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Lee Planning Board

Addendum to Petition for Modification of Plan Approval

Submitted by:

**Eagle Mill Redevelopment, LLC
West Center Street
Lee, Massachusetts**

I. Original Plan Approval

In late 2018, the Planning Board for the Town of Lee granted Plan Approval to Eagle Mill Redevelopment, LLC, under Section 199-16, the Smart Growth Overlay District ("SGOD") section of the Lee Zoning Bylaws, allowing a Mixed-Use Development at the historic Eagle Mill property in conjunction with surrounding properties in the CBC-Commercial Business Corridor and SGOD-Smart Growth Overlay zoning district. (See Planning Board Plan Approval Decision attached as Exhibit A, filed with the Lee Town Clerk on December 3, 2018 and recorded with the Berkshire Middle District Registry of Deeds on January 9, 2019 at Book 6341, Page 280.)

II. Proposed Modifications: Overall Project Impacts

The world has changed since Plan Approval was granted for the Eagle Mill redevelopment project, and the needs of the Town of Lee reflect these changes. In the wake of the pandemic, the retail/restaurant environment has become less favorable, hotel demand has collapsed, commercial office space sits vacant, and the need for affordable housing has increased. For these reasons, Petitioner requests modification of the previously approved site plan. Such modification would greatly reduce site impacts and reallocate uses within the project. The changes proposed are reflected in the site plans, architectural drawings, and traffic impact assessment submitted with the Petition, and are summarized in the attached Summary of Project Size and Impacts (Exhibit B) as follows:

- The acreage of the Eagle Mill site will be reduced by 24%, from 11.2 acres to 8.5 acres (including 2.4 acres of recreation & conservation area on the north shore of the Housatonic River), by eliminating all parking on the south side of West Center Street;

- Over 80% of the retail, restaurant, and office space will be eliminated, with commercial square footage significantly reduced;
- 48 new residential housing units will be added to the development, including approximately 30 new affordable rental units, approximately 12 market-rate workforce rental units, and 6 residential condominiums, resulting in an updated total of 128 housing units;
- A hotel under consideration on the south side of West Center Street will be eliminated;
- The project's mixed-use building will be relocated to its previously approved site on West Center Street;
- Parking spaces will be reduced from 322 to 174 due to changes in use (see outline of applicable parking requirements, attached as Exhibit C), and all parking will be relocated to the north side of West Center Street;
- Expected traffic will be reduced by more than 50%, from 4,595 to 2,210 vehicle trips per day; and
- Water use and wastewater generation are each to be reduced by more than half, from 24,181 GPD to 11,530 GPD.

III. Proposed Modifications: Specific Changes to Site Plan

Attached as Exhibit D are the revised site plan as well as architectural drawings reflecting preliminary exterior building designs to be finalized in consultation with historic preservation agencies. Eagle Mill Redevelopment's current site plan includes the following approved structures, the proposed modifications to each of which are shown below in bold:

1. **Historic Eagle Mill (Phase 1)**– Currently approved for adaptive reuse, including a 60,300* square foot, first floor multi-tenant indoor “public market,” featuring multiple restaurants, a microbrewery, coffee shop, and other vendors, plus 7,000 square feet of office space on second floor. **Proposed modification is to replace these commercial uses with 23 residential rental units on the first and second floors. The new residential use will consist of approximately 70% affordable and 30% market-rate workforce apartments, to be developed and operated together with the connected Union Mill building.**

*All references to square footage are rounded approximations.

2. **Historic Union Mill (Phase 1)**– Currently approved for adaptive reuse with 33 residential rental units. **Proposed use will not change, and, as before, this residential use will consist of approximately 70% affordable and 30% market-rate workforce units, to be developed and operated together with the connected Eagle Mill building.**
3. **Historic Machine Shop (Phase 1)** – Currently approved as a 9,900 square foot building to be developed for general commercial uses. **Proposed uses of this building are unchanged but now specified in detail, with marketplace food retail use and storage to be located on the lower level, marketplace food retail on the first floor, and office space on the second floor.**
4. **Center Street Mixed-Use Building (Phase 2)** – Currently approved as a new, 4-story residential/commercial building fronting on West Center Street and referred to as the “Micro Building” for the small size of the residential units to be constructed. The Planning Board informally approved relocation of this building to farther east on the site. **Proposed modification includes: the building’s return to its previously approved location for historic preservation reasons, so the structure won’t block the street view of the historic Union Mill and Eagle Mill buildings; a change of use from 24 micro-size to 23 traditional-size 1-3 bedroom units, still at an affordability ratio of approximately 70% affordable and 30% market-rate workforce units; and 4,000 square feet of street-level retail space as previously approved by the Planning Board.**
5. **Riverfront Building (Phase 2)** – Currently approved as an 8,000 square foot commercial office building. **Proposed modification is to replace this commercial space with 6 market-rate residential condominiums, thereby raising the total number of housing units in the Eagle Mill redevelopment project from 122 to 128.**
6. **Eagle Mill Apartments (Phase 2)**—Currently approved as a 43-unit, new construction apartment building at the east end of the site. **Proposed use will not change, and, as before, will consist of approximately 70% affordable and 30% market-rate workforce units. A recreational “tot lot” to be added next to this building, enhancing and increasing the project’s open space.**
7. **Hotel** – A hotel was once under consideration for the south side of West Center Street. **This hotel was never formally approved by the Planning Board, and has been eliminated from future plans.**

