

TOWN OF  
**S T O N E H A M**  
MASSACHUSETTS  
Town Hall  
35 Central Street

Stoneham Conservation Commission  
781-279-2696

**\*Amended Agenda: Reorganization is being added after  
resignations were received from the Co-Chairs over the weekend**

**MINUTES OF MEETING  
JANUARY 30, 2023 REMOTE 7 PM**

**Please join meeting from your computer, tablet or smartphone.**

<https://meet.goto.com/689967229>

Dial in Access Code: 689-967-229 United States: [+1 \(571\) 317-3122](tel:+15713173122)

Jessica Gerke did not attend ZBA meetings executive session so asked for clarification. Answer remaining questions of Ellen McBride's, ongoing questions if Weiss Farm project would submit Notice of Intent. Not exempt from MS4 Storm water regulations.

Bob Galvin joins meeting. Dennis Sheehan explains Bob Parsons and Ellen McBride graciously resigned, Jessica Gerke is now chair. Entered executive session with Weiss farm questions.

Bob Galvin met with Commission end of November and had a draft compromise comprehensive permit, months of discussions with Town. Term sheet given to Bob Galvin by Dennis Sheehan. Weiss Farm stated they thought the appeal period had run when in fact it hadn't. Pending appeal by Donna Weiss and a counter claim under bylaw pending in superior court. After decision regarding Housing Appeals Committee, Attorney Amato wanted case on a briefing schedule. Reported to superior court about Conservation that housing appeals upheld, discussed stay was not going to continue, proposed briefing schedule. Beginning of December Galvin became involved in permit. HAC overturned conditions of ZBA. Superior court affirmed decision. Reduction in units. Limited construction fees, \$400k for water issues, cap sewer water and storm water and waste water fees at 200k and 25k for peer review. Worked on language of comprehensive permit.

Spoke to select board early January, early December building permit pushback from Zoning Board of Appeals. 229 units now. Several buildings. 3 larger buildings now not all 5 stories. 5<sup>th</sup> floor eliminated on 2 buildings. Clubhouse and other buildings in proposed plan.

Revised site plan, protection of 25 foot buffer to all wetland resource areas, no snow storage, fix weir dam, improvements to pump station, incorporates final order of conditions. Monthly reports on resource areas to Stoneham Conservation Commission. Valid order of conditions questioned, answered May 2023 valid. Final order of conditions in effect. Will ask DEP for extension. Notice of intent on weir dam and pump station, do not have to come back because weir dam is in final order of conditions. Housing appeal waved local bylaw. Pump station housing appeals ruled not in final order of conditions. Would have to ask dep to amend final order of conditions or come to commission and file. Depends if dep will amend, otherwise they come to commission.

Ms4 permit whether subject to new bylaw. Not obligated to follow new bylaw per Galvin. Exempt per bylaw, consulted with planner Judy Barrett who is ZBA chair in Duxbury, who agreed not subject to current bylaws.

Galvin hasn't spoken to Ellen McBride but emailed answers to Ellen McBride. Select Board has voted to support. Board of Appeals met last Thursday, voted to support comprehensive permit. Those in favor liked 229 and money reasonable equivalent. Dennis Sheehan asks is there any action needed? Anything this evening or once construction starts?

Still pending superior court

Called Bob Parsons about enforcement order. Bob Parsons encouraged Bob Galvin to talk to Ellen McBride. Issues under local bylaw adjudicated by housing appeals. Zoning Board found not credible and struck them from document. Bob Galvin claims can't win. ZBA vote will resolve outstanding litigation. Supported by Select Board and Dennis Sheehan.

Nothing to litigate, once matter litigated can't litigate in another case.

Raymie Parker has talked to Ellen McBride and Bob Galvin. Court case should be decided by Conservation, not attorney. Land has changed in 8 years, will they have to do another site survey?

Alex Rozycki learns Select Board voted 4/1.

No action for Conservation Commission to take.

Jessica Gerke comments current order of conditions will likely seek extension, DEP will decide. Galvin answers we will be told whether they extend or not. If DEP rejects extension 259 units may be built.

Alex Rozycki doesn't agree how this has taken place. Completely disagrees about MS4. DEP would need to determine they don't have issue with wetlands changing drastically. Compromise permit is 30 less units, drainage relief specified, commissions role found state favors this type of 40b development. Environmental monitor will address issues per Galvin. Conservation Commission may be approached regarding pump station.

Galvin mentions Rear Hillside, brief to Bob Parsons. Bylaw changed. Brief to be sent to SCC by Jen DeCourcy. Case argued 4/4/23.

Asks for support of SCC to dismiss Donna Weiss case.

Galvin will send comprehensive permit and site plans.

Send Bob Galvin's email to everyone in SCC for outstanding questions.

Motion to adjourn by Alex Rozycki and Norman L'Esperance seconds. Roll call Norman L'Esperance, Rob Fotino, Domenick Cimina, Jessica Gerke, Alex Rozycki and Megan Day 6/0 yes