

Minutes  
Lee Planning Board  
Town Hall 32 Main Street Land Use Office  
Monday April 22, 2019

Board Members Present: Peg Biron, Chair; Peter Bluhm; Matt Carlino; Buck Donovan; Thomas Wickham

Members of the Public Present: Hannah Shirley, Berkshire Record; Jeffrey Cohen, Eagle Mill; Michael Charles, Brian Cohan, Benchmark Development; Matthew Puntin, SK Design Group, Inc.; Roger Scheurer, Zipbox; JoAnn and Bruce Zarnoch; Kathy Hall; Gail Ceresia; Pat Carlino; Alexandra Hedding; Martha Gottron; John Felton; John LePrevost; Michele Clur; William Mathews; Doug Barnasco; Reinout VanWagtendonk; Joseph Caropreso; Janet Warner; Patricia and Timothy Martin; Iris Bass; John Davidson; Susan Stone; Anthony Caropreso; Peter Scolforo; Alan Wilcox; Lynn Bertille; Mark McCormick Goodhart; Karen Andrews

Meeting opened at 6:00 PM by Ms. Biron.

**Oak N' Spruce (Orange Lake Resorts) Site Plan Review** Mr. Puntin reviewed the plans as presented by Ms. Kapinski of SK Design at the April 3, 2019 meeting; these had added conditions of plantings required by the Conservation Commission. *Motion* by Mr. Carlino with a second by Mr. Wickham to waive the strict site plan requirements and approve the presented plan. Unanimous approval

**Greylock Mill Site Plan Review** Mr. Scheurer presented responses to the questions that were submitted by the Board at the last meeting. These are on file in the Planning Board office. The applicant also showed a picture of the existing sign. The panel will be removed and a new one put in that is 35% of the cost of the existing sign. The Board requested that a sign application be done; the building inspector will review this. The plan is to maintain the waste disposal indoors. Any cardboard, plastic and other such recyclable material will be recycled in accordance with regulations in 310 CMR. The capture of the smell is within the cubicles with the carbon filters, all within the building itself. No fewer than two Marijuana Establishment Agents must witness and document how the marijuana waste is disposed of or otherwise handled. A landscaping plan, a lighting plan depicting the foot candle levels of area lighting and a document with the waste disposal methods were submitted. *Motion* by Mr. Bluhm with a second by Mr. Carlino to advise the Selectboard of a recommendation of a special permit by the Planning Board is given with the understanding that the information about the lighting, landscaping and waste disposal presented at this meeting on April 22, 2019 is a consideration of said motion. Unanimous approval

Reminder that a site visit will be done at 4:30 PM on May 6, 2019 at the Eversource project on Water Street. May 13, 2019 the Eversource project will be on the agenda.

The peer review of the Revere Solar project was received from Hill Engineering and is on file. Conservation Commission requires two Notice of Intents, one WPA and one SMA.

Reminder of the Mini Town Meeting tomorrow night, April 23, 2019.

No committee reports.

Minutes will be voted on at the next meeting.

Meeting moved to the courtroom on floor one. 6:50 PM the meeting commenced again.

**Public Hearing under MGL Chapter 40A Section 5 regarding an amendment to allow, by special permit, additional uses and less restrictive dimensional, density and parking requirements in the DCBC zone**

*Motion* made by Mr. Donovan with a second by Mr. Carlino to open the public hearing at 6:50 PM. Unanimous decision. Conflict of interest: Ms. Biron—lives in the district-- no conflict; Mr. Donovan—no conflict; Mr. Bluhm—

no conflict; Mr. Carlino—no conflict; Mr. Wickham--his mother lives across the street from the district—no conflict. Jeremia Pollard introduced. No correspondence from other boards or other correspondence known.

Benchmark Developers Brian Cohan and Michael Charles. The DCBC rules noted -- there is a 35 ft. height limit and 2 ½ stories allowed by the current bylaws. There is also a limit to the number of units. The DCBC bylaws on page 3 of the Lee bylaws was reviewed by Ms. Biron. Mr. Bluhm passed out a sheet titled "Lee Current Zoning Limits in DCBC and SGOD" which showed the differences of the two districts. In 1976 the downtown Historical Commission had many of the buildings put on the Historical Register and that did affect the current bylaw. The developers are interested in redevelopment of the Price Chopper site as a mixed use site with two buildings; under the current bylaws this cannot be done. They are requesting that the Planning Board create a change so that a special permit can be applied for. Section zoning has already been done in other places and they want it to be done for this site.

Ms. Biron: Asked if they did condos in Great Barrington; the answer was that they did but these in Lee would be 1-2 bedrooms market rate, the rent being between \$1400 – \$2000 monthly. Asked if they want requirements like the Smart Growth Overlay Development district for Eagle Mill to apply for their development; they do. They looked at this zone and recognized that almost all in the SGOD would work great for their projects. She pointed out that the area of the Eagle Mill was abandoned; this area isn't. Parking and dimensional requirements are a concern.

Mr. Donovan: This project is about the zoning, not about any particular project. The project did bring to light some concerns on the downtown zoning. It is logical to bring the zoning into this project criteria. There is a need for zoning flexibility in the downtown area. The Planning Board could oppose any special permit.

Mr. Bluhm: Supporting the proposal set before the town tonight. Referring to the handout with the zoning differences, he noted that some are very different. The current zoning system promotes single family houses and semi discourages multi family structures in the downtown area; is this a good policy? Realizes the importance of historic buildings but doesn't see how this opposes the project presented. Questions whether the Planning Board is the correct board to make the decision on special permits for the multi-family permits as the Selectboard notably has been asked to do these.