IV. Compliance of Proposed Plan Modifications With Lee Zoning Bylaw **Section 16—Smart Growth Overlay District**

Section 16.12 of the Lee Zoning Bylaw explicitly allows for SGOD plan changes after the Planning Board has granted an approval. Section 16.12.A. permits a Petitioner “to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall build-out or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features.” Such minor changes may be authorized by the Planning Board at any at any regularly scheduled meeting, without public notice or abutter notification.

Section 16.12.B. of the Zoning Bylaw addresses major changes to an approved site plan, defined as those which, “because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval.” The acceptability of such minor and major proposed changes is determined under Section 16.11.A., which requires that plan approvals and modifications be supported by findings that:

1. The Applicant has submitted the required fees and information;
2. The Project as described meets all the requirements and standards, including affordability requirements and design standards, and the PAA regulations or a waiver has been granted therefrom; and
3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

Of the changes proposed here, all but one are minor. These minor changes satisfy all SGOD Bylaw requirements and standards, have no adverse impact on nearby properties, and serve positively to ameliorate impacts on the site. Relocation of the mixed-use building to its previously approved location, prompted by historic preservation principles and a desire not to obscure historic buildings, is a simple change in building orientation, enhancing the design of the project and pedestrian areas within it. The reduction of commercial space and concomitant addition of housing units constitutes a major change because the number of housing units is altered (see below), but such reallocation benefits the project and community by adding approximately 30 new affordable housing units to the development while preserving the affordability ratio of approximately 70% affordable / 30% market-rate workforce housing—a ratio exceeding SGOD Bylaw Section 16.6.A’s minimum of 25% affordable units in a project like this. Open space will not be affected by the changes proposed, except through the beneficial addition of a “tot lot” playground for children, which expands and enhances the recreational space at the site. Relocation of parking from the south to the north side of West Center Street, and reductions in parking spaces driven by changes in use, are both minor adjustments which diminish negative impacts and improve safety at the site. The reduction in daily vehicle trips is a consequence of use reallocation, and also represents a significant lessening of site impacts plus public safety improvements.

The proposed addition of 42 rental apartments (including approximately 30 affordable units) and 6 residential condominiums constitutes a major change “to the number of housing units” under Bylaw Section 16.12.B.. Like the minor changes described above, the increase in housing units from 80 to 128 is acceptable under Section 16.11.A., because it will create no extraordinary adverse potential impacts on the neighborhood, and because it satisfies all SGOD requirements but one.

The single SGOD requirement that the addition of 48 new housing units fails to satisfy is the 122-unit maximum imposed by Section 16.17.A.1.. Therefore, this major change is allowed only by waiver authorized under Section 16.11.C.. Such a waiver may be granted by the Planning Board “in the interests of design flexibility and overall Project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses, and/or physical character allowed under this subchapter.”

The standards for granting a waiver to allow 128 housing units in the Eagle Mill Development are met by the circumstances here. As described above, the substitution of standard-size housing units for commercial space and smaller units was occasioned by the unexpected advent of the pandemic. Previously approved indoor retail and restaurant uses are now unrealistic and difficult to develop, while there is an increasing need for affordable residential space. In the interests of design flexibility and overall project quality, a waiver of the SGOD’s 122-unit housing limit will also allow for a residential development of the size and scope desirable for securing financing from the Massachusetts Department of Housing and Community Development, and the timing of this Petition intentionally predates DHCD’s upcoming financing application deadline. Finally, the purposes and objectives of the SGOD support the grant of a waiver, since the project will revitalize historic structures while potentially enabling the Town of Lee to receive state payments arising from the development of housing in the SGOD district. The Planning Board’s original Plan Approval for the Eagle Mill site was granted with a waiver reducing the required 7 loading spaces to 4, and I submit that the allowance of 6 additional housing units is equally justified and should be granted a waiver under Bylaw Section 16.11.C..

For all the reasons set forth above, I respectfully request, on behalf of Eagle Mill Redevelopment, LLC, that the Planning Board approve the revised site plan as proposed; grant the requested waiver from the SGOD’s 122-unit housing maximum for an additional 6 housing units; and reconfirm its earlier Plan Approval Decision in all other respects.

Respectfully submitted,



Shawn P. Leary
Attorney for Petitioner



Town of Lee

Town Clerk

Memorial Hall - 32 Main Street
Lee, Massachusetts 01238



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Dec 24, 2018

Twenty (20) days have elapsed since the filing of Special Permit Decision and no appeal was filed.

