

April 3, 2017

Board of Selectmen
Minutes
April 3, 2017

Present: Mary Blanchard, Chairman
Priscilla Gimas, Vice Chairman
Mary Dowling, Clerk (Arrived: 7:20)
Michael Suprenant
Craig Moran
Leon Gaumond, Jr. Town Administrator

The Meeting began at 6:00 p.m. outside of the Town Common for the Proclamation and raising of the Flag for Donate Life Month in recognition of Robin Lataille, New England Organ Bank Representative.

The Chairman called the meeting to re-order at 6:30 p.m in Veteran's Memorial Hall.

The Board recited the Pledge of Allegiance

Public Service Announcements

P. Gimas wished everyone a Happy Easter and Passover. She also reminded residents that Election Day was on April 10.

M. Blanchard announced that the Water Department would be conducting a water main public flushing from Wednesday, April 5 to Friday, May 12. She indicated that the flushing may cause some temporary discoloration and that the Water Department could be contacted with any questions.

L. Gaumond announced that the Board of Selectmen began the meeting on the Town Common for the raising of the Flag and Proclamation for Donate Life Month, which is held in April of each year.

Hemlock Ridge Golf Course was seeking approval for a renewal of their seasonal Liquor License as set forth in the Town Administrator's update.

Motion: To approve the renewal of a seasonal liquor license to Hemlock Ridge Golf Course.

By: P. Gimas.

2nd: By M. Suprenant

Vote: All in Favor Passed 4-0

Motion: To accept the CMRPC Grant affirmation regarding the District Local Technical Assistance program and to have the Chair sign the affirmation.

By: M. Suprenant

2nd: P. Gimás

Vote: All in Favor Passed 4-0

Public Hearing (6:35 p.m) – Gerrish Forestland Management – Paradise Lane Forest Cutting Plan:

Jacqueline Kulig and Scott Gerrish – Logging Permit

L. Gaumond read the public hearing notice into the record.

S. Gerrish and J. Kulig provided background information concerning the work to be done on behalf of the Para family, owners of the property in question. M. Suprenant asserted that he visited the site with G. Morse and that caution needed to be used as there is a paving construction project due on Route 148. M. Suprenant asserted that there may be times when logging is not advisable. C. Moran asserted that a resident had expressed concern. M. Blanchard asserted that the signs will be up during paving times. S. Gerrish answered a series of questions regarding how long the operation would take. S. Gerrish asserted that they would not log in bad weather. S. Gerrish testified that the job went out for bid and that, under the contract, they would have 1 ½ years to start and complete the project once the contract was signed. S. Gerrish asserted, however, that once the project started, it would take approximately 3-4 weeks, if they are able to work straight. M. Blanchard noted that the Conservation Agent had given his letter of approval.

Mr. Swanson, a resident and abutter, came before the Selectmen and asserted that his wife had been battling cancer for 17 years. He asked that a 100 foot barrier be established along the back of his property and on two sides to reduce noise and impact. M. Blanchard asserted that the Board does not have jurisdiction over setbacks, but that the logger may address his concerns. M. Blanchard asserted that the license is issued by the state. The resident asked if the logging operation would be in compliance with the sound limits set by the EPA. S. Gerrish asserted that he did not have information on that. The resident stated that he would monitor it. M. Blanchard noted that the resident could contact the state, S. Gerrish, and the Town Administrator if he had concerns with the noise once the operation began. S. Gerrish indicated that there were only a few trees by Mr. Swanson's house and that he would try to get in touch with Mr. Swanson about a good time to work in the area before beginning work. Mr. Swanson provided S. Gerrish with his phone number.

Motion: To close public hearing

By: P. Gimas

2nd: By M. Suprenant

Vote: All in Favor Passed 4-0

Motion: To approve the logging permit set forth by Gerrish Forestland Management for land located on Paradise Lane subject to the following six conditions:

- 1. Logging operations shall be allowed Monday through Friday (with no harvesting on recognized Massachusetts legal holidays) from 7:00am to dusk; and on Saturdays from 8:00am until 12:00p.m. Noon. No Sunday or holiday hours;**
- 2. The applicant shall coordinate transportation with the Town's school bus schedule to avoid conflict between logging operations and school bus operations;**
- 3. Work shall commence when the ground is dry, frozen, or otherwise stable;**
- 4. A \$5,000 road maintenance bond shall be submitted to the Town Administrator before starting work to ensure that repairs are made to any Town roads damaged as a result of the subject forestry harvest project and may additionally require a performance bond to ensure erosion control measures before, during and, for a reasonable period of time, after the proposed operation. Said bond shall be released by the Treasurer upon inspection and a satisfactory finding by the DPW Director.**
- 5. A licensed timber harvester is identified prior to commencement;**
- 6. The DPW Director should be notified before starting work.**

