

Standing Committee Minutes from May 1, 2014

Tom Boussy called the meeting to order at 7:00 p.m. Also present were John DePinto, Angelo Mangino, Jim Sullivan and Bob Verner.

Tom Boussy stated that Attorney Jon Witten and Senator Lewis are not there yet for agenda Item #1.

John DePinto made a motion to move to Item #2 on the agenda, seconded by Angelo Mangino and unanimously voted (5-0).

### **Approve Minutes**

John DePinto made a motion to approve minutes of February 14, 2014, seconded by Jim Sullivan and was unanimously voted (5-0).

John DePinto made a motion to move to Item #4, seconded by Jim Sullivan and unanimously voted (5-0).

### **Preparation for 19<sup>th</sup> Meeting with John Corcoran and Company, including input and suggestions from the Standing Committee**

Jim Sullivan would like to turn the clock back a year. This exercise is to get all our ideas together and present the ideal development to Corcoran. John DePinto informs the residents that if anyone has any comments they should share them now because the meeting on May 19, 2014 is only going to be input from the Board of Selectmen and the Standing Committee. There will be no public comments.

Attorney Jon Witten was phoned in to be a part of the meeting.

John DePinto made a motion to move to Item #1, seconded by Jim Sullivan and unanimously voted (5-0).

### **Update from Attorney Jon Witten**

Attorney Witten stated that he will be meeting with Mr. Boussy, Attorney Solomon and Mr. Ragucci on Monday regarding the MassHousing response and the 1.5% land area calculations. Attorney Witten and Attorney Solomon have been discussing the need for consultants and putting some fine tuning on that. Attorney Witten states that the big news that he is sure everyone is aware of is that MassHousing has put the process on hold and now Corcoran is being asked to present a revised proposal. Jim Sullivan asks in Attorney Witten's opinion on what he thinks about MassHousing having Corcoran come back and discuss the plan. Is it for them to be able to check off a box or is it because they feel it is what they should do. Attorney Witten states he feels it is the later and states that Attorney Solomon's comments to MassHousing stating this is the right thing to do that maybe they are seeing it that way. Tom Boussy opens to the public. Marylou Bracciotti, 36 Broadway asks if they will be hiring a hydrologist. Attorney Witten states yes the applicant will have one as part of their team. He also states the Board of Appeals will have one as a part of the team. Mrs. Bracciotti asks about the many uses of this land. Will there be experts to determine contamination? Attorney Witten states that same answer as before. Mrs. Bracciotti states this development does not seem to be a project where SmartGrowth is considered. Attorney Witten states that the Selectmen's letters note clearly that this project is not SmartGrowth. MassHousing has not denied project eligibility because of not following SmartGrowth. John DePinto asks if it is inappropriate for the residents to contact the Board of Appeals to make suggestions. Attorney Witten states to leave the Board of Appeals alone. The Board of Appeals should not be participating with any Boards or any public process. John DePinto states they should wait until the Board of Appeals hearings start. Ann Marie O'Neill asks is there any other members that should be present at the May 19<sup>th</sup> meeting? Attorney Witten states that it's not the town's job to design the project especially where it's such a hostile project. Attorney Witten states that there have many conversations on what we are looking for and they have not shown an interest on working with the town up to this point. Attorney Witten does not see them coming to the town on May 19<sup>th</sup> to start from the beginning. They will be coming and saying sorry but here is our plan. They are supposed to come to us with an open book not a closed deal but Attorney Witten is spectacle that that's what is going to

