

October 6, 2003

**BOARD OF SELECTMEN  
MINUTES  
OCTOBER 6, 2003**

Present:     Arnold Wilson, Chairman  
              Charles Blanchard  
              David Schmida  
              Doris Sosik  
              James Malloy, Town Administrator

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

**Approval of Minutes**

**MOTION:**   To approve the minutes of September 15, 2003 as submitted, by C. Blanchard.

2<sup>nd</sup>:   D. Sosik

**Vote:** All in favor.

**MOTION:**   To approve the executive session minutes of September 15, 2003 as amended, to remain confidential, by C. Blanchard.

2<sup>nd</sup>:   D. Schmida

**Vote:** All in favor.

**MOTION:**   To approve the executive session minutes of September 2, 2003 as submitted, to remain confidential, by C. Blanchard.

2<sup>nd</sup>:   D. Sosik

**Vote:** All in favor.

**Gerrish Forestland Management – Forest Cutting Permit for Shepard Road**

Scott Gerrish appeared before the Board to request a forest cutting permit for 11 acres owned by Edwin and Lucille Calcutt on Shepard Road. J. Malloy read the public hearing notice into the record (copy on file). Mr. Malloy recommended hold on making a decision on the permit until after the Conservation Commission has completed their review. He submitted to the Board recommendations from Bernie Lorkiewicz. S. Gerrish asked that the Board grant approval pending approval from the Conservation Commission.

C. Blanchard noted that in David Barnicle's letter from the Conservation Commission (copy on file), he stated that there was potential for tremendous impact to a stream running through the center of the property. S. Gerrish assured the Board that the matter was addressed with a corduroy bridge to go across the stream to protect the wetland. D. Sosik noted that the letter from the Conservation Commission also stated that the plan does not meet the Commission's foresting regulations. S. Gerrish said that he would wait until he received approval from the Conservation Commission before starting work.

A.Wilson read B. Lorkiewicz's recommendations (copy on file). S. Gerrish agreed to all of the conditions.

Ron Paquette, 68 Shepard Road, asked whether it would be selective cutting, and what types of trees would be cut. S. Gerrish said that they would do selective cutting, and the trees (which are marked) are red oak, hemlock, birch, white pine and red maple. R. Paquette asked who would be responsible if the cutting disrupts the flow of water, resulting in changes in drainage. J. Malloy said that the landowner would be responsible. R. Paquette asked about liability, if a tree falls the wrong way and damages an abutter's property. S. Gerrish said that the logger carries insurance.

**MOTION: To approve the forest cutting plan submitted by Scott Gerrish with the understanding that it is subject to approval by the Conservation Commission, and that no work will proceed until the bond is in place and until the Board has received notice from the Conservation Commission that they have approved the cutting plan, and including the conditions from DPW that were read by A.Wilson regarding requirements on logging, by C. Blanchard.**

**2<sup>nd</sup>: D. Sosik**

**Vote: All in favor.**

### **Paradise Beach Association Trust – Dock Permit for Big Alum Lake**

The Board received the original application and an updated plan for the dock proposed on the property owned by the Paradise Beach Association on Big Alum Lake. J. Malloy also submitted written comments from residents and the 1996 dock permit for the Trail Association on Big Alum. The Conservation Commission approved a plan for the dock permit in an Order of Conditions (copy on file). A.Wilson noted each letter that had

been submitted (copies on file). He said that all of the letters were in opposition, for various reasons.

Peter Connly, Secretary of the Paradise Beach Association Trust, appeared before the Board. J. Malloy pointed out that the dock is 360 square feet, which is larger than the 200 sq. ft. or less requirement. He said that the Board's Harbormaster authority authorizes the Board to limit the number of boats to be moored at the dock.

Barbara Hitchcock, 102 Paradise Lane, said that it is already a heavily used and congested cove, and the dock should be within the guidelines established by the town. She suggested Site Plan review.

John Argitis, 144 Lake Road, expressed concern about the potential safety problems that the dock would cause. The island is close, with a ski course and a number of rocks, making the area difficult for navigation. The proposed dock would create more traffic and hazards. He suggested that the Board limit the number of boats at the dock.

