

Motion to go into Executive Session and not to return to meeting made by Alex Rozycki seconded by Norman L'Esperance Roll Call Ellen McBride, Bob Parsons, Jessica Gerke, Alex Rozycki, Norman L'Esperance and Rob Fotino yes 6/0

Executive Session (Roll call vote required to enter into executive session)

The Conservation Commission Executive Session - 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 (Weiss Farm, Inc. v. Stoneham Conservation Commission)

Galvin asked SCC to read a compromise and Ellen McBride has questions:

- 1- Does Corcoran need to file a notice of intent for work in resource area to weir and pump?
Galvin asked Corcoran about amending order of conditions, since they never filed under local bylaw. Ellen McBride looking for answer from DEP not Corcoran.
- 2- Confusion about \$400,000 to handle water. One time building dept fee of \$150,000. Does \$400,000 come out of \$600,000-\$700,000 building permit fees? Ellen McBride doesn't think we should fix Corcoran's mess, looking for clarification.
- 3- Zoning board, Select board, Conservation, Jon Witten, Bob Galvin, Dennis Sheehan all in one meeting so everyone understands same information. Ellen McBride wants to know that Jon Witten agrees with compromise document. Ellen McBride spoke with Maria Sagarino.
- 4- Seat at the table as local agent but should DEP be involved. They never applied under local bylaw, zoning board did not approve the waiver. Ellen McBride spoke to circuit rider today. Asked if MS 4 applies and if Corcoran needs to file a notice of intent. Commissioner signed 9/26/17, added 462 days January 2022 expired. Bob Galvin said to use superior court date, Jill Provencal and Alicia Geilen said you have to use DEP date.

Alex Rozycki thinks it is what it is, but not necessarily a good deal. They are selling SCC to push deal through and underestimating costs of project. No reason why they should pay the Town directly.

Bob Parsons states this is typical that a development negotiates with Town. Mitigation dollars are steep in many projects. \$400,000 robust study but we don't have easements and can't go on private property, not getting a pump station, not sure what you'd do with it. Developer may fund something in town as mitigation.

Ellen McBride has no idea if \$400,000 will fix problem. Weir and pump are also to be fixed by Corcoran.

Performance criteria – if it encroaches on private property there has to be penalty.

DEP owns order of conditions, can remand back to Stoneham Conservation Commission.

Can 40B get an exemption on storm water? Shoehorned into any site as affordable housing.

Alex Rozycki says a lot of people in Town are done with this and ready to move forward.

Bob Parsons says we have no jurisdiction. Checkbook doesn't balance. Culvert may be replaced by Mass works dollars.

Ellen McBride when pump functioned it helped.

Culvert is inverted and we don't do a great job as a Town cleaning out downstream.

Bob Parsons says if were having a meeting it needs to be questions ahead of time with answers.
Galvin didn't want us to take a copy home with SCC to read.
Has Jon Witten ok'd compromise document?

Are you asking for our approval? Answer is no per Bob Parsons.

- 1- Do we have any jurisdiction? They wrote conditions they can't meet.
- 2- Has the order of conditions expired?
- 3- Do they need to file a notice of intent for pump and weir dam?
- 4- Does a new wetland delineation happen?
- 5- Does ms4 apply?
- 6- What would fees be without this agreement?
- 7- What are basis of \$400,000?

SCC being seen as obstructionists.

Root of the problem on Corcoran property, all that we can do is fix what's in right of way.
Stoneham can replace culvert.

Alex Rozycki mentions SCC has nothing to lose. Worth writing a letter and put opinion on public record. ZBA has a letter waiting too.

Ellen McBride is writing to Dennis Sheehan letter of questions and request for meeting. Ellen McBride gets consent from SCC for requesting another 3 way meeting of boards with lawyers.

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