



# *Town of Sturbridge*

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Shaun A. Suhoski, Town Administrator  
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## **MEMORANDUM**

TO: Board of Selectmen  
FR: Shaun A. Suhoski, Town Administrator  
DT: July 1, 2011  
RE: Town Administrator's Report for July 5 Meeting

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The following provides information and recommendations for your July 5 meeting:

### **Tornado Financial Update:**

Cost Update – While total Town force account and supplanted labor costs for the tornado response through June 30 total approximately \$165,000., actual out-of-pocket expenses are estimated at approximately \$120,000 as indicated on the attached spreadsheet. With the Finance Committee's prior approval of \$55,000 in Reserve Fund to the effort, the current estimated deficit spending total would be \$64,000 in round numbers (note that actual invoices have not all been paid and we are not in deficit spend mode as of yet).

Based upon the DPW Director's estimation of six additional full days of tree service assistance to clear the Streeter and Willard road areas, the Finance Director and I are proposing that your Board adopt a "cap" on deficit spending not-to-exceed \$100,000.

This will achieve several objectives: (1) it will allow continued use of the Town's contracted tree removal vendor to complete the initial debris removal plan approved by your Board, (2) it will allow time for the Governor's proposed amendment to the disaster declaration to be transmitted and (hopefully) approved by the President, and (3) it will allow time for the Town to solicit competitive bids for the removal of stockpiled debris at the Route 20 boat ramp and Route 15 staging areas. The competitive bids would also allow for additional discussion of scope of debris removal on all public lands.

***Please review the separate summary document that outlines the Town's request for an amended disaster declaration based upon the revised damage assessment.***

Debris Removal Plan – As directed by your Board, the Town's efforts at removing debris from roadsides in stricken neighborhoods has continued. This week, crews have nearly completed work in the first two target areas, with July 11 being the next target date for

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Streeter Road and Willard Road areas. If your Board assents to the above rationale, the work will be initiated on July 11 as per the original debris plan.

***Recommended Action: That the Board of Selectmen authorize continuation of the debris removal plan through the Town's vendor and impose a cap of \$100,000 on deficit spending for the response to the June 1 tornado.***

**Harbor Master / Dock Permits:** Further to your Board's direction at the June 20 meeting, both the Mimeaults and Allards timely submitted dock permit applications for their respective properties. The applications were reviewed and field-checked by the building inspector and his report is attached. Your Board also requested that the Town Administrator review the matter and provide a recommendation which follows.

Dock Permit for 76 South Shore Drive (Rebecca and Peter Mimeault): The building inspector confirmed that the application rendering conforms with the field-measured conditions. I have also personally viewed the location and recommend the permit be approved as the dock conforms with the Town of Sturbridge's Rules and Regulations Governing Temporary Moorings, Floats, Rafts and Ramps.

***Recommended Action: That the Board of Selectmen acting as Harbor Master approve the dock permit application for 76 South Shore Drive as presented and, further, that no further application be required unless the type and placement of the dock should be modified from the approved permit.***

Dock Permit for 31 and 78 South Shore Drive (Gary and Margaret Allard): The building inspector confirmed my prior estimation that the current configuration of the Allard's dock does not comply with the following sections of the Town of Sturbridge's Rules and Regulations Governing Temporary Moorings, Floats, Rafts and Ramps, Section IV, Part B as follows:

- Section 1 – the dock structure itself measures 200 square feet which meets the letter of the regulation, however, the structure is presently connected to the shoreline by an additional 33 linear feet of planking that cumulatively exceeds the 200 square foot maximum surface space, and
- Section 2 – the dock and planking configuration extend 81 feet into the lake which exceeds the 25 foot maximum extension allowed under regulation.

With respect to Section 3 of the regulations, the building inspector's report discusses the location of the dock within the Allard's property and its projection into the water. The report states that the dock "crosses diagonally in front of the Mimeault property."