By: P. Gimas

2nd: M. Suprenant

Vote: All in Favor Passed 4-0

Motion: To accept a Citizen's Petition regarding fast food establishments and to refer said Petition to the Planning Board for Public Hearing.

By: P. Gimas

2nd: M. Suprenant

Vote: All in Favor Passed 4-0

L. Gaumond read the correspondence into the record.

**Public Hearing – (7:01pm) – XM Corporation for Baba Sushi Sturbridge
453 Main Street, Sturbridge – Alteration of License Premise and Change of Hours on the Weekend**

L. Gaumond read the public hearing notice into the record.

Mark Borenstein, Esq. from Cedar and Chandler, LLC, appeared before the Board on behalf of XM Corporation, d/b/a Baba Sushi. He stated that Baba Sushi was seeking an alteration of their premises by moving 28 seats outside on their porch during their warmer months. Mr. Borenstein stated that they were not looking to alter the maximum seating capacity. During the colder months, the 28 seats would be moved indoors. Mr. Borenstein also requested that Baba Sushi be allowed to change their hours of operation on Saturday and Sunday nights from 12:00 am to 2:00 am, with alcohol pouring stopping at 1:00 am. M. Blanchard asserted that she was not in favor of closing at 2:00 am as Baba Sushi is a restaurant and not a bar and further stated that she did not want residents from surrounding communities coming to Sturbridge as a "last call." P. Gimás agreed. M. Suprenant stated that he did not know other restaurants having those hours. C. Moran stated that he was aware of other restaurants being open until 1:00 am, with alcohol pouring ending at 12:00am. Mr. Borenstein asserted that he would be happy with that arrangement as well. C. Moran expressed safety concerns about the amount of seating and whether there was adequate room. M. Suprenant noted that a previous plan with a raised patio was deemed unviable. Mr. Borenstein indicated that the tables would be against the wall and that a gate would be in place to stop patrons from leaving the porch area with alcohol. M. Blanchard indicated that the owner of Dunkin Donuts was concerned that no one use its parking lot and requested that a representative from Baba Sushi speak to the owner. L. Gaumond provided Mr. Borenstein a copy of the letter from Dunkin Donuts.

There was no public comment.

M. Dowling arrived at approximately 7:20 and abstained from the vote.

Motion: To close the public hearing

By: P. Gimás

2nd: M. Suprenant

Vote: Passed 4-0-1 (M. Dowling abstaining)

Motion: To approve the change in premises for XM Corporation d/b/a Baba Sushi to alter the seating and porch service.

By: P. Gimás

2nd: M. Suprenant

Vote: Passed 4-0-1 (M. Dowling abstaining)

Motion: To deny the request of XM Corporation d/b/a Baba Sushi to remain open until 2:00 am on weekends.

By: P. Gimás

2nd: M. Suprenant

Vote: Passed 4-0-1 (M. Dowling abstaining)

Discussion ensued about wanting to be fair to Baba Sushi in the event that other restaurants were open later than 12:00am. M. Blanchard asserted that the Town Administrator could research that question and the Board could revisit later. M. Dowling asked whether a motion could be made during Old Business at the next meeting in the event that the Board wished to extend the business hours or whether a new public hearing would need to be conducted. L. Gaumond asserted that the motion could be made under Old Business.

Consideration of the Town Administrator Evaluation Policy

P. Gimas stated that she held on the proposed evaluation policy until M. Dowling arrived at the meeting because she wanted to ask her a few clarifying questions. P. Gimas stated that she believed all 5 Board of Selectmen have a duty to evaluate the Town Administrator consistent with his contract. M. Dowling agreed that all 5 had a duty to evaluate, but that the policy was intended to allow the majority of the Board to issue an evaluation in the event that all 5 selectmen did not perform their duties. M. Dowling said that the intent of the policy was to not hold up the evaluation process out of fairness to the Town Administrator. She indicated that the policy was codifying what had been the past practice and asserted that if the policy was written to require all 5 selectmen to evaluate, selectmen could effectively deny Mr. Gaumond his evaluation if they did not wish to write one. M. Dowling noted that the policy required "good faith." P. Gimas indicated that it made sense.

