**Minutes of the Town of Lee Planning Board**

**January 22nd, 2024**

**6:00 pm Lee Town Hall Courtroom**

**Present**: Buck Donovan (Chairperson), Peg Biron, Peter Bluhm, David Forrest, Conrad Decker, Daniel Blaisdell (alternate).

Select Board Member Gordon Bailey, Building Commissioner Matt Kollmer, Resident Kathy Hall, Matt Puntin (SK Designs), Resident Bill Burnell, Carlin Campbell (Greylock), Crispin Conklin (Greylock), Jason Straley (Greylock), Jodi Rathbun-Briggs (Greylock) were also present.

**Call to Order**: Meeting was called to order, and a quorum was declared at 6:00pm on January 22nd, 2024, by Chairperson Buck Donovan.

**Public Comment:** Resident Hall announced that the ice-skating rink is open. However, there are portions of the liner that has holes in them, and advised people to follow the safety measures put in place (cones and caution tape) to avoid creating more damage to the liner. It should be completely fixed by next week, as the ice will have frozen again and DPW patched the holes.

**Minutes:** P. Bluhm suggested edits to clarify what he said, primarily in the zoning enforcement section, regarding the term ‘excessive’ vs ‘long and lengthy’, and P. Bluhm recognized that the building department works for other towns as well. P. Bluhm made a motion to accept the minutes with amendments. D. Forrest seconded. P. Biron abstained due to absence. Motion passed (5-0).

**Master Plan Update:** P. Bluhm gave an update regarding recent activities with the Master Plan Committee. There was a meeting with three different subjects and action items, two were completed (transportation and economy), but the Open Space and Recreation Plan was tabled, as Kathy Hall wanted to have further consideration with her advisory committees, the OSRP committee and the Lee Youth Commission. The OSRP committee recently had a meeting to verify what they suggest to go before the Master Plan Committee. The next meeting will review those suggestions, as well as discussing the text of the background information about the town, the committee, open space, etc. There will eventually be a public hearing to gather input, and by April the completed Master Plan should be able to go before the Planning Board.

**CPA Update:** P. Biron gave an update regarding the CPA committee. She announced that this week the committee, and community, unfortunately lost a member, David Stone. He was an advocate for the committee, and will be missed. Another meeting will occur on March 20th. Construct will be discussed.

**Special Permit Hearing – 35 Limestone Road, continued:** Matt Puntin (SK Designs) was present via Zoom to present the proposed changes.

B. Donovan asked about the finalization of the landscaping plans regarding the south end of the property for screening purposes. M. Puntin was not entirely sure, as Bill Burnell, the owner of the property, had specific ideas. However, B. Burnell was not present at this time during the meeting. M. Puntin submitted several new plans which highlighted additions, as asked for at the last meeting.

M. Puntin reviewed his cover letter from previous concerns. The signage for the property will be similar to the signage at B. Burnell’s other property, and will follow all signage bylaws.

Building elevations were added to the plans. There are different types of buildings, including simple storage units, a warehouse and an office building. The plans for office building was updated to show the building being two stories tall.

There is a lighting plan with specifications attached to the application. There are also details of the individual fixtures. Henry’s Electric helped, along with a lighting design company, and M. Puntin overlaid it with the requirements.

Trees were specified on the western edge of the property. On the western and southern end, coniferous trees will be planted. Specific species are to be determined.

B. Donovan asked about the specific wall packs with the lighting. He was concerned about the choice, as it may be bright. He asked if there are locations for light packs on the southern end of the buildings. M. Puntin responded that B. Burnell should be arriving at the meeting to show a larger lighting plan, and should be able to answer more specifics.

B. Donovan announced that P. Biron will recuse herself for voting on this continuation of the special permit hearing, as she was absent for the last meeting when this topic was originally discussed. D. Blaisdell, the alternate, will step in as a voting member.

D. Blaisdell asked questions regarding the hours of operation, and if they foresaw larger corporations, such as Amazon or UPS, using the facility during off hours. M. Puntin responded that the facility can be accessed 24/7 with a gate code, however the office location is a typical “9-5” operation, and they do not foresee large corporations using it. He also does not imagine traffic to be loud or busy.

