, The FOC does speak to the weir dam and the pump repairs/improvements but no NOI was ever filed to actually do the work in a resource area and they were not included in the original NOI. The original NOI excluded any work in the areas not included as the locus of the project. That is where my question comes... if they have been instructed to do work in the weir dam and the pump via the FOC, do they need to file a NOI to do the work.

I hope this is clear. Feel free to call me with questions. Thanks very much.

Ellen McBride

From: [Geilen, Alicia \(DEP\)](#)

Sent: Monday, December 12, 2022 1:43 PM

To: [Ellen McBride](#)

Cc: [Provencal, Jill \(DEP\)](#)

Subject: RE: DEP 297 #297-0371 Weiss Farm Stoneham MA

Hi Ellen, Jill says that if you have questions about an SOC to reach out to her (she's copied).

We looked at the information available online, and it looks to use as though the Final Order of Conditions, which was issued on 9/26/2017, and was due to expire on 9/26/2020, expired on 1/1/2022. This includes the benefit of the 462 days of COVID tolling.

The date of any decisions in Superior Court, related to a bylaw filing, is not relevant to expiration of an SOC or FOC.

Best, Alicia

Alicia Geilen

Wetlands Circuit Rider

Mass DEP Northeast Regional Office

205B Lowell St, Wilmington, MA 01887

617-519-7389 (mobile)

<https://www.mass.gov/wetlands-protection>

Pronouns: she/her/hers

From: Ellen McBride <emm4256@gmail.com>

Date: December 12, 2022 at 10:50:10 AM EST

To: "Geilen, Alicia (DEP)" <alicia.geilen@state.ma.us>

Cc: "Schifman, Laura (DEP)" <laura.schifman@state.ma.us>

Subject: RE: MS4 Question

Thanks very much, Alicia.

Hello Laura.

We have a project in Stoneham that has been in process since 2014. Stoneham adopted the new MS4 Stormwater Regulations at Town Meeting in May Of 2021. ***My question is: do the updated MS\$ Regs apply to this project? Permits have not yet been approved.***

Thank you.

Ellen McBride

Stoneham Conservation Commission

From: [Geilen, Alicia \(DEP\)](#)

Sent: Monday, December 12, 2022 10:22 AM

To: [Ellen McBride](#)
Cc: [Schifman, Laura \(DEP\)](#)
Subject: MS4 Question

Hi Ellen,

Thanks for your call. I've copied MassDEP's Stormwater Coordinator, Laura Schifman. She should be able to answer your question about MS4 applicability, and if not, point you to someone who can.

Best, Alicia

Alicia Geilen

Wetlands Circuit Rider

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Pronouns: she/her/hers

Sent from my iPhone

On Jan 3, 2023, at 9:02 AM, Schifman, Laura (DEP) <laura.schifman@state.ma.us> wrote:

Hi Ellen,

I would say this depends on when your new regs went into effect and how far along this project is. But ultimately, this decision is up to you. If you would like to be able to take credit for the stormwater management portion of this project, you can certainly make the case for that and require these new regs to be implemented.

Laura Schifman, Ph.D.

From: Ellen McBride <emm4256@gmail.com>
Sent: Tuesday, January 3, 2023 11:28 AM
To: Schifman, Laura (DEP) <Laura.Schifman@mass.gov>
Subject: Re: MS4 Question

Thanks Laura.

No permits have been issued at this time as the project has been in court for years. The local Conservation Commission denied the project but it was appealed to DEP and DEP issued a SOC which was upheld in superior court. We adopted MS4 after that. Do we still have the jurisdiction to require the application of MS4?

Thanks so much for your help.

Ellen

On Jan 3, 2023, at 11:37 AM, Schifman, Laura (DEP) <laura.schifman@state.ma.us> wrote:

I would think that if no permits have been issued you have the authority to require MS4 but it might be good to consult your counsel on this as well.

Laura Schifman, Ph.D.

Statewide Stormwater Program Manager | Acting NPDES Section Chief

Massachusetts Department of Environmental Protection

[e] laura.schifman@mass.gov

[m] (857) 208-8378

[w] <https://www.mass.gov/info-details/stormwater>

Miscellaneous

Approve Meeting Minutes from December 12, 2022 motion made by Norman L'Esperance seconded by Alex Rozycki Roll Call Bob Parsons, Rob Fotino, Jessica Gerke, Alex Rozycki, Norman L'Esperance and Ellen McBride 6/0 yes

and Executive Session minutes from Bi-board 12/5/22 and SCC Executive Session 12/12/22
Ellen McBride has notes to edit.

Next Meeting Monday January 30, 2023

Executive Session if Necessary

To discuss strategy with respect to all pending litigation where an open meeting may have a detrimental effect on the bargaining or litigating position of the Town and the chair so declares pursuant to Mass. Gen. L. c. 30A sec. 21(a)(3) to wit: Weiss Farm, Inc. v. Stoneham Conservation Commission

Alex Rozycki suggests we wait until next meeting. Town Administrator has seen emails per Ellen McBride. Norman L'Esperance ok with next meeting, as is Jessica Gerke, and Rob Fotino ok till next meeting. Bob Parsons ok deferring to next meeting.

Raymie Parker looks forward to being around when she can be for Conservation Commission.

Motion to adjourn by Norman L'Esperance and seconded by Alex Rozycki Roll Call Bob Parsons, Rob Fotino, Jessica Gerke, Alex Rozycki, Norman L'Esperance and Ellen McBride 6/0 yes