Motion: To Approve the Town Administrator Evaluation Policy.

2nd: M. Dowling

Vote: All in Favor Passed 5-0

Public Hearing (7:30pm) Mann's Forest Land Management – Harris Holdings, LLC
Breakneck Road, Sturbridge, Logging Permit

M. Dowling read the public meeting notice into the record.

Brett Mann from Mann's Forest Land Management and Lyle Hisloff from Harris Holdings, LLC appeared on behalf of the owner. Mr. Mann explained the logging that would occur on approximately 78 acres of land on Breakneck Road. He indicated that it was a standard plan for hardwoods -- both white pine, and red and black oak. M. Blanchard stated that the Conservation Agent submitted a letter indicating that there was a perennial stream and two steep slopes. The letter was shared with Mr. Mann at the hearing. Mr. Mann asserted that they set up an additional landing to avoid crossing the perennial stream and that they would avoid an area in the front where the owners were contemplating a future subdivision.

There were four residents from various addresses on Breakneck Road that provided public input: Mr. Gary Ferrara, Jennifer Pelletier, Sue Moriarty, and Rich Mantilla. Questions ranged from general hours of operation to where exactly the cutting would occur. Mr. Mann shared the drawing with the residents and asked a myriad of questions about location. Mr. Mantilla expressed concern over the traffic that might occur on Saturday mornings with the Recycling Center being open and busy during that time period. Mr. Mann asserted that 90% of the time they don't work on Saturdays, but he could not rule it out.

Motion: To Close the Public Hearing

By: P. Gimas

2nd: C. Moran

Vote: All in Favor Passed 5-0

Motion: To approve the logging permit by Mann's Forest Land Management-Harris Holdings, LLC for land located on Breakneck Road subject to the following six conditions:

- 1. Logging operations shall be allowed Monday through Friday (with no harvesting on recognized Massachusetts legal holidays) from 7:00am to dusk; and on Saturdays from 8:00am until 12:00p.m. Noon. No Sunday or holiday hours;**
- 2. The applicant shall coordinate transportation with the Town's school bus schedule to avoid conflict between logging operations and school bus operations;**
- 3. Work shall commence when the ground is dry, frozen, or otherwise stable;**
- 4. A \$5,000 road maintenance bond shall be submitted to the Town Administrator before starting work to ensure that repairs are made to any Town roads damaged as a result of the subject forestry harvest project and may additionally require a performance bond to ensure erosion control measures before, during and, for a reasonable period of time, after the proposed operation. Said bond shall be released by the Treasurer upon inspection and a satisfactory finding by the DPW Director.**
- 5. A licensed timber harvester is identified prior to commencement;**
- 6. The DPW Director should be notified before starting work.**

By: P. Gimas

2nd: C. Moran

Vote: All in Favor Passed 5-0

April 3, 2017

Old Business

M. Dowling stated that she attended the two Business breakfasts on Hospitality and Industry, respectively, and thanked K. Filchak and L. Gaumond for their efforts. She also thanked Chris Tieri from Ideaagency for her presentation on "branding."

M. Blanchard noted that M. Suprenant had raised concerns about posted traffic controls and wanted to know the status. L. Gaumond asserted that he was awaiting a response from Chief Ford.

New Business

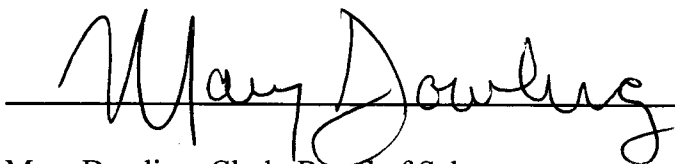
There was no new business.

Motion: To adjourn

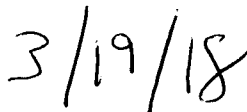
By: P. Gimas

2nd: M. Blanchard

Vote: All in favor Passed 5-0

A handwritten signature in cursive script, reading "Mary Dowling", written over a horizontal line.

Mary Dowling, Clerk, Board of Selectmen

A handwritten date "3/19/18" in cursive script.

DATED: