

**TOWN OF STURBRIDGE, MA  
CONSERVATION COMMISSION**

**Monday, June 29, 2015  
Sturbridge Center Office Building, 2<sup>nd</sup> Floor**

**Meeting Called to Order: 5:00 pm (5-6pm) (8:45 – 9:15)**

**Quorum Check:** Confirmed

**Members Present:** Ed Goodwin (EG), Chairman  
David Barnicle (DB), Vice Chair  
Donna M. Grehl (DG)  
Calvin Montigny (CM)  
Joseph Kowalski (JK)

**Members Absent:** None

**Others Present:** Glenn Colburn (CG), Conservation Agent  
Cindy Sowa Forgit, Fill-In Conservation Clerk  
Applicants and/or Audience Members: Clarence Shyace (CS), Gil Bail, Howard Fife (HF),  
Lynne Girourd (LG), Larry Senecal, Robert R. Berthiauin, Kristie Galonek, Thomas Ford  
(TF), Dick Daigle, Don Raft, Darci Scholfield (DS), Ron Komar (RK) and Don Thompson  
(DT)

**Agenda: Discuss the timing and status of the Plimpton Conservation Restriction (CR) Draft**

**Discussion of remaining items (hunting, buffer zone) of the CR.**

- Overview: Darci Scholfield (DS)
  - This version is based on series of CR's. This is the latest final revision between the two attorneys as of this afternoon. One represents Opacum Land Trust (OLT) and the other represents the Town of Sturbridge/Conservation (ConCom).
  - The Grantor, will be Trust for Public Land (TPL) temporarily as the CR must be recorded prior to the Towns acquisition of the land. TPL will hold the CR until it's ready to close at the end of July. Both attorneys are in agreement with this.
  - The State is currently reviewing this CR and is aware of our deadlines. The only outstanding issue that the State is unaware of is such language decided on at tonight's meeting.
  - The version the state is reviewing has date of 6.12.15. The copy we have received this evening is what State will get tomorrow. The State's revisions must have the Board of Selectmen (BOS) and ConCom revisions before state reviews. Concom can accept tonight, but the CR can't be sign. The changes from State are typically minor. The State won't typically amend the permitted and the restricted uses, unless it violates a law for which this CR doesn't. They look at it as it being seamless as it's a permanent document.
- The outstanding issues to be discussed are hunting and its buffer zone: Ed Goodwin (EG).
  - Joe Kowalski (JK): I thought the hunting was approved at the last meeting. EG: We need the majority of commissioners to vote. JK: I feel it's an administrative overview, not a project. That it was voted on at the last meeting as we had 3 people present. David Barnicle (DB): We have been working on the CR's over the last 8-10 months, so I feel it's a project, along with a large sum of money attached. JK: I feel that the majority voted at the last meeting. I disagree with the definition of a project. EG: A consensus was taken, 2 voted and 1 abstained, thus is was not voted on.

## Special meeting to approve the Plimpton CR

- Recreation Fields: Regarding the Buffer Zone, Lynn Girourd (LG), Sturbridge Recreation Director.
  - Lynn Girourd (LG): The CR mentions nothing about active recreation. DS: What we are discussing tonight is a different CR. The active recreation is noted in the CR that pertains to Lot 1 (15 acres).
  - LG: Should the buffer zone be included on this CR? DS: The CR holder typically wouldn't deal with hunting and the buffer zone on a certain strip. GC: If there is no buffer zone language on a CR, then perhaps it can be put in a land management plan or a community forest management plan. Once the fields are established maybe we could revisit this concern, at that point. DS: I'm not sure we can put the buffer zone in the recreation CR.
  - LG: The new CR doesn't have it in this version. The Recreation Committee wants a safeguard put in place, where it falls is ok, but we want to see a safeguard when the fields come into play. DS: Where the buffer zone is put, who then enforces that? If the town restricts hunting then the town would have to enforce it.
  - LG: the Buffer is the safeguard, management of that would land on the Police to enforce the rules and regulations. DB: On pg. 3 of the CR, it mentions both passive and active is included in the primary CR. DS: "Active" must come out. The "active recreation" in the CR contains restrooms, fields etc. It's a very different CR.
  - EG: Can we put a dugout on lot 1 with CPA monies? If so, then Recreation will be in charge of that CR, thus ConCom won't be involved in that CR. At Town Meeting, we would put in a 500 buffer zone on the Plimpton CR and that would address it. As a hunter, I know that Massachusetts State Law does not allowed to hunt within 500' of structure or 150' of a road. Since there is no structure, we need to pretend that we have a structure at that line. OLT doesn't want to be in charge of that buffer zone. The buffer zone needs to be within ConCom, Recreation and Police responsibility. OLT will be responsible to see that no damage is done to the property, but has no further responsibility.
  - Howie Fife (HF), President of OLT – Anything in that is in the CR, we are responsible for. We don't want to be in position of having to enforce any hunting activities. EG: Can we state that in the CR? HF: I'm not sure, Irene can comment on that. Our job is to make sure that recreation doesn't spill into the ConCon CR.
  - DB: What happens, if in the future, if gun technology advances and the State reduces or increases its current 500' buffer zone? Legislative will make it tough to change the language in a final CR. Ron Komar, (RK) Resident – If worried about State regs changing, then word the CR as the setback or buffer zone will meet current State regulations. The buffer zone works everywhere else, so it should work here too.
  - Clarence Snieder, (CS) Hamilton Rod and Gun Club – Our organization wants to work with town when it comes to postings. The Management plan makes a lot of sense. Hamilton's position is 500'. We feel it works now and that a management plan would be in everyone's best interest.
  - Tom Ford (TF), Chief of Police: I started to look at CR and asked how I take on responsibilities of this. State law mentions nothing about recreational fields, only dwellings. Furthermore, I then started to think of Town Barn fields, Turner Fields and the safety of residents. I have concern when there are no dwellings near active recreation areas. I feel that we need a buffer zone. I also spoke with the Environmental Police, and they don't see much conflict with use of fields and hunting season. The only season that maybe a concern is turkey season. Therefore, I suggested a 1000' buffer zone, but in a CR I have no authority to enforce. The way the CR's are written, it's a civil matter.
  - Calvin Montigny (CM): Are there any stats with hunting accidents on recreational fields? TF: No, and didn't look for any, but with my time in Sturbridge, nothing comes to mind. CM: We allow horseback riding. If a gunshot goes off, horses maybe startled. TF: In terms of safety as a whole, there has been no consideration given to these fields when it comes to hunting restrictions. CM: Wouldn't stats be used? TF: Yes, but its one factor of many.

