

Minutes of the Town of Lee Planning Board
May 8, 2023
6:00pm Lee Town Hall Courtroom

Present: Buck Donovan (Chair), Peg Biron, Matt Carlino, Peter Bluhm, David Forrest, and Conrad Decker (alternate).

Other Present: Kathy Hall and Matt Kollmer

Call to Order

Chairperson Donovan called the meeting to order at 6:00 p.m. For the record he informed those in attendance that the meeting was being recorded.

Public Comment

Kathy Hall reported that the Annual Town Meeting and Election were coming up. She also stated that she disagreed with the court ruling supporting rude comments during public comment portion of meetings.

Member Biron stated she would encourage residents to be civil.

Member Bluhm stated he received a complaint from a resident regarding three signs at Starbucks and would like the Zoning Administrator to report back to the Planning Board at a future meeting about whether it requires action.

Building Commissioner Kollmer stated that the plan was approved prior to Starbucks doing any of the work. All signs were approved except one roof sign.

Chairperson Donovan requested that Building Commissioner Kollmer research the permits and report back to the Planning Board at a later date.

Update – Master Plan

Member Bluhm stated he gave homework assignments to the committee asking them to submit goals that they would like included in the Master Plan.

Discussion – Zoning Amendment Accessory Dwelling Units

Technical Issues-9 Minutes

The Board discussed changing the gross square footage from 800 to 900 square footage.

Member Bluhm stated he would do another draft with amendment.

Chairperson Donovan stated the Board will hold a Public Hearing closer to the Town Meeting in the fall.

Discussion – Zoning Amendment Short Term Rentals

Chairperson Donovan stated that it would be a zoning regulation because it is a use.

The Board discussed whether the registrations should be filed with the Select Board or the Town Clerk.

Member Biron requested clarification between zoning regulations and town bylaws.

Member Bluhm stated if it is a zoning bylaw, it comes with an enforcement mechanism. There are statutory penalties in the zoning statute for violation of zoning bylaws. There are enforcement procedures that the Building Commissioner must follow. The Building Commissioner has a choice of options as to whether to initiate enforcement administratively or in district court.

Member Bluhm stated if it is a town bylaw, it becomes a general administrative code provisions of the town and the town can enact ordinances making things, prohibiting things, and imposing penalties.

Technical Issues – 6 Minutes

Chairperson Donovan stated that the Board will eventually have to prepare a registration form. Member Bluhm stated concerns with the significant amount of work to enforce the regulations depending on how the owner treats them.

Building Commissioner Kollmer stated he would need specific things to enforce and have actual language that he can point to when enforcing.

Building Commissioner Kollmer suggested that the Board add a line stating it is only allowed through the registration system, so without a valid registration, it is a zoning violation.

Member Bluhm stated he would prepare an updated draft.

Chairperson Donovan reminded the Board that had recused himself as Chair and was only speaking as a citizen.

The Board discussed the fee of \$100.00 per rental.

Technical Issues – 2 Minutes

Discussion – Zoning Amendment Cannabis

Chairperson Donovan back as Chair.

Chairperson Donovan stated that at the last Select Board meeting the marijuana bylaw was on their agenda. The discussion was regarding the odor coming from the property on Route 102. He stated that there are already provisions for violations against the odor. The Select Board wants to revisit and limit the number of licenses.

The Board discussed the 14 general licenses and 2 retail licenses. There are only 6 permitted. Member Carlino stated that the facility on Route 102 has until the end of June to fix the odor issue.

Member Bluhm would like to see a report from the Finance Department regarding how much revenue the town has received from each facility.

Chairperson Donovan stated that any violation will be corrected within 30 days, if not corrected within the required time, all operations of the ME shall be suspended until violation is corrected.

Other Topics

Technical Issues – 3 Minutes

Chairperson Donovan stated he would be explaining a particular budget item for Berkshire Regional Planning Commission at the upcoming Town Meeting.

The Board discussed how the fee is set each year.

The Board discussed the \$29,000.00 paid to BRPC for the Master Plan.

Member Bluhm stated that there was a complaint to the Select Board by a resident that the BRPC did not allow him to speak at their meeting and the agenda was not specific enough.

Member Carlino moved that the Planning Board support the Finance Committee's recommend amount to be paid for the Town of Lee's portion to the Berkshire Regional Planning Commission; Member Bluhm seconded. Planning Board voted (4-0 with 1 abstain). (Bluhm – aye, Carlino – aye, Forrest – aye, Biron – abstain, Donovan – aye)

Member Bluhm moved to adjourn the meeting; Member Forrest seconded. Planning Board voted (4-0) Chairperson Donovan declared the meeting adjourned at 7:47 pm.