

APPROVED

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Executive Session MINUTES Belmont Conservation Commission Meeting

March 23, 2013 in Room 2 Town Hall at 8:25 A.M.

Attendance: Chair: James Roth; David Webster, Tino Lichauco, Jeffrey North, Margaret Velie, Miriam Weil and Ralph Jones (Selectman)

Discussion: Uplands Project (OADR Docket Wet 2008—72)

The Commission discussed the recent developments in the Uplands filing. David Webster began the discussion by making and reading this motion:

In accordance with the March 1, 2013 Joint Stipulation of Dismissal with prejudice submitted to the Massachusetts Appeals Court by the Belmont Town Counsel on behalf of the Appellant the Belmont Conservation Commission, the Massachusetts Attorney General's Office on behalf of the Appellee the Commissioner of the Massachusetts Department of Environmental Protection, and Nutter McClennan and Fish, LLP on behalf of the Appellee AP Cambridge Partners II, LLC, and in order to clarify the position of the Belmont Conservation Commission, the Belmont Conservation Commission terminates the appeal of the October 18, 2012 Superior Court Judgment.

Miriam Weil seconded the motion.

Jeffrey North asked for clarification of the recent sequence of events and communications related to the Dismissal. Ralph Jones responded with a review of related communication among relevant parties and dates. Miriam Weil reminded the Commission that a vote was not taken at the March 5, 2013 meeting because the agenda had not been posted, so no voting was allowed per the open meeting rules.

Tino Lichauco gave an opinion on the options before the Commission and a spirited discussion followed.

The Commission voted in favor of the Webster motion to terminate the appeal. The roll call vote was FOR: David Webster, Margaret Velie, Miriam Weil, James Roth, Jeffrey North; AGAINST: Faustino Lichauco; ABSTENTIONS: None

The possibility of amending DEP's superseding order of conditions to incorporate new information was discussed.

After a motion by the Chair to leave executive session, it was seconded and a roll call vote taken, The Commission unanimously came back into open meeting at approximately 9:12 and adjourned at 9:15 A.M.

Next meeting: April 2, 2013

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