- DS: There are preceptions of risk, since its public money that will pay for this project, we need to find a way to represent the community's needs. Therefore, we ask ConCom to consider, with the community present tonight, how we make them feel safe. TF: I feel it needs some research before we put in restrictions and safety issues onto these parcels. EG: Isn't it illegal to carry a gun on school property? TF: Yes. EG: But I see hunters going in fields near recreational areas holding guns. I'm concerned that it's becoming an emotional issue. Have there been any issues with 800 acre parcel? TF: No, just lost campers, dogs and ATV's.
- HF: Please remember, the CR holder is the enforcer, not the Town. We are to protect the natural parts of the property. But we suggested that hunting is permitted but it is permitted under the rules of the town?
- Larry Senecal (LS): The management plan can be put together and the Board of Selectmen (BOS) can oversee that plan. DS: The management plan must be in place within 120 days once the town acquires the land. We currently have a draft in place but can be updated when needed.
- Donna Grehl (DG): Where does the buffer zone start? EG: What was proposed was to have no buffer zone in the CR. DG: The location is from the edge of the other CR out towards the pond? EG: Correct. DB: The 500' buffer starts at the edge of the 18 acre CR, back to Plimpton property. The management plan doesn't belong in the CR.
- LG: With all other CR, there are no other active fields. As a recommendation from Parks and Rec, we want to extend to include the pond as it's a natural site line. CS: It affects us also but we feel there is are better ways to approach it. DS: That pond is a vernal pool, so doesn't always exist. I feel that signage for where you hunt (on every 3 trees), is clear where that pond is not that clear. EG: I feel the 500' buffer works for the State and in harmony with State, there is no structure, so I would like the edge to be recreation property and/or fields. I understand that it's not in the CR but I'm concern that it can get "lost".

**Motion: For Conservation to suggest to the Board of Selectmen, a 500' buffer zone from the edge of the 18 acre parcel for recreational activities into the Plimpton property (EAST/WEST?): DB 2<sup>nd</sup>: DG Comments: None Vote: 3 – 1 (CM); 1 abstained (JK)**

**Edits to the CR:**

- Page 3: Remove "active". DS: Under other activities, hunting should be allowed per Wildlife Fish and Game. Hunting is allowed only per the Community Forest plan. HF: It should come out of CR and be put in the management plan. GC: Therefore just stating what is allowed under the management plan DB: Hunting is a permitted use. EG: But regulated by a management plan not the CR. CS: Looking at the activities, archery is missing. DS: If it's a special event, then hunting is permitted.
- Page 6: add as item (b). DB: I think archery should be added, since they are giving money for this CR. Dan Thompson (DT): How do you foresee this working? CS: We do this event every year, 600 people attend and want to continue this competition. We get a permit for this 2 day event, 1 time a year. RK: Doesn't feel there is a need for a large buffer if it's in a management plan. LG: Is archery be permitted on the Heinz CR? DG: They are already are permitted by State, but it's considered an event and need to get a permit. We have archery through parks and recreation. DS: Wording for Hunting (see pg. 6, Archery is not included in CR since its event).
- Forestry: CS/HF: It doesn't come out of the 10K from CR. EG/DB: Correct.
- Legal Remedies: Both attorney's agreed with all wording, except of hunting which we are discussing tonight.
- Parking lot, page 8 (DB): should it be plural? DS: The parking lot on lot 1, is not on this CR. DB: Is there any objection with CR having a parking lot on New Boston Rd? DS: Yes on New Boston Rd and Allen Rd are on two separate CR's. EG: But this has nothing to do with us it's on OLT. CS: this lot has a staging area there being used for a forest cutting plan, so can put a lot there eventually.
- Page 10 (HF): Delete indemnification. It's not in any other CR or the Monson one.

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ConCom is all set with rest of the CR. ConCom Agent (GC) is all set with the rest of the CR. All are in agreement.

**Motion: To accept modifications to the CR as discussed on June 29, 2015: DB 2<sup>nd</sup>: DG Discussion: EG: A letter will go to BOS of the hunting recommendation. DS: will confirm the CR is on the BOS agenda. Vote: 4-1 (CM)**

LG: When will the recreation CR be available? DS: I will need to get to the attorneys to review it, then send to the State prior to it being recorded. DS and LG will discuss any changes. The land management plan must be completed within 120 days and approved by land forest service.

**Meeting Adjourned: 6:23 pm Motion: DB 2<sup>nd</sup>: DG Vote: Unanimous**

***A copy of tonight's meeting can be found on our Town's website or is available upon request via the Audio Department: 508.347.7267***

*The items listed, which may be discussed at the meeting, are those reasonably anticipated by the Chair.~ Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.~ For those items that will be discussed, the Conservation Commission will address its questions and concerns with a proponent before allowing the public to weigh in on the topic being discussed with the proponent.~ For public discussion of non-agenda items, such discussion will be handled during the Walk-in period or as allowed by the Chair.*