

September 13, 2021

**Board of Selectmen
September 13, 2021
Town Hall
Publick House Historic Inn
277 Main Street, Sturbridge, MA 01566**

Present:

Mary Blanchard, Chair
Mary Dowling, Vice Chair
Selectman Chase Kaitbenski, Clerk
Selectman Ian Dunnigan
Selectman Jamie Goodwin

Staff:

Jeff Bridges, Town Administrator
Alex McConnon, Executive Assistant
Jonathan Silverstein, Town Counsel

Chair Blanchard called the meeting to order at 6:30 p.m.

Chair Blanchard thanked the Publick House, the Cable Access Department, the Executive Assistant to the Town Administrator, and the IT Department for organizing the public hearing.

The Selectmen led the Pledge of Allegiance.

The Selectmen held a moment of silence for all those affected by COVID-19.

Public Hearing – Consideration on the location of a proposed racetrack for property located at 16 Cross Road and Assessor's Map/Parcel ID Nos. 237-04756-016 and 170-05045-180 Sturbridge, MA.

Chair Blanchard said the purpose of the public hearing was to take a vote on if this property is a property the Town wants if the Agricultural Entertainment Overlay District zoning bylaw passes at Town Meeting. She said this vote needs to be taken because of state deadlines and the purpose of it is approving or disapproving the site.

Karen Davis, Managing Partner of George & Davis represented along with Richard Fields and Armand Janjigian.

Ms. Davis gave a presentation and said they have been working on the overlay zone bylaw and the Host Community Agreement, assessing viability for the project, and the concept plan for the site.

- **Overlay Zone Bylaw:** Ms. Davis said it codifies the promises that the owners are making, codifies that the Town will be part of the project, and codifies owners. Per Ms. Davis, the Board of Selectmen have control over the site, the I-84 interchange, access to the site, and

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will only go forward if the Board of Selectmen concur. Ms. Davis said the Planning Board, through a 2/3 vote, will approve every vote that goes on such as traffic mitigation and the Recreation Committee is in control of the athletic fields, the Conservation Commission is involved with the wetlands issues, and the Board of Health is involved with animal care and the recycling center/landfill.

- Host Community Agreement: Ms. Davis said this document would provide the Town of Sturbridge one-million dollars in annual revenue to the Town and it will be 1.5 million dollars to build the field or with the room in their site, to build four fields, a concession center, and bathrooms. The Host Community Agreement also outlines Agricultural benefits such as the community gardens, nature trails, and I-84 interchange.
- Vision: Per Ms. Davis, two years ago Armand Janjigian went to George & Davis and said he wanted a place where horses could retire and give riding and therapeutic lessons. Richard Fields also wanted to make it an agricultural project with gardens and teaching students about the environment. Ms. Davis said they would be the fifth for the biodigester to produce their own energy and be self-sustaining. Ms. Davis said the last piece of their vision is the recreation piece. Per Ms. Davis, they have proposed four fields, a concession stand, and bathrooms but it is up to the public and Recreation Committee with what they want to do with the project.

Ms. Davis said they are applying for a racing license and want the Board of Selectmen to approve it. She said they are also working with different committees on the I-84 interchange.

Ms. Davis asked for the following at the public hearing:

1. To answer questions and look for comments/input
2. To ask the Board of Selectmen to vote yes to go forward on the site for a racing license
3. For the public to go to Town Meeting in the Fall and vote yes on the overlay bylaw

Chair Blanchard asked if there were questions from the Board of Selectmen.

Selectman Goodwin asked if this was an existing interchange in looking at the proposed concept of the I-84 interchange and asked what is the realistic timetable would be. Ms. Davis said it is a separate interchange, which sits between the Holland exit and the first Mashapaug Road. Per Ms. Davis, they are in the process working with the Commonwealth of Massachusetts and MassDOT and the timeline is two to three years. Selectman Goodwin asked if they evaluated building a road through Breakneck Road and Ms. Davis said in the Host Community Agreement, they are required to put in an I-84 change and the Board of Selectmen would have oversight on it and would need to approve it. Per Ms. Davis, for it to go over the I-84 interchange, they would work with Board of Selectmen on traffic mitigation, police detail, and they are contracting with vendors and horseman that will have to access the site through I-84. Selectman Goodwin was concerned with emergency traffic and Ms. Davis said there are many committees to meet with and work to be done. Selectman Goodwin asked about the location of the biodigester and Ms. Davis said they do not have a specific spot yet but wanted to offer to put it on Town land because there are municipalities who would take that route. Selectman Goodwin asked if anyone assessed if there could be a biodigester on