happen. Tara Lawler 53 Walsh Ave asks if MassHousing considers the safety of children. Attorney Witten states no they do not look at health and safety issues. John DePinto clarifies that MassHousing is not the final decision. Attorney Witten states correct they issue the ticket. They are the ticket granting authority. The ultimate decision will be the Board of Appeals. Bob Verner feels the only way to put pressure on Corcoran is through public opinion. John Eaton 18 Citation Avenue asks who is going to pay for the storm water run off issues after the project is done. Attorney Witten states the developer will be responsible to make sure the storm water will be retained onsite and that this current problem will be made better. Mr. Eaton asks if the market rates that the developer presented are the correct current market rates. Attorney Witten states its 80% of the market rate rental. Attorney Witten states the number for below market rate is set by the State and 25% of those units need to be rented at that 80% median rate. Mr. Eaton asks if the developer is at least conscious of the quality of life issues or is this project just about money. Angelo Mangino asks if we have reviewed the town bylaws where we may be adding all the extra capacity. Mr. Boussy states that there updates happening at Town Meeting. Attorney Solomon discusses that changes happening in the bylaws. John DePinto asks if the land is contaminated does it need to clear before anything is built. Attorney Solomon states yes. Attorney Witten states that there was a victory for the Town of Stoneham where the density can not be based on purchase price but has to be based on appraised value. Marty Wantman 20 Gerald Street states that he understands that the seller will have to pay for contamination if any is found. Bob Verner asks what happens if their experts and our experts do not agree. Attorney Witten states the Board of Appeals sits in judgment and they will decide which experts are credible. Ellen McBride 17 Park Street states that maybe Jason Lewis's letters would be a good starting point for questions that will be presented to the developer on May 19, 2014. Tom Boussy closes public hearing.

Tom Boussy asks Jason Lewis if he could give his update first.

**Senator Jason Lewis is invited to attend and he may shed some light on his dialogue with MassHousing**

Jason Lewis says we are very fortunate to have Attorney Witten and Attorney Solomon working on this project. Mr. Lewis speaks about the meeting with MassHousing and that they made is very clear to MassHousing of all the concerns of the community. He states that we received a hold on the process due to that meeting and that the developer must have a proper dialog with the town regarding the project. Jason Lewis feels the meeting we are going to have on May 19<sup>th</sup> is an important opportunity for all of us to make it clear why we have such serious concerns about this project. There have not been other conversations or meetings since the last meeting about a month ago.

Tom Boussy starts discussion again on Item#4

**Preparation for 19<sup>th</sup> Meeting with John Corcoran and Company, including input and suggestions from the Standing Committee**

Jim Sullivan leads an elicitation exercise. The ideas were then prioritized from most important to least important: Architectural fit for the community – Very High, Land Swamp – Very High, Green Community – High, Single Family Homes – High, Planting of Trees – High, Mitigation Contribution by Developer – High, Sidewalks, bike paths on both sides of the street – High, All land not currently developed will be covenanted not to be developed going forward – High, No more than 3 Story – High, SmartGrowth – High, Eliminate Flooding – High, Ownership vs. Rental – Medium, Working Farm – Low, Public access for Recreation - Low Comply with DEP – They will need to according to the law.

Jim Sullivan states now we will use this list to develop our presentation to Corcoran on May 19<sup>th</sup>. Tom Boussy says now if anyone has any questions that they would like asked on May 19<sup>th</sup>. A resident asks if the Police and Fire Department have weighed in on the issue and the answer was yes. Cindy Hemingway asks if we have

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looked at the revenue of this project that the town will collect and compared it to the expenses to make sure they will be covered. John DePinto says that will be up to the Board of Appeals to make sure that is done. Tom Boussy states that Ellen McBride is in charge of getting questions from Department Heads. Tom Boussy lets everyone know that if you have any questions or comments please notify the Selectmen by email. Tom Boussy's email [tboussy@ci.stoneham.ma.us](mailto:tboussy@ci.stoneham.ma.us) and John DePinto's email [JDP9633@aol.com](mailto:JDP9633@aol.com). The other Selectmen email addresses are available on the website [www.stoneham-ma.gov](http://www.stoneham-ma.gov)

John DePinto made a motion to adjourn the meeting. Motion was unanimously voted (5-0).

Respectfully Submitted,

*Erin Sinclair*