Jim Field, 186 Lake Road, questioned the Board's authority to issue a dock permit; he felt it was DEP's authority. J. Malloy explained that the Board of Selectmen, acting as Harbormasters, has the authority to issue temporary dock permits.

Paul Lamarine, 26 Mt. Dan Road, Director of the Big Alum Lake Association, said that according to their rules, boating traffic on the lake moves counter-clockwise. He said that many visitors to the lake do not read the rules and regulations and go the wrong way on the lake, creating problems. He said that there is an abnormal configuration for docking at Big Alum, and approximately 99% of all docking consists of 3'-4' wide docks extending 10'-20'. The proposed dock is 16' wide at the deep end, which would potentially create a boating problem in the cove, and for the abutters.

Michael Lemanski, 114 Paradise Lane, spoke in favor of the dock. He had spoken with DEP, and said that under Chapter 91, §9.35 a dock must be placed 25 feet from the property line of an abutter whenever possible. He suggested that a linear dock would be more appropriate, and recommended limiting the number of boats to two on either side.

Jorge Asturias, 38 Mt. Dan Road, spoke against allowing T-docks.

Tom Clark, 148 Lake Road, asked about liability. P. Connly said that the Association carries insurance.

D. Sosik asked P. Connly if the Association would be amenable to limiting the number of boats at the dock, and he said that they would not. D. Sosik asked if they would be willing to have no motorized crafts at the dock, and he said no, since none of the other docks have limitations.

A. Wilson suggested that all of the landowners who control the lake should get together and make some new rules to address the issues of the size of boats and docks. He said that the Town of Sturbridge is embarked on the Dialogue for the Future, and considering that the lakes are a huge asset to the community, he suggested that anyone interested should participate.

**MOTION: That the Board put the hearing off pending a site visit by the Board of Selectmen and to revisit the issue four weeks from now, during the meeting of November 3<sup>rd</sup> at 6:35 p.m., by D. Sosik.**

**2<sup>nd</sup>: C. Blanchard**

**Vote: D. Sosik, C. Blanchard and A. Wilson in favor; D. Schmida opposed.**

J. Malloy suggested that the Board visit the site on October 20<sup>th</sup>.

### **Pole Hearings**

J. Malloy read the public hearing notice (copy on file). Bob Strand of Verizon appeared before the Board. The first pole hearing was for replacement of one existing pole and installation of seven new poles on Church Street. B. Strand said that there is a design change in the line going up Church Street, and all of the details have not been worked out between Sprint and the church. Part of the line may be underground, and if that is the case, pole #5 may not be necessary. He requested that the pole hearing be postponed. There are easement issues and placement issues. B. Strand will meet with Greg Morse, DPW Director at the site and work with Sprint and the church to make sure there is access to the tower.

**MOTION: To postpone the public hearing to November 3, 2003 at 7:00 p.m., by D. Schmida.**

**2<sup>nd</sup>: D. Sosik**

**Vote: All in favor.**

The second pole hearing was for six new poles on McGilpen Road, starting at Fiske Hill Road. Thomas Chamberland, Tree Warden, submitted his comments (copy on file). B. Strand noted that the road is very narrow and heavily treed, making it difficult to get through there. Tom Chamberland, Tree Warden, said that there are a large number of large trees. He suggested that they put everything on cross arms to get the wires down the middle of the road as much as possible, away from the trees.

**MOTION: That the Board take no action and that the application be presented at a future date when there is a plan that is acceptable to the Tree Warden, by C. Blanchard.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

### **George's Pizza – Automatic Amusement Device License**

Jim Voyaitzis appeared before the Board. The application was for one stuffed animal machine and one rubber ball machine. C. Blanchard asked whether they had workmen's compensation for all of their employees. J. Malloy said that Town Counsel is in the process of challenging the requirement that the town investigate workmen's compensation for every licensee.