any of the land and Ms. Davis confirmed saying the engineers said it is viable, subject to the different boards and committees. Selectman Goodwin expressed concerned about compliance in Massachusetts and thought there was a concept but Ms. Davis said the preliminary work has been done to see if the site is viable since the owners of the project have been looking at it for two years. Ms. Davis said on the big event days (three weekends out of the year), there would be nine to ten races and they expect about 7,000 to 7,500 people to attend the site with an estimated 3,000 cars. Ms. Davis explained that they would plan events when there are not other big events in town and the facilities would also accommodate farmer's markets, and they would have ten other events that would take place based on community input.

Selectman Kaitbenski asked if the million dollars a year in revenue was set or not. Ms. Davis said it is based on the economic impact study and that there is \$25,000 per the Host agreement that the applicant will contribute to a charity of the Towns choice, \$489,428 in real estate and personal taxes and there is \$24,445 in meals tax and \$162,793 in hotel tax. Selectman Kaitbenski asked if it was in the Board of Selectmen's control to use the fields and Ms. Davis said the Recreation Committee is in control and will either deed the property to Sturbridge or do a 99 year lease.

Vice Chair Dowling asked if the Board of Selectmen would have the authority to review the application they file to see if it coincides with the agreement and Ms. Davis confirmed. Vice Chair Dowling asked if the Gaming Commission would come to Sturbridge and have another hearing and John Stefanini, representative of the applicant said it would take place after the application has been filed with the Boards. Jonathan Silverstein, KP Law said it is in section 13 of the draft Host Community Agreement. Mr. Stefanini said the last time the Gaming Commission had a hearing was 85 years ago and they would come and hold a public hearing. Per Mr. Stefanini, there would be this current hearing, a zoning hearing, and the state public hearing. Mr. Silverstein said these statues are to ensure the applicant files a license application and that they approve the location and said it is correct that this does not need to be held before Town Meeting.

Vice Chair Dowling said the bylaw requires at least six racing days and said she did not see the maximum number of racing days. She said the statute looks like it limits it to 200 race days a year and asked where the race days would be. Ms. Davis said it would be in the Host Community Agreement and they would cap it at ten. Mr. Silverstein said items could be negotiated into the Host Community Agreement and Ms. Davis said one of the most important things in the agreement is the community input. Vice Chair Dowling asked where is the Town's right to terminate the agreement in the event they do not get the license and Ms. Davis said they would add that. Mr. Silverstein said the agreement is not a negotiated document yet, but rather an initial proposal from the applicant with no community input yet. Vice Chair Dowling asked why the document lists primary access through I-84 and if it is required to use Breakneck Road for an emergency road out. Ms. Davis said they need an emergency access, a second egress that would go through Breakneck Road. Vice Chair Dowling asked where the access to the fields was and Ms. Davis said any project events would be through I-84 and that the fields would be up towards Breakneck Road but it is up to the residents and they could always put a gate up to mitigate their project traffic. Mr. Stefanini said MassDOT would be the state agency and would require approval from the design so that the Board of Selectmen would be in control. Mr. Stefanini said they have had preliminary meetings with MassDOT and it is an 18-month process. Per Mr. Stefanini, it is one-million dollars to apply and four-million dollars to get the license. Ms. Davis said they are required in the Host

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Community Agreement to provide access through I-84 and if the I-84 interchange does not go in, the baseball fields would not go in and is inaccessible without the I-84 interchange.

Selectman Goodwin asked what the timetable was on the gaming bill and if the Commonwealth Of Massachusetts would make this project municipal. Ms. Davis said if this does not pass, the project would not happen and Mr. Stefanini said since the Supreme Court allowed betting to go forward, when the Senate says they will do something the likelihood is high. Selectman Goodwin asked about a priority interest, Ms. Davis said she loves representing this client, and that she has no priority interest in this project. Per Ms. Davis, Tom Chamberland, Trails Committee is a paid applicant who helps them but is the only one. Vice Chair Dowling asked for examples of successful racing with sports betting and horse betting. Mr. Stefanini said Spectrum did a statewide list that he would share with the Board of Selectmen.

Chair Blanchard said this is up to the Town Meeting voters. She said if one piece does not fit, the whole project would not work. The Chair opened up the meeting for public comment.

