

July 24, 2014

Robert Saltzman, Chairman
Zoning Board of Appeals
Town of Stoneham
35 Central Street
Stoneham, MA 02180

Re: Request for Members' Recusal from Discussion of the Corcoran Companies
Application for Comprehensive Permit at Weiss Farm

Dear Chairman Saltzman:

On Thursday July 24, 2014 the Stoneham Zoning Board of Appeals will commence what will undoubtedly be a long and serious review of The Corcoran Companies application for a comprehensive permit to construct 264 residential rental units at 170 Franklin Street. As you know, this application has been expected; the public has expressed much concern about the effect on this project at that location for the good of the town.

As you commence your important work, it is crucial that your deliberations remain fair, unbiased, and without any appearances of conflict(s) of interest, whether real, perceived, or possible. State conflict of interest laws are clearly codified in Mass. Gen. L. c. 268A. In this regard, two of your members recently brought to the Board of Selectman's attention of potential appearances of conflict, as mandated by Mass. Gen. L. c. 268A, §19(b). Member William Sullivan disclosed that a member of his family owns an adjoining parcel of land to 170 Franklin Street and Associate member Eric Rubin disclosed that over two decades ago, his wife worked for the Corcoran Companies. These matters were brought to the attention of the Board of Selectmen who voted unanimously to allow these two individuals to serve and deliberate on matters relating to Weiss Farm. Accordingly, on one level, the requirements of the state's conflict of interest laws appear to be satisfied.

However, in order to protect the integrity of your Board's vital role in this critical matter, there must be no hint of any conflict of interest by any of its members deliberating on this project. Despite two members advising their appointing authority (the Board of Selectmen) of the potential conflicts under Mass. Gen. L. c. 268A, §19(b), many believe that the proper course at this time is to entirely recuse themselves from any discussion of this comprehensive permit. Mr. Sullivan (or his admitted immediate family) and Mr. Rubin are listed as immediate abutters in the Corcoran Companies' submission to the Board of Appeals. That fact clearly leads to the presumption of a conflict of interest, particularly where success or failure of the Weiss Farm project will have a direct impact on their property values, whether positive or negative. Moreover, it does not appear Mr. Sullivan or Mr. Rubin indicated to the Board of Selectman at the televised meeting held on July 8, 2014 that they were named as immediate abutters to Weiss Farm and had been so identified by The Corcoran Companies.

The process of granting or denying a comprehensive permit will be arduous, contentious, publicly vetted, and will likely lead to litigation of one sort or the other. To allow members that have a clear appearance of conflict to deliberate on the matter, despite their adherence to the requirements of Mass. Gen. L. c. 268A, §19(b), will raise questions about your Board's ability to be unbiased and fair. Accordingly, we, the undersigned, request that you demand, and that the following members agree, to recuse themselves from any deliberation concerning the Commons at Weiss Farm and the comprehensive permit application recently filed by The Corcoran Companies in this regard.

Yours Sincerely,

Jack and Mary Lou Bracciotti
36 Broadway

George and Effie Georgountzos
11 Fieldstone Drive

John and Marie Eaton
18 Citation Ave.

Mary Pecoraro
5 Walsh Ave.

Camile Chesnick
2 Sparkhawk Cirle

Russell and Linda Wilson
35 Tamarock Terr.

James and Paula Sarno
6 Ellen Road

c: Thomas Boussey, Chairman, Stoneham Board of Selectmen
David Ragucci, Town Administrator, Town of Stoneham
William Solomon, Esq., Town Counsel, Town of Stoneham
Jonathan Witten, Esq.