West Center Street, Lee, MA

Case # 21-45

Applicant: Eagle Mill Redevelopment

Address: West Center St.

(Map 12 A, Parcels 63,64,65,66,67,68,69,70,71,72,94,95,96,103)

Board: Planning

Brandi J. Page

Brandi J. Page

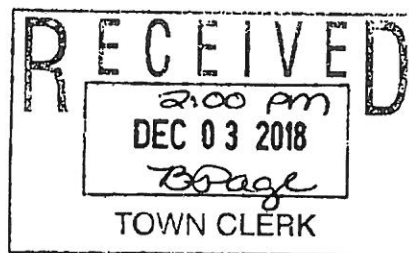
Town of Lee, Town Clerk



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TOWN OF LEE

NOTICE OF A DECISION ON PLAN APPROVAL

(To be mailed forthwith to the petitioner, and to persons present at the Hearing who requested that notice be sent to them and stated the address to which such notice should be sent, as provided in Section 15, Chapter 40A as amended.) Copy will be given to the Lee Board of Selectmen, Lee Building Inspector and Planning Boards of abutting municipalities.

Applicant(s): Eagle Mill Redevelopment
West Center Street
Lee, Mass 01238

December 3, 2018
Case No #21-45

Premises affected: West Center Street
Lee, Mass 01238
63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 94, 95, 96, 103

Assessors' Map 12A
Parcels

Plan Approval Petition

Referring to the above petition so as to **GRANT Eagle Mill Redevelopment, LLC a Plan Approval** under Section 199-16.10 Smart Growth Overlay District of the Town of Lee Zoning By-Laws. The proposed project includes the redevelopment of the Eagle Mill property in conjunction with surrounding properties in a Mixed Use Development of approximately 11.25 acres. The property affected is located on West Center Street (Map 12A, Lots 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 94, 95, 96, 103) in the CBC (Commercial Business Corridor) with the SGOD (Smart Growth Overlay) Zoning District.

After a Public Hearing on: November 19, 2018, the Planning Board **VOTED 5 - 0 TO GRANT** the Plan Approval as requested in the application with the following conditions:

1. The project meets all the requirements of Section 16.6 Housing and Housing Affordability that to the extent its



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A TRUE COPY ATTEST
TOWN CLERK
BRANDI J. PAGE

Brandi J. Page
Dec 24, 2018

- necessary, a waiver of the disbursement be granted by the Board.
2. Grant a waiver of the required 7 loading spaces to 4 spaces.
 3. That the project receives approval from National Heritage.
 4. Flashing yellow light be installed at the crossing
 5. Letters from other boards that they have no objection to the project.

The decision of the Board shall be filed within 14 days of the Hearing in the office of the Lee Town Clerk.

IMPORTANT: Any appeal from the decision of the Planning Board must be made pursuant to Section 17, Chapter 40A (MGL) and must be filed within twenty (20) days after the date of filing the decision with the Town Clerk.

Filed this 3rd day of December 2018, with the Lee Town Clerk and with the Planning Board.

Margaret M. Poy Biron
Peg Biron
Chairman

ATTEST
TOWN CLERK
LEE TOWN

Eagle Mill

September 21, 2020

Summary of Project Size & Impacts	Previously approved	Net Change	Currently Proposed
LAND			
Total site acreage	11.2	-2.7	8.5 ¹
STRUCTURES			
Gross square footage	223,206	-28,156	195,050
Number of housing units	80	+48	128
Square footage retail/ commercial	80,175±	-67,275	12,900±
Number of hotel units	74	-74	0
Max. building height (ft.)	50	0	50
TRANSPORTATION			
Vehicle trips per day	4,595*	-2,385	2,210*
Parking spaces	322	-148	174
WATER/WASTEWATER			
GPD wastewater generation	24,181	-12,651	11,530±
GPD of water use	24,181	-12,651	11,530±

*Raw Institute of Transportation Engineers (ITE) Trip Generation Data, unadjusted for internal capture, pass-by trips, and existing uses.

¹ Includes 2.4 ac. on north side of Housatonic River

16.8 PARKING REQUIREMENTS

Parking for the proposed project is outlined as follows:

Residential: 1 space per unit

Eagle Mill Apartments = 43 Units

Union Mill Apartments = 55 Units

Center St. apartments = 24 units

Condominiums = 6

128 proposed units x 1 space per unit

= 128 parking spaces required

Office, retail: 1 space per 300 s.f. of net usable floor area

Machine shop retail 5,800 s.f.

Machine shop office 3,000 s.f.

Center St. retail 4,100 s.f.

Total= 12,900 s.f.

12,900 s.f. ÷ 300 s.f. = 43 parking spaces required

Total parking required (128 + 43 = 171) parking spaces

Total parking provided: 174 parking spaces