Jennifer Pratt 15 Apple Hill Road, expressed concern for horse deaths in racing and reported on different examples. She stated that she is pro-business but not the on deaths of animals. Ms. Davis said the horse racing industry takes a stance on it and that there would be a vet clinic on site, which will review the horses if they are injured. Per Ms. Davis, Mr. Fields has been part of the anti-slaughter programs and they will carry those practices to take care of the horses.

Alan Curboy, 19 River Road said in the mail he received, gambling was never mentioned. He stated concern for horse racing machines, which side-skirts slot machines. He asked if there would be historical horse racing machines and about the primary access and the secondary access. Ms. Davis said there are no horse machines and that they are not allowed in Massachusetts but they could add it in the agreement to say that. Ms. Davis said there is simulcast betting allowed and betting on race day along with a sports bar for betting. Per Ms. Davis, 85% to 90% of the income would come from people's living rooms. She also reported that there is a parking lot near the athletic field and parking for event days. Per Ms. Davis, Breakneck Road is off the table and with the I-84 interchange, it will be the Town's choice if they wanted public to access the fields.

Carl Kirker-Head, 39 Hillside Drive, said he is a veterinary who owns racehorses and that he has no affiliation with the proponents of the project. He said it is true that some horses suffer but the majority do not. Per Mr. Kirker-Head, some horses are injured who are seen by him or his colleagues to help them and he does find some horses that are subject to mistreatment but it is small minority. Mr. Kirker-Head said a majority of owners do not want to see their horses injured, harmed, or abused. He said there are people like himself in the community who care for the horses.

Eric Dickson, President & CEO of UMass Memorial Healthcare, and resident of Princeton, Massachusetts said he does not have financial interest in project, just on the wellbeing of the horses after racing. He said in general, he is not a supporter of gambling but said the Town of Sturbridge would be giving the tax revenue to Connecticut if this were passed up and he suggested that it stay in Massachusetts. Mr. Dickson stated that he is in support of the project and that it is special with equine therapy and a retirement component.

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Wendy Hollis, 42 Edgewater Road in Agawam commented on the racehorse industry with horse death statistics. She said the project sounds like it has beautiful components but the racing part is inhumane, saying she has seen pages of horses racing too young and/or drugged. Ms. Hollis said greyhound racing is no longer allowed in the state because it was an inhumane industry and suggested doing betting on sports and not animals.

Doug Teason, Howard Road, Union, Connecticut asked about the exit on I-84 and the potential effects on the wetlands. He was also concerned about the biodigester saying he had concerns about transportation from the stable area to the biodigester. Ms. Davis said everything is in Massachusetts and there are temporary barns/retirement barns for the events. Mr. Teason mentioned the biodigester and the materials it produces and Ms. Davis confirmed saying it makes a material for farmers and could be used as a fertilizer. Ms. Davis stated that they might use it on their turf farms and that the Conservation Commission would be involved. Chair Blanchard explained that this has not gone through any boards yet and the next step would be the Planning Board reviewing the overlay zoning bylaw, then go before Town Meeting, and then all the other boards. She said it is a concept plan, not a proposed plan. Mr. Teason stated that he had been in contact with the Planning and Zoning Commission in Union Connecticut and found that the Town of Sturbridge had no contact with them. Jean Bubon, Town Planner explained that she had personally spoken to the Union Planning and Zoning Chair Mathiew Silbermann more than once and provided him with the information she had available via email. Additionally, she and Mr. Bridges had a meeting with the Connecticut Council of Governments at their request to provide them with the information they had on the conceptual plan. She also noted that she has fielded calls and emails from several Union Connecticut residents. Finally, she noted that her office had notified the Planning Board of every surrounding town about the proposed zoning hearing to be held and posted all related documents on the website.

Don Mulcahy, Ware resident said he is the Vice President of the Worcester Building Trades and they represent Sturbridge. He said commitment to good paying jobs and to have opportunities to have someone working with them and spend their money here is important and said he supports a project like this.

