

**Lee Planning Board  
32 Main Street  
Lee, Massachusetts 01238**

**March 15, 2010**

**Present:** Chairman, Anthony Caropreso, Robert Birch, David Durante, Thomas Wickham, Helen Gasparian, and Harold Sherman, Associate Member

The meeting called to order at 6:15

**Michael Dominov**

Attorney Ann Deely represented Michael Dominov in the review of a Special Permit under Section 199-23 for an addition to a preexisting non-conforming structure. The property is located at 17 Franklin Street.

Mr. Dominov stated that they will install a concrete slab to locate their trash receptacles. Sherman asked whether a concrete slab would be considered a structure. Attorney Deely stated that in her opinion a concrete slab is not considered a structure. The Board accepted this opinion.

There was a discussion regarding the sign located on the property. Attorney Deely stated that it's the exact same sign that was located on the property previously, all that is changed is the mounting. There was a discussion as to whether there was a need to apply for a sign permit for the existing sign.

David made a motion that a new sign permit is not required for the existing sign and the reason being the sign was originally permitted and has not changed except for the new mounting. The motion was seconded by Tom and was unanimously approved, 5-0.

David made a motion to waive strict requirements for site plan review and accept the site plan as submitted. The motion was seconded by Bob and was unanimously approved, 5-0.

David made a motion to approve the site plan as presented. The motion was seconded by Bob and was unanimously approved, 5-0.

The Board made the following findings under Section 199-23:

David made a motion to make a finding that the change, extension or alteration will not be substantially more detrimental than the existing nonconforming use to the neighborhood. The motion was seconded by Bob and was unanimously approved, 5-0.

## **Lee Planning Board – Minutes – March 15, 2010**

David made a motion to make a finding that such extended, altered or reconstructed structure or changed use shall not be in greater nonconformity with open space, yard and off-street parking requirements of this chapter. The motion was seconded by Bob and was unanimously approved, 5-0.

The Board made the following findings under Section 199-36:

David made a motion to make a finding that the project is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose. The motion was seconded by Bob and was unanimously approved, 5-0.

David made a motion to make a finding that the project is essential or desirable to the public convenience or welfare at the proposed location. The motion was seconded by Bob and was unanimously approved, 5-0.

David made a motion to make a finding that the project will not be detrimental to adjacent uses or to the established or future character of the neighborhood. The motion was seconded by Bob and was unanimously approved, 5-0.

David made a motion to make a finding that the project will not create undue traffic congestion or unduly impair pedestrian safety. The motion was seconded by Bob and was unanimously approved, 5-0.

David made a motion to make a finding that the project will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare. The motion was seconded by Bob and was unanimously approved, 5-0.

The Board discussed the following conditions:

1. No construction vehicles on the common right of way with the exception of a bobcat or similar sized equipment.
2. Lighting on site will be limited to one downcast fixture and low voltage pathway lighting.
3. Submission of a stamped plan.

David made a motion to award the special permit subject to the conditions as discussed. The motion was seconded by Tom.

David Durante – no conflict – I vote to grant the special permit subject to the conditions.

Robert Birch – no conflict – I vote to in the affirmative to award the special permit.

## **Lee Planning Board – Minutes – March 15, 2010**

Thomas Wickham – no conflict – I vote the award the special permit subject to the conditions as discussed.

Helen Gasparian – no conflict – I vote to award the special permit subject to the conditions.

Anthony Caropreso – no conflict – I vote to grant the special permit.

### **F.L. Roberts & Company, Inc.**

Steve Roberts is requesting an extension to their four special permits for a period of one year.

David made a motion to extend their four special permits Case # 15-09, 16-09, 17-09, and 18-09 for a period of one year. The motion was seconded by Bob and was unanimously approved, 5-0

### **Prime Outlets**

The Board reviewed Prime Outlets 2010 Sidewalk Sale request.

David made a motion that the request does not derogate substantially from the intent of their original special permit therefore, the request for the dates submitted should be allowed. The motion was seconded by Helen and was unanimously approved, 5-0.

### **Simply Grillicious/Sign Permits**

They are requesting approval of two sign permits for two exterior food court signs to be located at Prime Outlets.

David made a motion to approve the two sign permits as presented. The motion was seconded by Tom and was unanimously approved, 5-0.

### **Other business**

David made a motion to approve the minutes of January 25, 2010 as written. The motion was seconded by Helen and was unanimously approved, 5-0.

David made a motion to approve the minutes of February 22, 2010 as written. The motion was seconded by Helen and was unanimously approved, 5-0.

David made a motion to approve the minutes of March 1, 2010 as written. The motion was seconded by Helen and was unanimously approved, 5-0.

David made a motion to adjourn this meeting at 8:30 P.M.

Respectfully submitted,

**Lee Planning Board – Minutes – March 15, 2010**

Jaimy Messana  
Land Use Administrative Assistant

CC: Board of Health  
Principal Assessor  
Board of Public Works  
Town Administrator  
Board of Selectmen

Town Clerk  
Historical Commission  
Conservation Commission  
Building Inspector  
Town Counsel