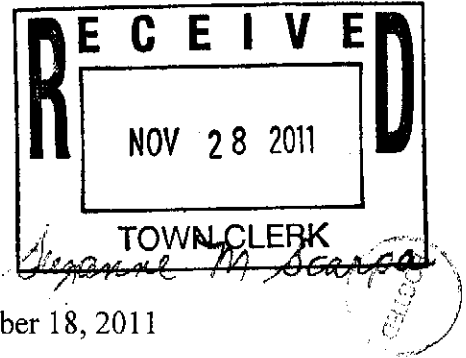


TOWN OF LEE, MASSACHUSETTS  
ZONING BOARD OF APPEALS



November 18, 2011

Lee Bank  
75 Park Street  
Lee MA 01238

Assessors' Map 18A Lot 117

The Public Hearing for Case Number 444 was called to order at 7:00 P.M. on Wednesday, November 9, 2011. There wasn't a quorum present so the hearing was continued to November 16<sup>th</sup>.

ZONING BOARD OF APPEALS MEMBERS PRESENT; Chairman, Shaun Mahoney

CONTINUANCE

The public hearing for Case Number 444 was called to order at 7:00 P.M. on Wednesday, November 16, 2011. There was a four member board present.

ZONING BOARD OF APPEALS MEMBERS PRESENT; Chairman, Shaun Mahoney, Keith Heeren, Richard Brittain, and Matt Carty, Alternate Member

PETITIONER(S) PRESENT: None

ABUTTER(S) PRESENT: None

Chairman Shaun Mahoney opened the hearing at 7:00 P.M. She asked if any Board member had a conflict of interest. Three members stated they didn't have a conflict. Richard disclosed that he had a possible conflict and therefore filed with the Town Clerk. The Chairman ruled to invoke the rule of necessity to allow Richard Brittain to participate in the hearing.

The Special Permit petition was read for the public record. Notices had been published in the Berkshire Eagle and posted in Town Hall, and mailed to abutters.

**DECISION / DETAILED RECORD  
ZONING BOARD OF APPEALS**

**SPECIAL PERMIT#444**

**11/18/2011**

The petitioner is requesting a special permit under Section 199-25 (Floodplain District) for construction in the floodplain. The project will add approximately 1 cubic foot of volume to the floodplain.

Richard made a motion to grant a Special Permit in accordance Section 199-25 for the following reason: the Board should allow the construction of this structure because it will not cause any addition flow due to the fact that the structure will be open. This motion was seconded by Keith.

The Board had finished discussion, had no further questions and was ready to decide. Members of the Board stated their decisions as follows:

K. HEEREN – GRANT – I vote for grant the special permit.

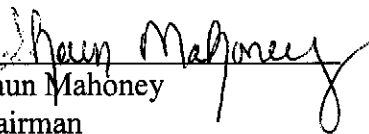
M. CARTY – GRANT – I vote in favor of granting the special permit.

R. BRITTAIN – GRANT – I vote in favor of granting the special permit.

S. MAHONEY – GRANT - I vote in favor of granting the special permit.

The Chairman stated that the request for Special Permit has been granted by a vote of 4-0.

The hearing adjourned at 7:45 P.M.

  
Shaun Mahoney  
Chairman

Distribution:

Town Clerk  
Board of Selectmen

Planning Board  
Building Inspector