Margaret Kellogg, Holland resident said she has retired racehorses and surrounding towns looked at horseracing like this but there was enough opposition where all of these projects went away like they did in Great Barrington. She said if the Board of Selectmen approve this, it is final and the statute does not provide a way out besides a petition from the citizens and a vote. Per Ms. Kellogg, once the location is approved, the state takes over and suggested that the Board of Selectmen put off their vote and get information from Town Counsel. She said although there is a deadline of October 1, 2021, it is for racing in 2022, which the applicant would not be doing anyways since they do not have the land yet. Ms. Kellogg said they could file a placeholder application and go to the Massachusetts Gaming Commission and to vote on location, saying that this decision is premature. Mr. Stefanini said they could file a completed application on October 1, 2021 and appreciated her perspective but said the law is not accurately represented and their application would be complete. Per Mr. Stefanini, the state has the authority to give them authorization. Mr. Stefanini said in terms of statutes 1-28 A and C have not been rescinded. The Gaming Commission can relate the days but the Board of Selectmen could as well. He said there are not enough horses to race and the 100 days was from the 1950's. He spoke to Council and the Board of Selectmen

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could make this vote. Vice Chair Dowling said there are no restrictions in the bylaw for the October 1, 2021 for horse racing in 2022 and asked who governs it, the state or the town. Mr. Silverstein said they could not say the state license trumps the license with the Town.

Tom Welch, 170 Cedar Street asked about the fields. Ms. Davis said they met with the Recreation Committee on the needs of the Town and discussed what they needed in addition to those. They also discussed multipurpose fields and the Recreation Committee makes the decision but there is space for four fields. Per Ms. Davis, in taxes, they will give back four million dollars.

Rebecca Neslusan, 262 Cedar Street, asked how the ratio statistics rates out and is curious how the math is calculated. Ms. Davis said the ballfields are costing more than 1.5 million dollars to build, which they will fund in the agreement. Mr. Stefanini said there are twelve bills in process, the committees re-draft the bills, which did not include the number of race days, and they do not have any sense that this is a topic. Per Mr. Stefanini, there are twelve bills that mention horseracing and none of them are the bills that they passed. Ms. Davis said for the purposes of Sturbridge, they would cap it at ten. Ms. Neslusan asked if they said there would be 50 races, in order to have off-track betting licensing, would the Town forgo the off-track betting license and Ms. Davis replied no.

Jamie Kordack, East Brookfield, Massachusetts said there are no good ways to keep track of horse injuries and deaths and there is one agency that tracks it and read the statistics on the deaths to the public and said anyone can find this information at horseracingdeaths.org.

Jacqueline Krazinki, Leadmine Road said she likes living in Sturbridge and does not want horseracing in town and that this vote would be accepting one-million dollar bait. She asked the Board of Selectmen that they consider the smaller people in Sturbridge and if the Police/Fire Departments were ready for this.

Nancy Kaplin, 2 Webster Road, Union Connecticut, said she lives near a racetrack and her children went to a playground where there was alcohol bottles and syringes and invited the Board of Selectmen to look at the demographics in Baltimore to see the impact of racing. Ms. Davis said their goal is to attract families and it would have onsite security of their own.

Jay Tolland, Hillside Drive in Sturbridge asked about the jobs and Ms. Davis said there would be about 100 jobs and with construction jobs, it would be around 474. Mr. Tolland asked if that would come back to Town of Sturbridge taxes and Ms. Davis said the one million dollars in taxes would come back to Sturbridge. He said he is in support for the program to bring money in.

Mary Lou Volpe, 65 Allen Road and Chair of the Recreation Committee said they have been rejected for ballfields in the past and that this is an opportunity to finally have four decent fields. She stated that she is an animal lover and has full confidence that they will treat the animals well. She asked Ms. Davis if she could estimate how much would be saved on these fields and Ms. Davis said they would save the town eight to ten million dollars. Ms. Volpe said a ballfield would be a dream come true.

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Linda Cocalis, 110 McGilpin Road and Chair of the Board of Health said she had a discussion with Mr. Stefanini where they had a conversation about the area near the landfill. She said there is no way people could access it through the landfill saying the Department of Environmental Protection (DEP) would not allow the road to go through it. She said the only alternative is possibly the secondary access of Breakneck Road. She said it is presumptuous to say it would access off of Route 15. She said she also spoke with the DEP about the biodigesters and thinks they are a great idea but there will not be enough produced, saying they will probably need food scraps from restaurants with trucks to access the biodigester. Ms. Davis said they are aware of the issues. Ms. Cocalis invited everyone to their Board of Health meeting in October to rectify the issues. Ms. Cocalis also asked if dead horses go into biodigester. Ms. Davis clarified that the biodigestors take manure and food waste. Mr. Stefanini said nothing happens without their approval and they have creative engineers that work on creative solutions and appreciated the issues relative to the landfill. Mr. Stefanini said the biodigester takes a mixture of manure and food waste and it is exciting because of the interchange. Ms. Cocalis stated that she is not for or against this project and asked what goes in if the overlay does not go through. Mr. Silverstein said if they do not get the gaming license, it could not be utilized. Vice Chair Dowling said as long as you follow the overlay district, another applicant could come forward and utilize that overlay district. Ms. Bubon said one of the requirements in the draft-zoning bylaw is a copy of an executed Host Community Agreement and she believes someone else could propose the same type of operation but they would need an executed Host Community Agreement. Vice Chair Dowling said it could be another project since it is contractual, not by bylaw.

