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

**February 12th, 2024**

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

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

Carlin Campbell (Greylock), Jodi Rathbun-Briggs (Greylock), Dennis Egan (Greylock), Bryan Siter (Foresight), Jason Straley (Greylock), Robert DellaMarco and Select Board Member Sean Regnier were also present.

**Absent**: Peg Biron

**Call to Order**: Meeting was called to order, and a quorum was declared at 6:00pm on February 12th, 2024, by Chairperson Buck Donovan. Dan Blaisdell was appointed as a voting member for this meeting.

**Minutes:** Minutes from the January 22nd meeting were presented. P. Bluhm moved to accept the minutes. Motion was seconded by D. Forrest. Motion passed unanimously (5-0).

**1435 Cape Street:** Bryan Siter from Foresight came to present the special permit amendment regarding the 1435 Cape Street property. Eversource gave suggestions to increase the size of the concrete pad to fit their equipment, as well as adding distance between existing poles. This was presented to the Conservation Commission who were good with the plan.

D. Forrest made a motion to accept the revisions of December 2023. D. Blaisdell seconded. Motion passed unanimously (5-0).

**Master Plan Update:** There will be one meeting in February, CJ Hoss will be bringing a final draft to the board for their next meeting, followed by a public hearing. The complete Master Plan draft should be before the Planning Board in April.

**CPA:** Peg Biron is absent. Resident Kathy Hall gave an update that there will be a meeting at 5:30pm on March 30th to discuss constructs.

**Special Permit Hearing – 125 Center St:** Chairperson Donovan opened the special hearing at 6:15pm. Robert DellaMarco was present to present the proposal. This is for a second-floor egress. There are already two units in the building, and adding the egress would bring the building up to code. There is no interest in having more than two units.

After discussion, D. Forrest said that this should go through as they are just trying to comply with the building codes.

D. Forrest made a motion that the site plan is efficient as a minor site plan. D. Blaisdell seconded. Motion passed unanimously (5-0).

D. Forrest made a motion to approve the site plan. D. Blaisdell seconded. Motion passed unanimously (5-0).

In regards to the bylaw 199-6.1.C.3, P. Bluhm moved that the Planning Board finds that the extension will not be more detrimental than the existing, pre-existing non-conforming structure. D. Blaisdell seconded. Motion passed unanimously (5-0).

Regarding the 199-13.4 bylaw, C. Decker 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).

C. Decker 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).

C. Decker 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).

C. Decker 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).

C. Decker 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).

C. Decker moved that the special permit be granted. Motion passed unanimously (5-0).

P. Bluhm made a motion to accept the final permit. D. Forrest seconded. Motion passed unanimously (5-0).

**Greylock:** B. Donovan said that he had hoped that everyone took Carlin Campbell’s advice to drive through and look at the existing condition of the drive thru. He believes that the current condition is safer than with the concrete berm. There is good signage as well. D. Forrest agrees. Regarding the pedestrian safety concern, D. Forrest commented that there is a sidewalk for public use on the other side of Adam’s Bank.

C. Decker discussed the history of the berm again.

Three alternate plans were presented as previously requested from the board.

P. Bluhm likes the current arrangement more than the other options.

C. Decker mentioned the possibility of running the exit through another location. Crispin reminded him that they do not have the right to do so, as well as that would create a “pressure release point” which could create more of a hazard. C. Decker mentioned that he had visited the location 4 times, and saw all of the users exit at a 45-degree angle, and several made 3-point turns. There were also pedestrians present using the property for access to the plaza behind. P. Bluhm mentioned that the entrance to the plaza is confusing and can see how people would get turned around.

There were several questions regarding the other options, including mountable curbs. C. Campbell responded to the questions. He also reiterated that this curb was never designed to be a sidewalk, or for pedestrian use.

B. Donovan entertained a motion. P. Bluhm asked more clarifying questions before making a motion. After C. Campbell answered the questions regarding the alternative options, P. Bluhm made a motion to approve the as-built design as submitted. D. Forrest seconded. Motion passed (4-1) (D. Blaisdell – aye, C. Decker – nay, D. Forrest – aye, P. Bluhm – aye, B. Donovan – aye).

**Marijuana Bylaw Discussion:** Chairperson Donovan gave background information on why the bylaw originally said 14 as the number of licenses. One business may hold numerous licenses. There have been issues with odor due to grow facilities, as well as the town has lost the host agreement, meaning that there is less benefits for the town.

P. Bluhm asked if Select Board Member Gordon Bailey was present or had been in communication to answer questions regarding enforcement. He believes that there should more acting on enforcement before bylaws are changed. D. Forrest asked if P. Bluhm believes that the legal route should be taken with stop work orders. P. Bluhm said that that is what the bylaws say, so the board could look into that route.

There was additional brief discussion. Select Board Member Sean Regnier was present on the call, and answered some questions.

SBM Regnier said that if the number of licenses is changed from 14 to 3, it may set a precedent to the industry in town.

D. Forrest asked questions about the filtration system to stop the odor from growing facilities, and if the town should try to fix the problem before changing the bylaw.

SBM Regnier said that there are more advanced filtration systems, and that this bylaw change would not fix the problem of the smell but it would allow the residents of Lee to have a say.

P. Bluhm asked clarifying questions about enforcement, and the job of the Zoning Enforcement Officer with regards to section 199-9.11. There was brief discussion about the Host Community Agreement (HCAs) and the Cannabis Commission.

There will be a public hearing occurring on February 26th regarding the marijuana bylaw.

**Discussion – ADU Bylaw:** Chairperson Donovan relinquished chair to C. Decker.

P. Bluhm discussed suggested edits, based on whether the ADU is attached or detached.

P. Bluhm made a motion to postpone this discussion until the next meeting. D. Blaisdell seconded. Motion passed unanimously (5-0).

**Adjournment:** B. Donovan took the chair back. D. Forrest made a motion to adjourn. Motion passed unanimously (5-0). Meeting adjourned at 7:48pm.