

BOARD OF SELECTMEN
MINUTES OF MEETING – DECEMBER 12, 2006

Present: Ch. Patricia D. Carlino, Gordon D. Bailey, Frank A. Consolati, Board of Selectmen.
Robert L. Nason, Town Administrator
Ch. Carlino called the meeting to order at 7:00 PM

1. Approval of Minutes: None

- 2. Public Hearings:** 7:00 PM – Special Permit – Thomas and Barbara Garrity – 220 Bradley Street (continued from Nov. 28, 2006) – Ch. Carlino called the meeting to order at 7:00 PM. Present: Atty. Don Hunter, representing the Garrity's, and Sean Mulholland. Atty. Hunter came before the Board with new plans for the four unit condominium the Garrity's would like to construct on Bradley Street. These plans incorporate many of the suggestions made by the Selectmen at their last meeting. Atty. Hunter also provided the Board with a memo answering concerns made by the DPW Superintendent. After going over the changes with the Selectmen, Atty. Hunter said he felt they addressed the concerns of the Selectmen and the neighbors. Richard Wescott of 246 Bradley Street thanked the Selectmen and the Garritys for addressing his concerns. The Board next went into the site plan phase of the special permit hearing. The Board determined that the site plan met the guidelines of Chapter 199.35G of the zoning by-laws and a motion was made to approve it as submitted. Incorporated into the record were First floor plan #B220-2 Rev. A dated Oct. 30, 2006; Second floor plan #B220-3 Rev. A dated Oct. 30, 2006; Front and rear elevations #B220-4 Rev. A dated Nov. 1, 2006; Site plan #B220-1 Rev. D dated Nov. 21, 2006; Site plan #B220-1 Rev. C dated Nov. 21, 2006; Side elevations #B220-5 Rev. B dated Nov. 2, 2006; Driveway profile #B220-10 dated Dec. 12, 2006; memo from L.B. Corp. addressing concerns about the project from the DPW Superintendent. The motion was seconded and the Board voted, unanimously, to approve the site plan. Atty. Hunter was given the opportunity to withdraw the special permit application which he declined.

Next, the Board made their findings as to whether or not the project met the requirements of Chapter 199-36 of the zoning by-laws. (1) The Board voted, unanimously, that the project met all the provision and requirements of this chapter and was in harmony with its general intent and purpose because it provided residential dwellings in a residential area and complies with the town's master plan. (2) The Board voted, unanimously, that the project is essential or desirable to the public convenience or welfare as the proposed location since it is a residential neighborhood and provides four dwelling units. (3) The Board voted, unanimously, that the project will not be detrimental to adjacent uses or to the established or future character of the neighborhood because of the addition of arch features and residential details as viewed from Bradley Street. (4) The Board voted, unanimously, that the project will not create undue traffic congestion or unduly impair pedestrian safety because it is only adding four dwelling units with one common driveway. (5) The Board voted, unanimously, 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 because it is limited to four dwelling units.

The Board next discussed the plantings that will be used to screen the condominium units and the dumpster. The Selectmen wanted to reserve the right to inspect the plantings one year after they have been planted. There was further discussion on when the inspection should take place. The Board voted, unanimously, that as a condition of the special permit that the plantings be done prior to the occupancy of the four residential units. The Board made a motion that they make a site visit one year after planting of the bushes to see if they are adequate. This motion was withdrawn. The Board voted, unanimously, that they will review the bushes 11 months after they are planted and make a determination whether the screening complies with the plans and the developer would replace or adjust the bushes, if necessary, by a majority vote of the Selectmen.

Gordon Bailey. No conflict. Vote to issue the special permit based on site plan approval and the conditions that have been moved.

Frank Consolati. No conflict. Vote to issue the special permit with conditions.

Patricia Carlino. No conflict. Vote to issue the special permit with conditions.

Selectman Bailey cautioned the developer that they can go forward with construction during the 20 day appeal period at their own risk. The public hearing adjourned at 7:40 PM.

3. General Business:

David Consolati, V.P., Lee Youth Association, came before the Board to discuss a recent incident involving their director, Sharon Terry. Due to the condition of the basketball court in the fenced yard at the LYA building, their insurance carrier advised them to stop using it for their teen program. It was a risk to the public and as a result of this, the LYA did stop the use of that court. Because of this, three individuals egged Ms. Terry's home and car. The Board of Directors of the LYA

voted to stop the teen program altogether until the individuals apologized. One did. The following day, 20 individuals were in a room they should not have been in and Ms. Terry asked them to leave. She was again threatened. The Board of Directors are 100% behind Ms. Terry and the work she has done to improve all aspects of the LYA. Mr. Consolati told the Selectmen that, on her own, she had made several provisions to use alternate sites for the teens to play basketball games. Ms. Terry's privacy was violated both at her home and her workplace. This is not right and the ones responsible should step up and apologize. Ch. Carlino said she personally would not interfere in any decisions made by the LYA Board of Directors. Any questions will be directed to them. Selectman Bailey said these children should take responsibility for their actions and is supportive of parents who make their children take responsibility. The Board thanked Mr. Consolati for coming in.

The Board voted, unanimously, to reappoint Robert Bartini, David Forrest, Roger Scheuer and William Enser to the Board of Public Works for terms of two years ending December 31, 2008.

The Board received three letters of interest regarding the Agricultural Commission. Robert Bartini, Philip Leahey and Jennifer Dustin would like to be considered as members. The Board voted, unanimously, to appointment Robert Bartini to a two year term on the commission. Discussion on having more than one member of the Leahey family on the Commission. Selectman Consolati suggested appointing the other two as alternates and see if anyone else shows an interest. The Board voted, unanimously, to appoint Philip Leahey and Jennifer Dustin as alternate members.

The Board received a list of annual license renewals issued by the Selectmen. The Board voted, unanimously, to approve all of them. (See list attached)

Mr. Nason informed the Board that the contract for emergency snow removal and emergency water and sewer line repairs must be separated into two agreements. He said that because one has a monetary cap and requires prevailing wage rates, they need to be separated even though L.B. Corp. was recommended by the DPW Superintendent for both. The Board voted, unanimously, to award the contracts to L.B. Corp. and sign the contracts.

The Board received a memo from Fire Chief Ronald Driscoll asking the Board to approve the transfer of a 1935 Reo fire truck from the town to the Lee Fire Company. The truck was insured by the town but is no longer in use. The Board voted, unanimously, to approve the transfer.

The Board received a petition from the youth of Lee asking for a new LYA director. Ch. Carlino stated that the Selectmen do not appoint that director and instructed their secretary of give it back to the person who delivered it and have that person deliver it to the LYA board.

4. Pending Business:

None

5. Town Administrator:

Mr. Nason told the Board the fire chief will be out on extended medical leave and recommended Alan Sparks, Deputy Fire Chief, take his place. Mr. Nason will appoint him pending the Board's approval. The Board voted, unanimously, to approve the appointment.

6. Public Comments:

The Board wished everyone healthy and happy holidays.

7. Motion to adjourn:

The next regular meeting will be Tuesday, Dec. 26, 2006 at 7 PM. The meeting adjourned at 8:10 PM.

Respectfully submitted,

Suzanne M. Alderman, Selectmen's Secretary

cc:	Board of Selectmen	Principal Assessor	Dept. of Public Works
	Town Administrator	Board of Health	Town Treasurer
	Town Clerk	Conservation Commission	Town Reps. District Chairmen
	Town Collector	Police Chief	Superintendent of Schools
	Planning Board	Building Inspector	Town Accountant