

Minutes of the Town of Lee Planning Board
January 10, 2022
6:00pm Via Zoom

A regular meeting of the Lee Planning board was held virtually in accordance with Governor Baker's Order suspending certain provisions of the Open Meeting Law (MGL Chapter 30A, Section 20) on Monday, January 10, 2022 at 6:00pm on Zoom.

Present: Buck Donovan (Chair), Peg Biron, Matt Carlino, David Forrest, Gordon Bailey (alternate) and Peter Bluhm (6:31 pm).

Others Present: Bryan Connolly, Kathy Hall, Kathy Dauost, Harry Kastrinakis, Clare Lahey, Chris McCarthy, Mike, Preihs, Patty Carlino.

Call to Order

Chairperson Donovan called the meeting to order at 6:00 p.m. For the record he informed those in attendance that the meeting was being recorded.

Public Hearing (cont.) – Zoning Bylaws

Chairperson Donovan reopened public hearing on the zoning bylaw amendments. Chairperson Donovan confirmed that the Board has received the extensive transcription from the consultant at Code 360.

Chairperson Donovan suggested to have the administrative assistant edit the documents.

Member Bluhm stated the task would be to proofread and cross check the bylaw changes to verify the draft they submitted is accurately transcribed the Board's intent of their votes.

Member Carlino discussed the process of presenting the code once it is reviewed. The Board will be able to discuss before voting on what will be presented.

The Board discussed having the Hearing so that they could receive public input.

Resident Hall stated her concerns with the free ranging of roosters. She stated roosters can be aggressive and is concerned that children could be attacked.

Chairperson Donovan stated in the bylaw roosters would not be allowed in a small lot, they would only be allowed if there is a full large agricultural setup and that would be a right to farm which is not what the bylaw is addressing.

Resident Lahey asked if the 360 codes are going to be a separate document than the town code.

Member Bluhm stated that the Board has been working on a variety of amendments to the zoning bylaw which is part of the town code. The town decided to accept a bid from Code 360 to have one of their lawyers look at the zoning bylaws to see if there was any inconsistencies, vague provisions or poorly defined terms. The company submitted approximately 100 recommendations that the Board has been discussing over the last few months.

Resident Lahey stated she wants to be sure that scenic roads are still a part of the code the Board is proposing. She requested that the Planning Board do everything in their power to enforce the code that goes along with the scenic road chapter 246. Resident Lahey also stated the importance of having the scenic roads on the town maps.

Member Carlino stated that the Board is discussing the zoning chapter 199 and not the scenic road chapter.

Member Bluhm described, in some detail, the first ten proposed zoning changes the Board is suggesting.

Member Bluhm and Member Biron discussed why the process has taken so long.

Member Carlino stated that the zoning bylaws worked on by the Board are things that needed to be updated to conform with how the Board help applicants, like the site plan special permit. The Board did not suggest any zoning area changes.

Member Bluhm stated he found a small error in question 4 with the word “preceding.” He suggested it should be “following.”

Resident Lahey stated concern with cluster zoning.

Chairperson Donovan confirmed that the Board did not suggest any changes to the chapter regarding cluster zoning.

Member Carlino moved to continue the Public Hearing to January 24, 2022 at 6:00 pm; Member Biron seconded. Planning Board voted (4-0). (Bluhm – aye; Biron – aye; Carlino – aye; Forrest – aye; Donovan – aye).

Erskine Drive – Discussion

Mr. Harry Kastrinakis introduced himself as one of the lot owners on Erskine Drive.

Mr. Kastrinakis stated he and other lot owners were basically looking for assistance with utilities and infrastructure that have not been completed. In 2006 the certificate of approval was approved but did not acquire a bond, they had the LLC have a performance guarantee through covenants. In 2010 it was bought by a new developer, Hirsch.

Mr. Kastrinakis stated that there are a lot of requirements, that the town approved, that are not completed.

Member Forrest stated there was a question of monies that was supposed to be put aside for utilities that nobody seems to know anything about. He stated he understood that conduits were in but with no wire pull through or proper transformers.

Mr. Kastrinakis stated he was looking to get everyone on the same page of their current status as lot owners. Once the document was approved by the town, the developer had twelve months to complete the plan and it was not completed. He questioned if the Planning Board could prepare an official capacity letter to the developer asking why it is not completed.

Member Bluhm clarified with the lot owners that they are not asking the Planning Board to be involved in any private claims against the sellers or contractors. Member Bluhm asked if the lot owners were seeking enforcement action against the original subdivider.

Mr. Kastrinakis stated they want the town to look over the plan, see what was done, see what was not done and communicate the findings with the developer.

Member Bluhm suggested the Board seek a briefing from the Building Commissioner about what promises were made, what inspections were held and what promises were broken.

Mr. Kastrinakis stated his concerns with the lack of electricity.

Member Bluhm recommended the lot owners seek counsel.

Member Forrest it is a private way. If the contractor brings in water lines to the site the town is responsible to inspect that it is done properly. All maintenance is done private and it all points back to the developer.

Mr. Connolly stated their primary goal is to have their contractors get started. They are looking for documentation that the water main is in, any inspections done and if the water has been run to the front of each of the properties. He is looking for the inspections the town may have done to verify the site plan.

Mr. Connolly stated the other urgency is the electricity, the easement and payment of the transformers. He stated any leverage the Board can help them with to get the developer to work on that in a timely manner would be beneficial.

Member Forrest suggested they get in touch with the Highway Superintendent, Al Zerbato, and shared his contact information.

Mr. Kastrinakis stated they have been trying to get in touch with the developer multiple times to get an easement filed. He stated Eversource will not run wires and transformers without an easement.

Member Carlino suggested the first step should be to get in touch with the DPW to find out about water lines and sewer.

Mr. McCarthy stated he would email their documents to administrative assistant. The Board shared her contact information.

Member Bluhm moved to adjourn meeting; Member Carlino seconded. Planning Board voted (5-0) Chairperson Donovan declared the meeting adjourned at 8:24 pm.