

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – March 5, 2019

Present: Patricia D. Carlino, Chair, David Consolati and Thomas P. Wickham, Board of Selectmen and Christopher Ketchen, Chief Administrative Officer (CAO).

Patty Carlino called the meeting to order at 7:00 PM.

1. **Approval of Minutes:** *Upon a motion duly made and seconded, the Board members voted unanimously to approve the Open Session Minutes of February 5, 2019.*
2. **Public Hearings:** None.
3. **General Business:**
 - a) Southern Berkshire Food Servic, Inc., d/b/a Salmon Run – Application for an alteration of Licensed Premises (Outdoor Seating) -Paul Face – Owner of Salmon Run Fish House came before the Board to present his application for an Amendment – Change or Alteration of Premises for the restaurant. He asking the Board to approve seasonal outside seating. His application is for an area of 150 total square feet with a seating capacity of 16. After a brief discussion with Mr. Face regarding the number of tables, capacity, and the request from the Board that no glass be allowed outside, the Board asked Mr. Face to get in touch with the Building Inspector regarding the allowance of outside seating in the area he designates. Mr. Face agreed to do so. *Upon a motion duly made and seconded the Board members voted unanimously to grant the request upon the Building Inspector's approval (per code) of the outdoor seating.*
 - b) Zipbox, Inc. (Franz Chan) – presentation of application for special permit for cultivation and manufacturing of marijuana – Roger Scheurer, Project Manager for Zipbox, Inc., came before the Board to discuss their pending application for manufacturing and cultivation of marijuana products. Roger introduced Franz Chanz who started the business in California and has experience in the manufacturing and cultivation of marijuana products. The Site Plan has been developed by Hill Engineers. The business has purchased the Greylock Mill at 701 Greylock Street and everything will be stored inside the building. There will be no disturbance outside except for improving the landscaping. Changes will be made to the interior of the building and the site is zoned industrial which makes it an appropriate use of the property. The company will employ approximately 100 people phased in over a 2-3 year period. The Special Permit will be for manufacturing and cultivation to be sold in Massachusetts and elsewhere, but not on the site. Retail could take place elsewhere, there may be recreational marijuana, CBD products i.e. creams, pain management, etc. When

asked by Selectman Consolati if they would sell food products, Roger answered that there would be the potential for food as well. David Consolati then asked Roger what exactly are they looking for? Roger replied their Special Permit will ask for everything from seed to finished product. Roger explained that they will close on the building on March 8th and he will speak to Jeremia about getting the Host Community Agreement for Selectmen approval at our March 19th meeting. He is also working with the Planning Board for their Site Plan Review.

c) Rain City Farming, LLC – presentation of application for special permit for cultivation of marijuana - As no one was available from Rain City Farming, LLC, the Board members agreed to table the discussion until our next meeting.

d) First Congregational Church – request to waive building dept. inspection fee - Garth Story came before the board to request a waiver of the building department inspection fee for the First Congregational Church. *Upon a motion duly made and seconded, the Board members voted unanimously to waive the building department inspection fee for the First Congregational Church.*

c) 2019 Seasonal Population Increase Estimation Form - *Upon a motion duly made and seconded, the Board members voted unanimously to approve the 2019 Seasonal Population Increase Estimation Form which is submitted to the ABCC stating that the seasonal population as of July 10, 2019 will be 5,052.*

d) Report from Mike Sullivan- Animal Control Officer - Animal Control Officer Mike Sullivan and Animal Inspector James Leahey came before the Board to discuss two dog bite/attack situations.

The first situation concerned a dog owned by John Burns of Lee and an attack made on Jennifer Carlino while she was walking her dog on Via Maria. This is the same dog the Board had made strict restrictions on in 2012 after a very serious attack on a smaller dog causing great suffering to the dog. After a lengthy discussion and reviewing their 2012 recommendations and noting that none of them were followed, the Board members initiated new restrictions on Mr. Burns' dog, as follows:

- The dog, when outside of the house for any reason, just be controlled by a double restraint and be muzzled. (Same as prior order)
- A Kennel-run must be placed on the property and whenever the dog is outside, he must be in said kennel-run, until such time as stockade fence (per prior order) is in place on the property.

The conditions are a “Last Chance” for the family to keep the neighbors, their pets and your dog safe and if any of these conditions are not met by January 31, 2019 and kept in place through the life of the dog a “Dangerous Dog Hearing” will be set by the Board and no further contingencies will be offered.

The second situation concerned a dog owned by Steven Bankert of Lee and numerous attacks made on people throughout Berkshire County. One dog bite in particular was made

while the dog was under a “quarantine” order. CAO, Christopher Ketchen stated that he would call Boston and find out the protocol to a “Dangerous Dog Hearing” and what the town’s options are regarding.

e) Misc. License Approvals - *Upon a motion duly made and seconded, the Board members voted unanimously to renew/grant the following licenses: 1) Common Victualer licenses: Subway (Outlets) 2) Taxi License: Abbott’s Limousine & Livery Service, Inc. 3) Class II–Used Car Dealer: Southern States Used Cars, Inc.*

f) One Day Beer & Wine Licenses: *Upon a motion duly made and seconded, the Board members voted unanimously to grant the following One Day Beer & Wine Licenses.*

- *Lee Sportsmen’s Assoc – Sunday, Jan 27, 2019 – 3:00 PM – 10:00 PM – Annual Fundraising Dinner*
- *St. Mary’s School – Fundraiser – 1/19/19 – 5:00 PM – 7:30 PM*
- *St. Mary’s School – Fundraiser – 1/23/19 – 5:00 PM – 10:00 PM*
- *St. Mary’s School – Fundraiser – 1/26/19 – 5:30 PM – 8:30 PM*

4. Pending Business:

- a. Planning Board – Public Hearing – Monday, January 28, 2019 at 6:00 PM – regarding an addition to the Lee Zoning Bylaws Section 10.4, Section 14 Definitions 9.12, amendment to Section 13.3 (d) and 6.1 Solar Photovoltaic Installations Bylaw.
- b. Zoning Board of Appeals – Public Hearing – Wednesday, January 30, 2019 at 7:00 PM., Special Permit for Canna Provisions, Inc., for construction in the Floodplain District

5. Chief Administrative Officer:

The Preliminary Revenue and Expense Reports for the period ended December 31, 2018 are available on the Selectmen’s Table for their review.

6. Public Comments:

Kathy Hall came before the Board to announce that the Lee Youth Commission has Ice Skating at the Athletic Field! Everybody seems very happy and she extended her thanks to all involved in making this happen.

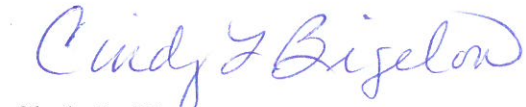
Patty Carlino thanked everyone’s generosity in donating to the Laliberte ToyFund. She stated that they also have a healthy starting balance for next year.

7. **Next Regular Meeting:** Our next regular meeting is scheduled for February 5, 2019 at 7:00 PM.

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8. **Motion to Adjourn:** *By a motion duly made and seconded the Board members voted unanimously to adjourn the meeting at 7:56 PM.*

Respectfully submitted,



Cindy L. Bigelow,
Administrative Assistant

Notice of Website Posting Sent to:

Board of Selectmen
Town Administrator
Town Clerk
Town Collector
Planning Board

Board of Assessors
Board of Health
Conservation Commission
Police Chief
Building Inspector

Dept. of Public Works
Town Treasurer
Town Reps. District Chairmen
Superintendent of Schools
Town Accountant