

APPROVED ON 7/16/19

Board of Selectmen – Minutes of Meeting

BOARD OF SELECTMEN
MINUTES OF MEETING – July 2, 2019

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

Chairman, Thomas Wickham called the meeting to order at 7:00 PM

1. **Approval of Minutes:** *The Board members voted unanimously to approve the Open Session Minutes of June 4, 2019 and June 18, 2019.*
2. **Public Hearings:** Rain City Farming Application of Preston, Maki, President, Co-Founder of Rain City Farming, owner for approval of Special Permit under Section 199-9.11 Marijuana Establishment – Cultivator for the Town of Lee Zoning Bylaws. The proposal is to locate a Marijuana Establishment for the cultivation and manufacturing of cannabis.

The property affected is located at 35 and 45 Limestone Road, (located in the OPLI (Office Park Light Industrial) Zoning District (Assessors' Map 30, Lots 67-F & 67-G)

After discussions with abutters and Mr. Maki and based on recommendations from the Planning Board, the Select Board members rendered their decision with the following provisions:

- a. That a dumpster enclosure be installed per 199 §10.1A(3) and §10.1Bd;
- b. The lighting plan have specifics as to lumens per 199 §12.2B; and
- c. A one (1) year review of the whole plan, if there are any complaints at any time a new review is to be done.

Upon a motion duly made and seconded, the Board members voted unanimously to accept Rain City Farming, LLC's application with the following addendums:

- 1) *A 7-foot-high fence stockade fence that travels southeast to west being no less than 50 feet in length.*
- 2) *Phosphorus discharge not to exceed 10 milliliters per liter.*
- 3) *And at a future date, to address the need for additional trees to be planted.*

The Board voted unanimously to grant the Special Permit upon a motion by the Special Permit Granting Authority after making the following findings that the proposed use:

- a. Is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose; by meeting Town Meeting requirements with no exemptions under the marijuana bylaw.
 - b. Is essential or desirable to the public convenience or welfare at the proposed location; because it is in the OPLI (Office Park Light Industrial) zone district which was set up for this type of business.
 - c. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood; because they have addressed the neighborhood issues with fences and lighting.
 - d. Will not create undue traffic congestion or unduly impair pedestrian safety; because the road was designed for the public, truck traffic and other such purposes.
 - e. 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 we have addressed the phosphorus levels and as long as we keep it under 10 the plant can handle it and it won't affect the public safety.
3. **General Business:**
- a. Berkshire Gas Permit - *Upon a motion duly made and seconded, the Board members voted unanimously to grant a permit to Berkshire Gas for the installation of new gas service at 28 Woodland Road, Lot #4.*
 - b. Waiver of Application for Certification of Inspection Fee - *Upon a motion duly made and seconded the Board members votes unanimously to waive the \$150.00 Certification Fee to St. Mary's Parish.*
 - c. Approve FY 20 Cost of Living Adjustments – *Upon a motion duly made and seconded, the Board members voted unanimously to approve the FY20 Cost of Living Adjustments of a 2% COLA as presented.*
 - d. One Day Beer & Wine License – *Upon a motion duly made and seconded, the Board members voted unanimously to grant a One Day Beer & Wine License to "Team Roosa-Family Fun Day" (at Lee Sportsmen's Club) on August 17th from 3:30 PM – 8:30 PM.*
 - e. Entertainment License – *Upon a motion duly made and seconded the Board members voted unanimously to grant an Entertainment License to "Team Roosa- Family Fun Day (at Lee Sportsmen's Club) on August 17th from 12:30 – Midnight.*
 - f. Marijuana Revenue Discussion - *The Board members discussed various ideas on how and where to use revenue from marijuana sales. The popular item of discussion was*

for bridges and roads. Though they talked of possible designation of funds for educational uses (DARE program), cultural and historical uses were also mentioned. This will be an ongoing discussion as time presents actual funds.

- g. Movies in the Park – The popular and well attended “Movies in the Park” will commence again this summer, with a listing of movies to be presented by Mr. Sorrentino.
- h. Temporary Sign Permit - *Upon a motion duly made and seconded, the Board members voted unanimously to grant a temporary sign permit to the First Congregational Church to promote the “Movies in the Park” for the time period of July 3, 2019 through August 31, 2019.*
- i. Selectmen – Annual Appointments – *Upon a motion duly made and seconded, the Board members voted unanimously to approve the following annual appointments as follows: School Building Commission-Margaret Biron / Lee Greener Gateway Committee – Joan Angelo, Phyllis Hofman, Peter Hofman, Valerie Bluhm / Energy Efficiency Advisory Committee – Thomas Wickham / Board of Assessors – Dayton DeLorme / Board of Registrars- Rita Perry, Mary Tyer Kelly / Bikeway Committee – Sal Angelo, Peter Bluhm / Board of Health – James Leahey*

4. Pending Business:

- a. Zoning Board of Appeals – Public Hearing – Wednesday, July 31, 2019 at 7:00 PM – Application of Carr hardware for a variance from Section 199§7.5(A)(B) and §7.8(D)2 of the Town of Lee Zoning Bylaws – for replacing the existing sign with a smaller sign but one larger than allowed by bylaw regulations
- b. Zoning Board of Appeals – Public Hearing – Wednesday, July 31, 2019 at 7:00 PM – Application of Scott LePrevost for a special permit under section 3.2 (Floodplain) and 13.4 (Special Permits) of the Lee Zoning Bylaws – for an addition to the existing warehouse at 58 Canal Street
- c. The Laurel Lake Preservation Association (LLPA) Annual Meeting-Thurs. July 11, 2019 at 7:00 PM-65 Walker St., Lenox, MA-The Public is Invited. For more information call Roger Scheurer (281-3771) or Ray Grogan (281-4142)

5. Chief Administrative Officer:

- a. The FY 2019 Revenue and Expense Reports for the period ended May 31, 2019 are not available at this time. Our Town Accountant, Lynn Browne stated that if she gave them to us now, the numbers would not be a true accounting as we are still waiting for end of FY19 numbers.

6. Public Comments:

Kathy Hall came before the Board to thank all the volunteers that have helped with the playgrounds, signs, etc. She stated that families are out there all the time using the playgrounds and facilities.

The Chair, Tom Wickham discussed a "letter to the editor" which talked about the Town of Lee using pressure treated lumber to which Tom responded that the process has changed and pressure treated lumber is safe and certified to use in playgrounds.

7. **Next Regular Meeting:** The next regular meeting is scheduled for Tuesday, July 16, 2019 at 7:00 PM.

8. **Motion to Adjourn:** *Upon a motion duly made and seconded, and upon a roll call as follows, the Board members voted unanimously to adjourn to Executive Session to discuss strategy with respect to the following:*

a) *Ongoing litigation concerning the EPA/GE Rest of River mediation;*

b) *Contract Negotiations with the Teamsters Local 404 Union (DPW);*

Because deliberating I open session may have a detrimental effect on the Town's bargaining position and/or litigation strategy. The Board will not return to public session.

AYES

NAYS

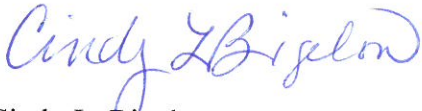
Thomas Wickham

none

Patricia Carlino

David Consolati

Respectfully submitted,



Cindy L. Bigelow,
Secretary to the Board of Selectmen

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