



TOWN OF
STONEHAM
MASSACHUSETTS
Town Hall
35 Central Street

Stoneham Conservation Commission
781-279-2696

STONEHAM CONSERVATION COMMISSION
MINUTES of EXECUTIVE SESSION
Tuesday February 12, 2019
Hearing Room

EXECUTIVE SESSION:

Weiss Farm Apartments LLC
Jon Witten ESQ, Barbara Huggins ESQ

DEP File #297-0371 OADR Docket WET-2016-015 Litigation Apartments LLC

DEP case lost, no surprise but very disappointing
Superseding Operating Order of Conditions upheld
Court will now issue judgement and Conservation Commission will have 30 days to appeal
We count 30 days from the date of the decision (February 1, 2019)
Notice of appeal is sent to court, court assembles all paperwork within 10 days and then sends to us and we pay \$300 filing fee
We appeal to Massachusetts Appeals court, they do not hear new evidence, they look at the lower court's decision, formal process.
Jon Witten- it will cost 40 hours of work
Jon Witten save the resources for fighting the Board of Appeals vs Housing Appeals Committee
Normative permitting process still goes through local bylaws
We can ask for another Delineation. Last one was 2009
Ellen McBride as pump is off, access road is under water. Will wetlands have migrated?
Draft construction plans only, but will need to be revised when built, which will trigger jurisdiction.
Page 16 of decision makes decision under 40B. Argue that bylaw applies in 40B.
MEPA appeal for lack of compliance, doesn't trigger until ZBA permit overturned, may involve Conservation Commission.
ZBA predicted for decision this springtime.
Board of Appeals is with Housing Appeals Committee awaiting a decision to come most likely this spring, appealable to Superior Court
Letter to Hearing Officer expressing disappointment
Board of Selectmen have to fund Conservation litigation. Invoices are submitted to Bob Galvin.
Enforcement order against Weiss Farm, agreed Attorney Amato stayed until after DEP decision.

Motion to adjourn Bob Parsons and will not go back into regular session
2nd Norman L'Esperance