Given that the same report indicates that both docks project at roughly 90 degrees from the subject property, I find this observation unconvincing and do not believe a violation has been proved with respect to Section 3 only as neither “property” extends under the water sheet. The Allard dock certainly does appear in the viewshed of the Mimeault’s property due, primarily, to the length of the extension into the waterbody.

Based solely on the above, the Harbor Master may deny the permit. However, the Regulations also allow for your Board to grant a variance (a “deviation”) from the rules for unique circumstance. And, the Allards have requested such deviation in their cover letter due to the very shallow depth of water in the “delta” area.

The Allards can speak to their request at the meeting, however, based upon my review and discussion with the parties, I would offer the following points for consideration:

- Section 1 – The dock structure itself complies with the 200 square foot maximum, however, because the water is so shallow in the cove, minor fluctuations in level create a greater expanse of land or exposed sand bar (much like the ocean flats between high and low tide). I also observed connecting planks or gangways at several other properties visible from this location.
- Section 2 – The dock structure itself complies with the 25-foot maximum. Again, because the water level is shallow in this area, minor fluctuations in level create a greater expanse of land (or water) to be traversed in order to reach deeper water suitable for water craft. As noted above, I also observed connecting planks at several other properties visible from this location.
- Section 3 – As noted above, I would not concur that there is a technical violation, however, the Allard’s dock is absolutely within the viewshed of the Mimeaults.

***Recommended Action: That the Board of Selectmen acting as Harbor Master approve a dock permit for 31 and 78 South Shore Drive for calendar year 2011 based upon the following conditions:***

- 1. That the dock be re-located to 35-feet from the property line of 76 South Shore Drive, and***
- 2. That the angle of projection into the water be re-oriented two-to-three degrees (subject to approval of the Town Administrator) so as to provide additional channel width between the docks at 78 and 76 South Shore Drive, and***
- 3. That the dock (with or without accompanying extensions) project no further into the water than its current position, and***
- 4. That a new dock permit be required for calendar year 2012, and***
- 5. That failure to complete modification of location by July 18 shall result in issuance of an ORDER to remove said dock.***

The above recommendation is made with the intent that the Allards will explore use of a “floating” dock system in calendar year 2012 to be installed in a manner that will more closely meet the prescribed requirements of the Regulations and provide additional relief to all parties.

## TOWN ADMINISTRATOR’S REPORT

- 1) Appointment to Planning Board: As your Board is aware, the Town had two existing and qualified applicants on file for potential appointment to the Planning Board. I had the opportunity to meet with both candidates and was truly impressed by their dedication to public service, knowledge and enthusiasm for the position. In the end, I have elected to appoint Ginger Peabody to the post.

Ginger brings a wealth of experience by virtue of her nine year tenure on the Zoning Board of Appeals, together with “hands-on” training courses through the Citizens Planner Training Collaborative. I found her to be compelling in her interest and believe she will keep the Town’s best interests at heart and remain independent in her decision-making. Lastly, Ginger has been volunteering her services and assistance in the Planning Office and will have a strong working relationship with the staff.

***Recommended Action: That the Board of Selectmen ratify the Town Administrator’s appointment of Ginger Peabody to the Planning Board to fill the unexpired term of Jennifer Morrison through 2014.***

- 2) Bass Fishing Event Approval: Attached please find an application to conduct the annual United Bass Anglers fishing event on Big Alum Pond on September 10, 2011 from 6:00 a.m. until 3:00 p.m. Chief Ford has reviewed and offers no objection.

***Recommended Action: That the Board of Selectmen approve a special use permit to United Bass Anglers for a bass fishing event on Big Alum Pond on September 10, 2011 from 6:00 a.m. until 3:00 p.m.***

- 3) DPW Bid Awards: Attached in your packets are a series of bid results for approval including paving, materials and tree removal contracts. The memoranda are color-coded. I have reviewed and recommend approval of the various bids.

***Recommended Action: That the Board of Selectmen approve the various bids as outlined by the DPW Director in the materials attached.***

- 4) Miscellaneous (to be provided).