

TOWN OF LEE  
SELECT BOARD MEETING  
Tuesday May 2, 2023 @ 7:00PM  
Town Hall • 38 Main Street • Former Courtroom

Minutes

**Members Present:** Sean Regnier, Bob Jones, Gordon Bailey

**Members Absent:** None.

**Chairman Regnier called the meeting to order at 7:00PM.**

1. Minutes: Open Session Minutes of 04/18/2023

*Mr. Jones made a motion to approve the 04/18/2023 minutes as submitted which Mr. Bailey seconded and was unanimously approved, 3-0.*

2. Public Comment

Kathy Hall, Chair of the Lee Youth Commission, began by thanking the DPW for mowing the lines at the town parks, putting up the toddler basketball hoop at the athletic field, and replacing worn-out parts for the water system. She stated that the Marble Street Field, the 102 Field and the Athletic Field are being used for softball, soccer, and lacrosse. Ms. Hall added that the public can call the DPW at (413) 243-5520 to reserve the pavilion. Ms. Hall shouted out students of the Lee National Honor Society for their community fundraising event at the athletic field on Saturday, April 29<sup>th</sup> for the Lee Food Pantry. She also stated that the Open Space and Recreation Committee (OSRC) met on Tuesday, April 18<sup>th</sup> to establish a plan of action for updating the 2016 document. OSRC meetings will be held on the fourth Tuesdays of every month until September. She stated that all OSRC meetings will be posted and available on Zoom. Finally, Ms. Hall stated that the Lee Historical Collection's exhibit -- "Lee High School Reunions" Classes of '58, '68, '63, '73, and the Class of 1923 -- is on display in the case near the reading room at the Lee Library.

Anne Langlais, 25 Union Street, began by commenting on Article 19 of the Town Warrant which references purchasing the Laurel Lake Dam. Ms. Langlais stated that she knew Capital Outlay approved the purchase by 2/3 vote. She stated that she came in to meet with Admin Brittain yesterday sharing some of the questions and concerns of some people in Town. She stated that she learned that purchasing the dam does not change anything regarding beach access. Ms. Langlais also stated that other questions she received from residents in town were about whether the purchase included the bridge, and she learned that it is all one unit. Ms. Langlais stated that she put in a request, and she knows Admin Brittain put in an official request from the Town, for a private inspection to be done to assure the residents that there are no issues before voting. Ms. Langlais stated that there will be foot access but it will be on the dam itself. Another question Ms. Langlais got was if residents could fish on the dam, and she learned that you can if the residents vote to purchase the dam. Ms. Langlais stated that they missed the opportunity years ago as a Town to have control over the top twelve feet of the water and this purchase would allow the Town to take over the dam and the top feet of the water. She stated that if the dam is purchased by someone else, the Town will have no say in the top twelve feet of the water.

Gail Ceresia, 161 West Park Street, stated that as far as the water level is concerned, she believes it has to go through DEP and the owner cannot raise and lower the water at their will. Admin Brittain confirmed, if the owner does not want the water level to be moved, then it doesn't get moved. But if they are willing to do it, it does still have to go through the Conservation Commission.

Josh Bloom, 204 West Park Street, began by stating after looking over a number of the Town's Board and Committee agendas, he has noticed that not all of them include public comment. As he has been encouraging other government entities to have public comment, he thinks it is important as a Select Board to encourage the Town's Boards and Committees to include a place for public comment.

3. General Business:

a) Marijuana Bylaws

Chairman Regnier began by stating at this moment there eight permits spoken for in the Town (retail, cultivation, and manufacturing) and there are still eight available permits for manufacturing or cultivation.

Mr. Bailey stated that he was the one who brought this topic up. He lives very close to the entity operating on Route 102 and he stated that his wife is a huge gardener and even tonight she had to come in early because the smell was so bad outside. He stated that the Town has spoken with the owner and supposedly there is some re-engineering going on. He stated that they may not have chosen the best and most thorough procedure for cleaning up their discharge air, but something has to happen – it is in the Town's bylaw. Mr. Bailey's concern is that there are a number of other locations who may want to do this kind of thing, but he does not want to inflict the smell they are having to deal with at all hours of the day or night on any other neighborhood. From what he can tell after speaking with the owner, Mr. Bailey said the smell is from the manufacturing part because supposedly the cultivating stays inside and doesn't open up to the air. Mr. Bailey stated that he knows the owner has until the end of June to try and rectify this, or his recommendation would be to hold a public hearing to see whether they have to stop the business.

