

STURBRIDGE CONSERVATION COMMISSION

MINUTES OF THURSDAY, MAY 20, 2003

MEMBERS PRESENT

J. Hoffman, E. Goodwin, D. Mitchell, J. Michalek
7:00 PM

PUBLIC HEARING – Nol cont. – Discussion of open space and conservation restriction issues for The Preserve

J. Hoffman opened the public hearing. Present were C. Childress, H. Fife, B. Levite, D. Boogdanian, Irene Delbono, and K. May.

J. Hoffman asked N. Ryder to read the motion made at the end of the previous hearing. Done. D. Boogdanian noted that she had not been informed of the SCC meeting, she was present for the Planning Board Meeting. N. Ryder noted that was part of the problem, the different organizations who were supposed to be working on finalizing the CR were not communicating. B. Levite noted that the Commission had set the day as the deadline to submit final information. He noted that they were unable to meet with the Planning Board until tonight so obviously could not have final information. J. Hoffman stated that the Planning Board had a meeting prior to this one that the parties could have attended. B. Levite stated that they were on the agenda for that meeting but the Planning Board had cancelled it so they were forced to reschedule to this meeting.

B. Levite and D. Boogdanian reviewed the terms of the CR.

J. Hoffman asked B. Levite that assuming the Planning Board resolves the issues with Opacum tonight, and the SCC choses to not take action and extend the deadline, what will happen. B. Levite said they were ready to go, they were waiting for Planning Board approval and the final site plan mylar. D. Boogdanian said they were in agreement on the CR and the access easement, they now needed PB approval. As soon as that happens, Opacum will take the land and issue a CR to DEM.

D. Mitchell asked if the Planning Board had seen the CR and the easement or if they are just starting the approval process.

B. Levite said the best option for long term protection of the land is to have Opacum hold the land and DEM hold the CR. He noted that conservation commissions in general had a difficult time taking care of properties due to the regulatory requirements they also had to meet. Unless the town happened to be fairly wealthy and there were many private donations made to care for public land. He noted that this was not the case in Sturbridge.

J. Hoffman stated that no one disagreed with that statement, but the protection was not happening with Opacum and DEM and the protection the Commission could offer was better than no protection at all, which was currently the case.

K. May stated that he had the deed ready to turn over, but there was other work to be done and agreements to be made. He noted that the owner needed to reserve the right to be able to comply with both the PB and SCC permit conditions.

B. Levite stated that he had sat down with K. May and they had taken a lot of issues off the table that were holding progress down. The resolution of these items will be kept separate from the protection issues.

J. Hoffman asked if the attendees walked out of the Planning Board meeting this evening with approval, what was the final date to have everything done and filed. B. Levite, D. Boogdanian, and K. May discussed timing extensively. J. Hoffman noted that the same round about discussion had been ongoing for almost a year. The Commission needed a final date to close, assuming Planning Board approved the access easement tonight.

The attendees discussed filing the deed and asked if the land could be turned over now and the CR recorded later. E. Goodwin stated that was not what the Commission was expecting to happen. He noted that the CR was the primary document of protection to the SCC, not the land holding. J. Hoffman asked what protection the land would have if it was transferred with no CR in place. K. May said technically none. J. Hoffman summarized that the proponents were suggesting that 270 acres of prime habitat be transferred with no purpose of protection in place. C. Childress stated that no developers wanted to buy conservation land. J. Hoffman noted that if it is sold to a developer it is no longer conservation land, the CR makes it conservation land.

B. Levite stated that he could hold the land and CR in escrow as an impartial third party so that there would be no sale of land or other concerns regarding protection. K. May said an additional protection would be to put a conservation clause in the deed. The SCC discussed these options and agreed. The hearing is continued to June 5th at 7:00.

D. Mitchell noted that no one was addressing what would happen if the Planning Board did not come to agreement and approve the easement tonight. He noted that everyone was assuming approval would be given. E. Goodwin said things like this take time, the SCC was trying to work as a catalyst, the SCC should have contacted the PB to check to see if they were close to approval. J. Hoffman disagreed and noted that it was not the SCC clerks job to file plans and get approval for project amendments in order to help applicants meet conditions of approval. J. Hoffman noted that the job of the SCC is to enforce compliance with conditions in the Order of Conditions that were agreed on and not complete.

D. Mitchell made a motion to continue the deadline(once again) to June 5th. 2nd by E. Goodwin. Discussion – N. Ryder stated that she was opposed to the irresponsible actions of the commission. The land had been in limbo for almost a year. The project was not to be started until the land was in permanent protection. The proponents had been going around in the exact same circle with the exact same excuses for months. The Commission kept extending the deadline to hold the land and in the meantime the land was not protected. She stated that it was becoming a joke. 270 acres of land, valuable habitat, riverfront, the Commission could protect it from any future development but, instead, they kept postponing permanent protection also. She stated that the owner and developer could sell the land tomorrow and all protection would be gone. J. Michelak stated that he felt the proponents had been given many opportunities and were not meeting the conditions. He felt the SCC should sign the release and let the proponents come back when everything was all set at their own schedule and the SCC could transfer the land to them then. In the meantime, it would be protected immediately. He noted that he understood there were complexities to the second transfer but they were not prohibitive. E. Goodwin said the SCC should give them the time they need, the transfer was complex. J. Hoffman said the only outstanding issue now was the PB and the survey. He noted that if the proponents really cared they could have someone out and the survey done by June 6th. K. May said he would be glad to call a surveyor and make sure that happened. J. Michalek summarized that what the SCC was now saying again, was that all paper work must be on the table on June 5th. J. Hoffman stated that the consensus and the motion on the table was to defer the motion to June 5th. Vote – In favor, D. Mitchell and E. Goodwin, Opposed, J. Michalek, Abstaining, J. Hoffman. The motion to table the decision to transfer the land or have SCC take it is passed.

MINUTES-CPAC UPDATE-CORRESPONDENCE-DISCUSSION OF NEW INFORMATION-REVIEW OF SITE VISITS-NEW BUSINESS-OLD BUSINESS-OTHER BUSINESS-LETTER PERMITS-CERTIFICATES OF COMPLIANCE

The final plans for 22 Old Towne Way were reviewed and approved.

The erosion control for the Sanctuary is in place, a site visit will need to be taken. D. Barnicle and J. Hoffman are the subdivision contacts for this site. They will arrange a site visit.

Motion to close at 8:00 PM, by unanimous consent