



T O W N O F  
**S T O N E H A M**  
M A S S A C H U S E T T S  
Town Hall  
35 Central Street  
Stoneham, Massachusetts 02180  
**BOARD OF APPEALS**  
**781-279-2695**

**Stoneham Board of Appeals Executive Session Minutes**  
**Thursday, April 28, 2022**  
**Town Hall Hearing Room**  
**6:00 PM**

Members of the Board present at the meeting: Chairman Tobin Shulman, Vice Chair Robert Saltzman, Kevin McLaughlin and Associate Member Mark Russell (Mr. Russell sat in on the hearings as a voting member)

Members not present: Eric Rubin, R. Michael Dufour and Associate member Lucas Brown.

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals

Mr. Saltzman made a motion to adjourn into executive session and not to return to open session which was seconded by Mr. McLaughlin. A roll call vote was taken and all members present voted in favor. The Board entered into executive session at 7:06 PM 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 M.G.L. c. 30A, sec. 21(a)(3) to wit: Weiss Farm (Stoneham Board of Appeals v. Housing Appeals Committee, et al).

Mr. Saltzman began to update the Board on what has been transpiring relative to the Comprehensive Permit application that was made in 2014 for the Commons at Weiss Farm. The Board's decision had previously been appealed to the Housing Appeals Committee of the Massachusetts Department of Housing and Community Development. Mr. Shulman reminded the Board members that Chapter 40B had put everything regulatory in the hands of the Zoning Board of Appeals. Town Counsel Robert Galvin had forwarded to the Board a notice of filing dated March 25, 2022 Re: Town of Stoneham Board of Appeals v. Housing Appeals Committee of the Massachusetts Department of Housing and Community Development and Weiss Farm Apartments, LLC.

Mr. Saltzman continues to say that there was one legal issue of consequence. Generally speaking the petitioner will acknowledge that they were going to make a modest profit on 259 units. Bob Engeler had presented financials to support that it was uneconomic. If the Board imposes any condition whatsoever it becomes more uneconomic. The Housing Appeals Board found that any conditions we imposed on them made it significantly uneconomic. And basically if the petitioner presents it as uneconomic from the beginning the Town is powerless.

Mr. Saltzman continues to say that Town Counsel Robert Galvin has done twenty plus appeals of this kind and he feels good about this and that we could possibly win. If we win then it goes back to the Housing Appeals Court and it continues.

Mr. Saltzman explains to the Board that there was a meeting with the developer around Christmas time which included Mr. Saltzman, the Town Administrator and a Select Board member. It was discussed that if it's going to settle, the first number has to be a one not a two as in hundreds of units. There was another meeting in January and then we were waiting to hear from them. A couple of weeks ago they came out again for another meeting.

Mr. Saltzman tells the Board that the Select Board are not indifferent to any of this. They continue to approve the financing of the litigation. At that last meeting a few weeks ago, Select Board member George Seibold was present. The developer came in far more reasonable at 199 units. There are a few things that we would need to figure out but it's down sixty from what the Housing Appeals Committee approved.

Mr. Saltzman continued to say that there were a couple of things to consider: the water issues, the project being uneconomic, the architecture and it possibly being three 5 story buildings, what they would look like, how many and how we see them from a distance.

These meetings have been very private and those in attendance were basically sworn to secrecy. With this Mr. Saltzman is communicating to the Board that although nothing from an executive session be disclosed that in this case it is even more important to keep these details from becoming public at this point.

Mr. Saltzman continued with another possibility that is kind of involved and requires rezoning into two parcels. This would have luxury on one side and smaller 40B on the other. Mr. Saltzman says that if we come out of this without making some 40B progress it would be a nightmare.

Mr. Saltzman also tells the Board that the other side does not want to hear about a land swap. He continues to say that nothing happened with previous conversations of a land swap. A lot of money was spent and the Select Board has a lot to answer for in that respect.

He continues to say there are two more phases. Looking at conditions and we are not done talking about units. They could have fewer units if there were less conditions. There are ongoing environmental issues with that property. Mr. Saltzman talks about how unfortunate it was that Donna Weiss got closed down. She couldn't make ends meet because the town got her farm status removed. Maybe it could have gone a different way. He talks about how Dan Towse had tea with Angie Crockett and the Town ended up with Whip Hill. He says that if it had gone differently with Donna Weiss, we wouldn't have had to deal with [Mrs. Weiss's attorney] Amato. He also mentions that we could be dealing with worse people than [the developer] Corcoran.

In conclusion, Attorney Galvin doesn't expect to win in Superior Court. Our challenge is legal not factual. It would end up in Appellate Court and Attorney Galvin likes that Appellate Court will look at the law. Mr. Saltzman also adds that Ed Corcoran himself is still on this project and it might be one of the last ones he does.

Motion to adjourn was made by Mr. McLaughlin and seconded by Mr. Russell. The meeting adjourned at 7:32 PM.

Documents and other exhibits used by the Board of Appeals during this meeting to be made part of the official record but not attached to these minutes:

Copy of a filing by Attorney Robert Galvin, Town Counsel for the Town of Stoneham dated March 25, 2022.

Respectfully submitted:

Maria Sagarino  
Town Clerk