Buck Donovan, 140 Landers Rd and Chair of the Planning Board, began by stating that they already did cover this in the Zoning Bylaws, Article IV Special Regulations, §199-9.11 Marijuana Establishments, E § (7) Control of Emissions. Mr. Donovan stated that it goes on to say in E § (9) that any violation should be corrected in thirty (30) days or their license shall be suspended. Mr. Bailey stated that they have not issued a violation notice and they were hoping to not have to go there. His intention is not to shut them down, but to clean it up.

Mr. Donovan asked in modifying the number of licenses, does the Select Board think calling out cultivating and manufacturing would be wise at this point. Mr. Bailey stated that his intention was to bring it to everyone's attention in Town and have a town-wide discussion. Mr. Donovan stated that they usually do not write zoning bylaws like that. Mr. Bailey stated that his thought was that the public would see the Planning Board agendas and talk about it at those meetings.

Mr. Donovan stated that the problem here is not the number of licenses, but the smell. Mr. Bailey stated that the entity on Route 102 has not been a bad neighbor and he is not implying that at all, but he has six to eight people that are coming to him asking what the Select Board can do about the smell. Mr. Donovan pointed out that this entity already has their licenses, so limiting the number of licenses will not stop this smell. Mr. Bailey stated that it will make any future applicant have a hard time getting through him on the Select Board until they can fix the smell problem.

Bobby Paley, 170 Stockbridge Road, stated that she is an international investor in this science of cannabis and hemp and all the plants, and she thinks we should think about how to get more scientific investments in the other licenses we have left.

Chairman Regnier stated that he would like to work with Higher Purpose and not have to bring the axe down on them unless that's what it comes down to. He stated that now it seems like limiting the number of permits is not going to stop the issue. Mr. Bailey stated that the conversation started a long time ago, and they're still waiting to see the problem solved. He stated that calls have been made to the owner and not returned. Admin Brittain stated that he did finally get a call back on Monday and there is a plan to put it on the agenda in June to report back to the Board.

*Mr. Bailey made a motion to instruct the Planning Board to review the Cannabis bylaws (Chapter 199-9.11) for an amendment to reduce the total number of allowed non-retail marijuana operations which Chairman Regnier seconded and was approved, 2-0. Mr. Jones abstained from the vote.*

b) Signing of RoR Dispute

Chairman Regnier stated that they are submitting a dispute regarding one of the votes taken at a Rest of River (RoR) meeting.

*Mr. Jones made a motion to have all Board members sign the RoR dispute which Mr. Bailey seconded and was unanimously approved, 3-0.*

Anne Langlais, 25 Union Street, asked if they could give a small explanation to the public so they know what the Board is voting on exactly.

Chairman Regnier stated that it is due to a dispute of a vote taken at a RoR meeting. He stated that as part of the intermunicipal agreement, any of the involved towns can submit disputes.

Mr. Jones stated that they are questioning whether the protocols as stated in the agreement were followed when the vote was taken for \$15,000 in funds for oral arguments in the HRI case against GE and the EPA.

Mr. Bailey stated that it is a public record and people will be able to read it and see exactly what the issue is. He stated that there is nothing being hidden.

c) One Day Entertainment License: Lauren Gilman – 105 East Street

Lauren Gilman was present via Zoom. The one-day entertainment license is for a wedding celebration on June 17, 2023 from 3:00pm to 10:00pm at 105 East Street.