C. Decker asked if they had gone through the Conservation Commission yet. M. Puntin responded that they did not have a quorum during their last scheduled meeting, so they cancelled. They are on the docket for the next meeting. C. Decker said that everything else looked to be answered.

P. Bluhm asked several questions regarding lighting, and side shields on the posts. M. Puntin responded that the design was forwarded to him from Henry’s electric. Specifications were from them. He did not have a chance to review the plans with anyone prior to giving them to the board. He said that he must have misspoken. P. Bluhm asked about the possibility of motion activation. M. Puntin responded that he was unsure as B. Burnell was not on the call or in the meeting yet.

B. Donovan asked if the wrecker business that B. Burnell also owns was coming to this location. M. Puntin responded that he did not believe so.

B. Donovan said that revisiting in one year seems like a good plan for the future, to inspect landscaping and lighting.

B. Donovan opened the floor to public comment. Selectboard Member (SBM) Gordon Bailey spoke. He encouraged the board to get more in-depth landscaping plans on the south side. Perhaps a staggered planting plan to assist in screening light to the neighbors. He also mentioned that, yes, the lumens seem to be low according to the presented plan, however the bulbs need to be shielded. No one lives on the west side of the property, but SBM Bailey lives on the south side. He urges the board to ensure more detail regarding the plans for the south side of the property. The potential of larger businesses using the storage facility is worrisome. Currently, there is no commercial traffic at night. A condition banning commercial business between 10pm and 6am could help. He also urged the board to ensure that no wrecked or junked cars be on the site.

C. Decker asked for clarification regarding species of the trees with the landscaping plan. M. Puntin confirmed that there would not be pines, but more than likely a spruce or hemlock variety. He also said that they could provide a landscaping plan.

B. Donovan said that the board should wait for B. Burnell to arrive before continuing debate or voting on the motion.

B. Burnell arrived at 6:47pm. He apologized for being late, and brought a larger lighting plan.

B. Donovan asked about tree depictions on the southern end of the property. B. Burnell responded that he wanted cover. There will be removal of scrub and the planting of privacy trees and hedges, like evergreens.

B. Donovan asked about lighting wall packs. B, Burnell mentioned that they wanted down casting lights. B. Donovan questioned 3 on the south side. B. Burnell stated that these wall packs shine down, not out. B. Donovan asked about the possibility of motion activated lights. B. Burnell said that they were looking into that. Near the neighbors, perhaps. They are concerned regarding safety, so they will need light.

D. Forrest asked if large corporations, such as Amazon, would use this facility. B. Burnell responded no. At most, in the larger building, people could store boats, RVs, or cars. B. Donovan asked for clarification if there would be overflow for the impound lot. B. Burnell responded no.

P. Bluhm made a motion that the site plan, dated October 26th, 2023, revised dating January 12th, 2024, presented on January 22nd, 2024, prepared by SK Designs for B-Safe Storage, be deemed sufficient for filing and approved. D. Forrest seconded. Motion passed unanimously (5-0).

P. Bluhm moved that the use and proposed structure are in compliance for the board, subject to any conditions that the board may impose. D. Forrest seconded. The motion passed unanimously (5-0).

P. Bluhm moved that the board find that the structure and use is essential and desirable to the public convenience or welfare at the proposed location, and has a demonstrated need for use. D. Forrest seconded. Motion passed unanimously (5-0).

P. Bluhm moved that the board find that the structures and uses will not be detrimental and will be compatible with the neighborhood. Motion passed unanimously (5-0).

P. Bluhm moved that the board finds that this proposal will not cause traffic impairment or pedestrian safety concerns. D. Forrest seconded. Motion passed unanimously (5-0).

P. Bluhm moved that the board finds that the structure and use will not overload any public water, drainage or sewer system, and that all or any other municipal facility with the extent that the proposed use or any existing immediate area will be duly subjected to hazardous effects, public health safety or general welfare. D. Forrest seconded. Motion passed unanimously (5-0).

P. Bluhm moved that the special permit be granted with the following conditions: There will be staggered trees on the southern end of the property, and with plans to be submitted. There will be no commercial pick up/delivery vehicles between 10pm and 6am. There will be no derelict vehicles on the site. Downcast lighting will be on the south end of the buildings. This will pass all Conservation Commission requirements. There will be a planting review within one year. D. Forrest seconded. Motion passed unanimously (5-0).

