**Town of Lee – Planning Board**

**MINUTES**

**January 11, 2021 – 6:00 PM – Virtually via ZOOM**

Present: Matt Carlino (Chair), Peg Biron (joined at 6:16 p.m.), Peter Bluhm, Buck Donovan, and David Forrest

Others Present: Tina Earl, Steve Wellington, Wendy Linscott, Madeleine Victor-Pieczarka, Gordon Bailey, Russell Sackett, John Delafield, Sam Malafanti, Steve Lee, Casey Burch, Patty Carlino, Kathy Hall, Richard Lindsey.

This meeting was conducted virtually via ZOOM in accordance with Governor Baker’s Order suspending certain provisions of the Open Meeting Law (MGL Chapter 30A, Section 20). All votes were taken via roll call. Each member’s vote is indicated in these minutes parenthetically after the text of the motion/action.

**Call to Order**

Chairman Carlino called the meeting to order at 6 p.m. For the record he informed those in attendance that the meeting was being recorded.

**Approval of December 28th Minutes**

Member Forrest moved, Member Bluhm seconded, and the Planning board voted (4-0) to approve the December 28th minutes as written. (Bluhm – aye; Donovan – aye; Forrest – aye; Carlino – aye)

**Special Permit Hearing – Tina Earl – 175 Willow Street**

There was a brief discussion regarding the inclusion of all five Planning Board members before testimony commenced. Member Biron joined the meeting at 6:16 p.m. Mr. Sackett presented a plan for the proposed permitting of a mobile home (14’ x 60’) at 175 Willow Street. Mr. Sackett noted that a mobile home had existed previously on the site.

Member Bluhm confirmed side and other setback requirements had been met. Member Forrest asked if the existing garage had any plans for the future. Mr. Sackett stated that there are currently no plans for the structure other than use as a garage. Member Bluhm asked when the previous mobile home was taken out. Ms. Victor-Pieczarka stated that the mobile home was taken out in September 2019 and proper environmental measures were taken in the removal.

Mr. Wellington raised an objection to the method of measuring the setback when determining conformance with bylaws. Discussion of applicability ensued. Mr. Sackett described his method of measuring setbacks from iron pipes marking property boundaries, which agreed with the plan. Member Carlino and Member Donovan agreed that the non-conforming nature of the proposal was less non-conforming than the previous mobile home. Mr. Wellington countered that the abandonment of the property forfeited the rights that ran with the use. Ms. Victor-Pieczarka stated that the intention to occupy the property was never abandoned.

Member Bluhm moved, Member Donovan seconded, that the board finds that there was no abandonment. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye)

Member Bluhm moved, Member Donovan seconded and the Board voted under section 6.1(b)(1) that the alteration is not substantially more detrimental than the existing non-conforming use to the neighborhood. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye)

Member Bluhm moved, Member Donovan seconded and the Board voted under section 6.1(b)(2) that the Board find that the extended, altered or reconstructed structure or changed use will not be in greater non-conformity with open space, yard and off-street parking requirements of the zoning bylaw. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye)

Mr. Lee asked questions regarding distances of setbacks and gradient on the site. Mr. Lee wanted to ensure that the changes would not exacerbate water/ice runoff. Chairman Carlino and Member Biron suggested contacting the Building Department and Department of Public Works. Ms. Earl stated that DPW is aware of the water problem and that a berm would be installed to control water.

Mr. Wellington presented pictures of his view, describing it as pleasant, and suggested Ms. Earl place a pre-fabricated home on the site. Mr. Wellington assumes that a mobile home will de-value the property. Mr. Wellington also stated his disagreement with the Board’s vote on the abandonment clause and the intent of other portions of the bylaws. Some clarifying discussion ensued. Ms. Victor-Pieczarka pointed out the substantial expense to the applicant to obtain professional plans and filings compounded by the delays caused by the COVID-19 pandemic. Mr. Wellington further insisted that the Board erred in their vote on the abandonment clause

Member Bluhm moved, Member Donovan seconded and the Board voted to close the public hearing. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye)