*Mr. Bailey made a motion to approve the One Day Entertainment License for Lauren Gilman which Mr. Jones seconded and was unanimously approved, 3-0.*

d) Appointment: Election Worker – Hava Methe

*Mr. Jones made a motion to appoint Hava Methe as an Election Worker which Mr. Bailey seconded and was unanimously approved, 3-0.*

e) Berkshire Gas Permit – Retire Gas Service: 332 W Park Street

*Mr. Bailey made a motion to approve the Berkshire Gas Permit to retire gas service at 332 W Park Street which Mr. Jones seconded and was unanimously approved, 3-0.*

4. Any topic the Chairman would not reasonably anticipate.

Chairman Regnier stated that he and Mr. Jones met separately with Senator Warren's office. They made her aware of how the intermunicipal agreement came to be in a closed-door session, the juxtaposition of the superfund site not being declared, and the circle of regulations and how that seemed off to our consultation they had done on the agreement. The question was whether or not Senator Warren could push for a review of the permit at this time, given the new administration's change in regulations towards the EPA. They stated they were not able to push for a review of the permit but will help push for remediation technologies in the hopes that we can make some strides in those efforts.

Mr. Jones stated that he thinks Chairman Regnier gave a good overview and he thinks the meeting was productive in the fact that they responded so quickly so they likely did their homework before their meeting. Mr. Jones stated that he likes the questions Senator Warren put forward.

Bobby Paley, 170 Stockbridge Road, stated that Governor Healy has appointed Maria Belen Power who is the undersecretary for environmental justice. Ms. Belen Power is part of Ms. Paley's larger circle and she has a great interest in how we prosecute this opportunity and Ms. Paley believes Ms. Belen Power would be interested in having a conversation with the Select Board.

Chairman Regnier added that the Board has sent the letters to the other four towns involved in the intermunicipal agreement to meet and they have yet to hear back from any of the towns. He did speak with Patrick White who is the Chair of the Stockbridge Select Board and he did show interest in meeting, but that is all he has heard from any of the Boards.

**Mr. Bailey left the meeting at 7:40pm.**

Anne Langlais, 25 Union Street, asked if the Board was going to give each of the towns a 2-4 week timeframe to respond and then shoot the letter out again.

Mr. Jones stated that he also spoke with Patrick White and heard there is interest between the Select Boards and the Town Administrators in how to respond to Lee. He stated that his personal take would be to give the Boards another couple of weeks to respond.

Mr. Jones stated that he also wanted to comment on recent articles in the Berkshire Eagle regarding the process they are going through trying to sort out the dump. He stated that articles in the Berkshire Eagle are less than forthcoming and they question whether opponents to the proposed dump are employing a scorched earth policy which he finds very offensive. He stated that what happened at the Board of Health hearing was not reflected in any way in the pages of the Berkshire Eagle.

5. Town Administrator – Town Meeting/Warrant, Grants, Fire Committee

Admin Brittain stated that the Town Meeting will be held on Thursday May 11<sup>th</sup> at 7pm at the Lee Middle and High School Auditorium. He stated that all of the documents for the meeting can be found on the Town's website and hardcopies of the warrant can be found throughout Town.

Admin Brittain stated that there are several things in process right now that are grant-funded – the Master Plan, the Open Space and Recreation Plan, vulnerability preparedness, and hazard mitigation. He stated that they are now proposing to get grant money to upgrade the downtown streetlights (which are not part of the LED lights on the town warrant) and also bridge work from the state.

Admin Brittain also wanted to report to the Board that Lee and Stockbridge both have their sides of the Fire Safety Committee fully appointed and they're hoping to have a meeting after the town meetings are over.

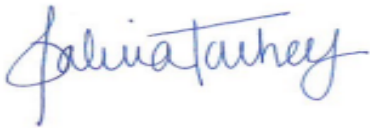
Lastly, Admin Brittain announced that the ceremony for the Appalachian Trail Community designation will be held in the park on June 17<sup>th</sup> at 11am.

Bobby Paley, 170 Stockbridge Road, suggested that the Town of Lee start a newsletter to send out. Chairman Regnier stated that is something they could look into.

**The next regular meeting is scheduled for May 16, 2023.**

**Mr. Jones made a motion to adjourn at 7:47pm which Chairman Regnier seconded and was unanimously approved, 2-0.**

Submitted by:



Sabrina Touhey  
*Admin Asst TA/BOS*

**Approved on: 05/18/2023**