**MOTION: To approve the automatic amusement device license as described in the September 9, 2003 letter from Jim Voyaitzis, subject to the assurance from J. Malloy that he will not get into trouble with the Dept. of Industrial Accidents by doing so, by C. Blanchard.**

**2<sup>nd</sup>: D. Schmida**

**Vote: Three in favor; A.Wilson opposed.**

### **Wayne Belec, Waterman Design – Senior Housing Development**

Wayne Belec and Steve Paquette of SPL Development Group appeared before the Board to make a presentation regarding a possible 40B application for a senior housing project adjacent to Autumn Ridge. J. Malloy informed the Board that other than road frontage, the project conforms to the Town's Zoning Bylaws. They need permission to connect to the sewer system. The housing project will be restricted to seniors age 55 and older, and will consist of a 59 unit, three story condominium with adjacent semi-detached cottage units. They plan to file an application in mid-December.

C. Blanchard said that concerning water and sewer, the main issue would be pipe capacity in that location. A. Wilson said that it would be necessary for them to go to Site Plan Review and the Planning Board.

W. Belec said that he and S. Paquette will meet with Greg Morse and Larry Adams, and will go before the Conservation Commission for the wetlands issue. The wetlands have been delineated. They will also meet with the Police Chief and Fire Chief. They will obtain feedback from the various boards.

#### **IOD for Officer Michael Blanchard**

**MOTION: To approve the Injured On Duty claim of Michael Blanchard under MGL Ch. 41, §111F, by D. Sosik.**

**2<sup>nd</sup>: D. Schmida**

**Vote: Three in favor; C. Blanchard abstained.**

#### **Tantasqua Legislation**

It was the consensus of the Board to leave the matter on hold for the time being.

#### **Big Alum Lake Drawdown**

**MOTION: To approve the Big Alum Lake drawdown 30" as proposed in the October 2, 2003 letter from the Big Alum Lake Association, by D. Sosik.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

#### **Hamilton Rod and Gun Club – Ice Racing**

**MOTION: To approve the ice racing dates for Sundays in January, February and the first two weeks in March, with a starting time of 11:00 a.m., by D. Sosik.**

**2<sup>nd</sup>: D. Schmida**

**Vote: All in favor.**

#### **Early Retirement Incentive**

A. Wilson questioned the actual replacement costs and benefit to the Town. C. Blanchard said that there is a potential for some savings to the Town

and willingness for some of the employees to take advantage of it, so he considered it worth adopting.

**MOTION: To accept Section 116 of Chapter 46 of the Acts of 2003, establishing an early retirement incentive for eligible employees of the Town of Sturbridge subject to the following condition:**

- **Group 1 Employees – A maximum of 6 employees will be allowed to participate. Group 1 employees are all employees except public safety employees.**
- **Group 4 Employees – A maximum of 2 employees will be allowed to participate. Group 4 employees are fire and police officers.**

**by D. Sosik.**

**2<sup>nd</sup>: D. Schmida**

**Vote: Three in favor; A. Wilson opposed.**

### **Old Business**

C. Blanchard asked about the status of the FEMA reimbursement on the February 17<sup>th</sup> and 18<sup>th</sup> snowstorm. J. Malloy said that he had filed for it.

C. Blanchard asked about the status of the schedule for the Millyard Section 319 project, and about the parking spaces. J. Malloy said that the way it is laid out, they will have the same amount of parking spaces when the project is done.

C. Blanchard asked whether Mass. Highway had any changes regarding the widening of Arnold Road. J. Malloy said that they had commented on the placement of stop lights, and they questioned whether or not it would actually correct the situation.

### **New Business**

C. Blanchard referred to the letter from the Safety Committee about the boulder at 420 Main Street, and asked whether the Board should ask them to move the boulder. J. Malloy will follow up.

C. Blanchard referred to the letter from the Town Clerk requesting that the Board accept Chapter 40, §22F to allow her to set rates with the approval of the voters. J. Malloy said that he would like to review it.

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A.Wilson thanked J. Malloy for drafting the proclamation for the 296<sup>th</sup> Engineer Combat Battallion Day.

A.Wilson asked the Board to authorize him to sign the Rotary Club Friendship Day proclamation to be sent to Stourbridge, England.

**MOTION: To authorize A. Wilson to sign the Rotary Club Friendship Day proclamation, by C. Blanchard.**

**2<sup>nd</sup>: D. Sosik**

**Vote: All in favor.**

**Ask the Selectmen**

There were no calls.

Respectfully submitted,

Judy Knowles

\_\_\_\_\_  
BOS Clerk

\_\_\_\_\_  
Date