Brian Grosso, President of Roofers Union of New England and affiliated organization Representative of the Worcester Building Trades Council spoke as an advocate and thinks it is a tremendous proposal that addresses concerns, benefits the community, and creates jobs and asked if they are committed to making those responsible jobs and not out-of-state contractors. He also suggested letting the project move forward. Ms. Davis said the owners are committed to utilizing local people and it could improve their under-employment rate in Sturbridge.

Barbara Search, 501 Leadmine Road asked about the location of the access from I-84, saying there is a lot of traffic on Leadmine Road and said that this would add to the problem. Ms. Davis said they do not know where it would be yet. Ms. Search said she hopes they would consider the people on Leadmine Road and asked the Board of Selectmen to give this some more time before voting.

Joanna Shapiro, 50 Westwood Drive, said this is premature and that there are nine vernal pools in the area. She said building a road would destroy the vernal pools and wondered why in prior meetings she has heard that horse racing is not the moneymaker. She said the horseracing component is bothersome asked about having this project without horseracing. Ms. Davis said in order to have sports betting, they need a racetrack because they are not having casinos or slots. Mr. Stefanini has spent 15 years working with horse owners and breeders and said this is high quality, ethical people in a small community. He said Mr. Fields and Mr. Janjigian have courage in terms of removing horse owners they do not see fit because they care and that he has faith in the engineers. Mr. Stefanini said they would work with the Board of Selectmen and the Board of Health to find solutions to the vernal pools and other issues. Ms. Shapiro pleaded that more due diligence is done and to put the horse racing aside.

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Motion: Close the Public Hearing.

By: Selectman Kaitbenski

2nd: Selectman Dunnigan

All in favor

Vote: 5-0-0

The selectmen thanked the applicant and the public for attending.

Motion: I, Chase Kaitbenski, move that the Board approve the location of a running horse (thoroughbred) racing facility on property located at 16 Cross Road and Assessor's Map/Parcel ID Nos. 237-04756-016 and 170-05045-180 Sturbridge, Massachusetts subject to all local permitting and oversight and the satisfactory negotiation and execution of a Host Community Agreement, September 13, 2021 contingent on the overlay bylaw passing at Town Meeting.

By: Selectman Kaitbenski

2nd: Selectman Dunnigan

Vice Chair Dowling said the Board of Selectmen were approached over a year ago and said it should have fallen to Town Meeting by 2/3 vote to say the Town wanted all these pieces and then it should have gone to this public hearing. She said the Board of Selectmen should continue the public hearing after the special Town Meeting in October and if this does not go through, another applicant could come forward. Per Vice Chair Dowling, the process should have been that this go to Town Meeting in October and the Townspeople speak on it, stating that she has been fighting for recreational fields for years. Vice Chair Dowling said this might not meet the October 1, 2021 deadline but there is over a year for the zoning change and that should happen first. Selectman Goodwin agreed that this project is not ready yet. Vice-Chair Dowling also asked the applicant that the Board of Selectmen be provided a copy of the application to the Gaming Commission before it is filed. The applicant agreed to do so.

Vote: 3-2-0

(Selectman Goodwin and Vice Chair Dowling NO)

Motion: Adjourn.

By: Selectman Kaitbenski

2nd: Chair Blanchard

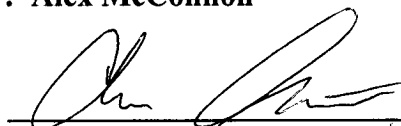
All in favor

Vote: 5-0-0

The meeting adjourned at 9:06 p.m.

Minutes prepared by: Alex McConnon

Clerk of the Board:



Date signed:

11/1/21