Member Bluhm moved, Member Biron seconded and the Board voted that the Board find under section 13.4 (d)(1) that the plan from Russell Sackett – Sackett Survey Services dated 12/4/20 drawing 1032-SK1 and, based on section 6.1, find that it is in compliance with all provisions and requirements of the chapter and in harmony with its general intent and purpose, specifically that it is a continuation of an established pre-existing/non-conforming structure and is improving the front setback from the existing use. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye)

Member Bluhm moved, Member Donovan seconded and the Board voted that the Board finds that the project as described in the previous motion is essential or desirable for the public convenience or welfare at the proposed location. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye)

Member Bluhm moved, Member Donovan seconded and the Board voted that the Board finds that the proposed structure at the location and in the manner previously described will not be detrimental to adjacent uses or to the established or future character of the neighborhood. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye)

Member Bluhm moved, Member Biron seconded, and the Board voted that the Board finds that the proposed structure as described previously will not create undue traffic congestion or unduly impair pedestrian safety. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye)

Member Bluhm moved, Member Biron seconded, and the Board voted that the Board finds that the structure as previously described will not overload and public water, drainage or sewer system or any other municipal facility to such an extent 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 effecting public health, safety or general welfare. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye).

Member Bluhm moved, Member Donovan seconded and the Board voted to approve the Special Permit. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye).

Chairman Carlino and each member confirmed that they do not have a conflict of interest with the application.

**145 Housatonic Street (Friendly’s Building) – Submission of Special Permit Application**

Mr. Burch of Solli Engineering made a presentation introducing the proposal for a coffee shop at the site of the former Friendly’s at 145 Housatonic Street. The presentation included an overview of the location and property, grading/drainage, construction plan, paving, landscaping, lighting, and exterior elevations.

Chairman Carlino asked what coffee shop would be moving into the location. Mr. Burch confirmed that the proposed shop would be a Starbucks Coffee store.

Member Bluhm and Member Donovan asked Mr. Burch to confirm that traffic considerations would be part of the application, which he did confirm.

Member Forrest asked that the drain line capacity be verified. Mr. Burch stated that the line capacity had not been verified, however the new project would have less runoff due to less pavement and more vegetation. Member Forrest asked that MassDOT be consulted on the capacity.

Chairman Carlino confirmed that a Special Permit would be necessary for the drive-thru component of the project.

The Board members discussed potential timelines for posting and Public Hearing, tentatively contemplated for February 8th.

Member Donovan moved, Member Forrest seconded, and the Board voted to accept the submission of a site plan for 145 Housatonic Street. (Bluhm – aye; Biron – aye; Donovan – aye; Forrest – aye; Carlino – aye).

**Sign Permits**

*264 Main Street –* The Board agreed that they needed more information on this proposal. The matter waw tabled until the Board can get further information.

**General Code – Continued Discussion/Bylaw Discussion**

The Board continued previous discussion concerning possible amendments to the Zoning Bylaws, including commercial agriculture and animals, coordinating provisions, and non-conforming uses.

Chairman Carlino agreed to send the possible amendments to the Agriculture Committee and Town Counsel for review and comment.

Chairman Carlino spoke with the Town Clerk, who suggested holding a Special Town Meeting to exclusively consider bylaw changes.

Chairman Carlino opened for discussion the General Code proposed changes. The board agreed by unanimous consent to propose the following edits/revisions:

1. 199-020 Revise as follows: accept the edits but break into paragraphs
2. 199-021 Revise as follows: Hold for discussion
3. 199-022 Revise as follows: Delete parenthetical text
4. 199-023 Revise as suggested.
5. 199-024 Revise as suggested.
6. 199-025 Revise as follows: Start here on Jan 25th

Member Donovan moved, Member Bluhm seconded and the Planning Board voted unanimously to adjourn at 8:33 p.m.

Respectfully submitted,

Christopher J. Ketchen

Town Administrator

**Meeting materials included as attachment:**

* Site Plan for Tina M. Earl (Sackett Survey Services Inc. – 12/4/20)