Mr. Wickham: The height limit can be 45' and still have a building with 4 floors. The building presented for this property is too big, too high and this is a major issue for him. He would like clarity on what parts of the bylaw would be taken out and what is to be left in it—specifics, not just a citation of the number of the particular bylaw sections. The real estate in the area being considered is very desirable and there could be a lot of different proposals whereas the Eagle Mill area is a very difficult area to develop.

Mr. Carlino: Zoning is the issue tonight; not the exact plans presented. It is good business for the town to expand the bylaws. The Berkshire Regional Planning Commission's new chairperson has stated that there are grants coming up that might help with guidance. Light industrial will not be allowed in this district. Options needed to be expanded to attract developers. He has no problem with height as just a consideration; once a plan is presented the Board can make a decision. The bylaw amendment would be good for the town.

There was a discussion about whether light industry is allowed in the DCBC and whether it would be in the new amended bylaw.

Atty. Pollard: When the Planning Board denies a special permit without a reason given it is virtually unassailable. A local board cannot be told that they have to allow a special permit.

Ms. Carlino: Cited the bylaw stating that light industrial is not allowed in DCBC. Mr. Bluhm added that parking requirements depend on the use of the property. The consensus of the Board is that light industry is not wanted in the DCBC.

Ms. McClury: Owner of Finders Keepers on Main Street. The main issues are parking and traffic congestion. This area being considered is not the same type of area as the Eagle Mill area.

Ms. Andrews: The traffic is difficult; there is a gridlock at times. Changing the bylaw to allow more apartments will only cause it to be worse.

Ms. Bass: The town needs the basics such as another supermarket and basic housing.

Mr. Cohan: The developers are going to look at property for a market. Small markets are not just for second home owners. Good downtown development will bring more people downtown to support restaurants, shops etc. The effort now is to just get a chance to file for a special permit.

Ms. Hedding: How much of the rezoning and overlay is in the downtown district? There cannot be spot zoning. Is there any provision for affordable housing?

Mr. Cohan: They no grant money or other such options don't want it included as necessary in this zoning change. There was clarification P. 112 for SGOD section 16.5.

Mr. Wickham wanted to see the exact wording of what is being taken out of the present bylaw. If affordable housing is taken out, then one would apply to other sections of the bylaws to this issue.

Ms. Consolati: Passed out a flyer. Concluded that there is not a whole lot in the plan that works for downtown. People want an affordable supermarket in area. There is no reason to change the bylaw in anyway and she called on board to not let that happen. A major investigative committee should be formed to work on a plan for downtown.

Peter Solforo: Opposed to a change of the zoning.

Mr. Carlino: If a developer comes in and presents a project in the downtown area, the Board can deny it if it doesn't agree with it. Mr. Bluhm is opposed to leaving the decision to the Board.

Mr. Wilcox: Owns several properties in the downtown area. There is a need to be cautious; the main issue is parking.

Gail: Concerned with traffic congestion, parking and the environment. Opposed to the zoning change.

Mr. Cohen: (Developer of the Eagle Mill) Mr. Charles and Mr. Cohan are competitors of his, but they all are developers. All that would be done by passing this change to the bylaws is enabling the town to have some leverage to give the town potential to attract developers in the future. He is the developer of the Eagle Mill project. The height of 45' as proposed by Mr. Wickham is not enough. Market rate for rent is what you can get; affordable rate is by stature. He states there should have a requirement that developers must have some affordable housing in any zoning change. There is a need for enough parking no matter what the projects are. Supports the idea of the town having a choice.

Mr. LePrevost: Town needs to think about what has happened in the last 30 years and this project would enhance the area and bring more people in and keep more people in the town.

Mr. Clark: Understands the concerns of people living in the impacted area. Looks at the change as a positive development for the town helping to revitalizing the area of Lee.

Ms. Warner: Believes the changes would be good.

Mr. Davidson: Board needs to look at the present and to make appropriate decisions for both the present and the future.

Mr. Martin: Believes this is a positive opportunity for regenerating the town.

Ms. Hall: Some concern about the density of the apartments and the rental fees. How will families be attracted to these? Mr. Cohan cited diversity of housing.

The question was raised about the changes being clearly written out.

Atty. Pollard: A public hearing must occur for a zoning amendment. This is a draft which goes before town meeting to be voted on by the town representatives. This must vote to recommend or not recommend it.

Motion by Mr. Carlino with a second by Mr. Wickham to close the public hearing. Unanimous approval.

There were questions about the paperwork of the amendment. Mr. Wickham was concerned about the paperwork going before the Attorney General if the specific wording of the changes are not made; as it is now the sections of the bylaws are given. Atty. Pollard states that the just including the notation of the bylaws sections being amended/changed is acceptable.

*Motion* by Mr. Donovan with a second by Mr. Carlino to approve a recommendation of the new Supplemental District Regulations 10.4 Redevelopment Projects Within the DCBC zone as written.

Ms. Biron, Mr. Donovan, Mr. Carlino, Mr. Bluhm vote "yes"; Mr. Wickham votes "no". Motion approve

Discussion as to those who will present the recommendation at the Town Meeting. Mr. Bluhm will prepare the paperwork.

Documents: Oak N' Spruce Site Plan; Greylock Mill Site Plan with attachments; Amendments to Lee Zoning Bylaw Regarding DCBC; Lee Current Zoning Limits in DCBC and SGOD; Sign permits—Premium Outlets and Main Street; Minutes of 4/08/2019

Meeting adjourned at 9:30 PM.