**Minor Site Plan Review – Greylock Federal Credit Union:** B. Donovan prefaced, saying that the board had noticed that there were changes with the property that deviated from the original site plan. Carlin Campbell, Crispin Conklin, Jason Straley, and Jodi Rathbun-Briggs were present to represent Greylock.

C. Conklin presented the changes, and briefly discussed some history regarding the improvements. They applied for the building permit in 2023, have a certification of occupancy (CO), and met onsite with the building commissioner, Matt Kollmer. The concrete berm was discussed. There was an error on submitting the plans for the concrete berm, as the wrong plans were entered into the online permitting website. However, the intention was always to remove the concrete berm. No notices were ever received.

C. Campbell added that the concrete curb was in very rough shape, and they were concerned with the traffic flows.

B. Donovan mentioned that he likes the property without the berm better.

P. Bluhm asked for clarification of the plans. C. Campbell explained that the berm has been removed to the utility pole. It is gone 2-3 feet from the bollard.

C. Conklin agreed with the board that there needs to be better plans to reflect the current situation of the property. They will resubmit plans to Brooke Healy (Land Use Assistant).

C. Decker discussed the history of the property, prefacing that he has history with the area as he used to own property nearby in the plaza.

C. Conklin explained why they believe that the berm should have been removed. They believe that it is safer. The parking area has been properly marked delineating difference from the parking lot for the tavern next door (51 Park) – there is clear signage which states “Greylock Federal Credit Union Customers Only”. The exit of the angle was more perpendicular, but the location where it popped customers out was worse. There were many hazards that were removed so visibility was restored. The exit, being pushed back (due to the exit being wider), should allow for more visibility and safety. They are trying to improve safety – this was not a careless error; they want it to be known that there are not cutting corners.

C. Decker asked about having an egress further back on the property. C. Conklin responded that they can look into that, however there are a number of conditions that would be needed to rectify. Also, there is restricted egress, and they may not have the ability to do so. C. Decker responded that they have the right, as he had the right. C. Conklin responded that that is not the case.

P. Biron mentioned how she lives directly across the street, and often walks to the plaza. She is concerned about pedestrian traffic. She said that the curb allowed for an increase of pedestrian safety. C. Conklin responded that the berm was never intended to be a sidewalk. There is no clear lines of pedestrian travel from Park Street to the plaza.

D. Forrest said that people are going to be driving slowly away from the bank, and he does not believe that the removal of the berm is a problem.

B. Donovan mentioned that no sidewalks exist. The berm made the vehicle exit narrower and worse.

C. Conklin said that Adams Community Bank has a crosswalk through their drive-thru, and that there are other traffic mitigation techniques besides a berm that could be used.

P. Bluhm asked for further clarification, and for a recommendation for a safe exit from the drive-thru. C. Conklin responded that their recommendation is removing the berm. However, a speed reduction device close to Park Street could work as well.

B. Donovan asked Greylock to return with current plans. C. Campbell said that they will work with B. Healy to be ready for the next meeting.

C. Conklin asked the board for a favor – to take some time to drive around the bank and to share their opinion of the safety without the berm before the next meeting.

**Discussion – Marijuana Bylaw:** B. Donovan announced that the Select Board requested to change the bylaw regarding marijuana. There will need to be a special permit hearing within 65 days. B. Donovan also mentioned that, besides retail, there are 7 different licenses.

P. Bluhm requested that a Select Board member come before the Planning Board and explain the history and why circumstances have changed.

SBM Bailey explained a little bit regarding the history of the current bylaw, the Cannabis Commission and some issues regarding the property on 102. The chief complaint is the smell.

D. Forrest asked about zoning enforcement with the provisions in the bylaws. SBM Bailey responded that they have not yet tried enforcement. There was brief discussion regarding enforcement and this bylaw. SBM Bailey will discuss with the Zoning Enforcement Official (ZEO). D. Forrest said that he was unsure if our ZEO should be put in this position to enforce the bylaw, which would mean potentially “putting the lock on the gate” for these businesses.

B. Donovan set the public hearing date for February 26th, 2024.

**Adjourn**: P. Bluhm made a motion to adjourn. Motion passed unanimously (5-0).