

Minutes of the Town of Lee Planning Board
February 28, 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, February 28, 2022 at 6:00pm on Zoom.

Present: Buck Donovan (Chair), Peter Bluhm, Peg Biron, Matt Carlino, David Forrest, and Gordon Bailey (alternate) (6:25 pm).

Others Present: Kathy Hall, Mark Scoco, Sean Regnier, Chris McCarthy, Harry Kastrinakis, Jeff Cohen, Edward Lahey, and 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.

Member Bluhm shared on screen the amendment proposals to the zoning bylaw for 2022 special town meeting. Member Bluhm stated there was a change made to 4.5 D, the raising of horses, hogs, pigs, poultry or furbearing animals shall be under site plan of the planning board. He stated that after meeting with the Agricultural Commission the Board would change the other proposal regarding site plans so that they would get automatic notice of certain proposals that affected animals.

Chairperson Donovan stated the Board is getting to the point of sending the proposal to the Select Board.

The Board discussed how to separate the amendments into sets or send the amendments as a single proposal. The Board decided to divide the proposed amendments into two sections. Member Carlino suggested reviewing amendments one through ten to make sure everything is complete.

Member Bluhm stated number one is the new language about the overall effect of the code. Number two is eliminating the obsolete BM. Number three is parking lots and multistoried parking structures. Number four is in regards to animals. Number five is non-conforming uses and lots. Number six is non-conforming signs. Number seven is the administration and enforcement of sign permits. Number eight is site plan review. Number nine is overlay district correcting the technical error and the lot number. Number ten is adding a line to table 2 of allowable distances for commercial business corridor.

Member Carlino moved the Board send questions one through ten to the Select Board to be added to the town warrant for special town meeting; Member Bluhm seconded. Planning Board voted (5-0). (Bluhm – aye; Biron – aye; Carlino – aye; Forrest – aye; Donovan – aye).

The Board discussed how the present the code 360 document.

Member Carlino moved the Board send the Code 360 to the Select Board to be added to the town warrant at the special town meeting on March 24, 2022; Member Biron seconded. Planning Board voted (5-0). (Bluhm – aye; Biron – aye; Carlino – aye; Forrest – aye; Donovan – aye).

Discussion – Erskine Drive

Chairperson Donovan stated the Board sent a letter to SK Design to clarify some gray areas regarding infrastructure and utilities for the properties on Erskine Drive. Chairperson Donovan introduced Mark Scoco, representing SK Design.

Mr. Scoco stated that he came before the Planning Board in January 2020 with a request to give a partial release for lot number one in order to sell the lot.

Mr. Scoco stated in a subdivision, the final coat of pavement is placed at the end of the project so that heavy traffic, construction vehicles, don't tear up the pavement. He stated the water main is in and the water is activated. He stated the sewer line main is there in the subdivision. It is a force main where each house will have its own individual pump station to connect to the force main that is under the existing pavement and will pump to the lower subdivision and then eventually down into the town of Lee. The drainage system, meaning the catch basins, manholes, and retention basins are all in and functioning. The conduit for the utilities is in place as well as pull boxes.

Mr. Scoco stated he did not think some of the utilities are connected and his office has been going back and forth with the electric company, Eversource, regarding the issue. He also stated it is not unusual for the electric company not to have electric pulled through the cables until the houses are built.

Member Bluhm confirmed with Mr. Scoco that the letter presented to the Planning Board in 2020 was accurate.

Member Carlino discussed his own experience building his house with the use of a generator.

Resident McCarthy discussed his frustrations with the purchase of his property and feels like he was mis-lead. He also stated he would rather not have to use generators to build his house.

Mr. Scoco stated the developer does not set the transformers, the electric company does. The transformer pads have been poured already for the electric company to set the transformers.

Alternate Member Bailey suggested the Board review the documents received from SK Design. He stated if the Board approved a subdivision based on the installation of public utilities and infrastructure, then that is something the Board needs to look at.

Mr. Scoco stated that each lot was marked with two by fours. One of them is the gait belt, which is water service and the other is the end of the sewer lateral that will go to the house.

Mr. Scoco once the building plans are in order a building permit can be applied for. He stated Alan could actually pay to get the electric pole but the easement language has to be approved first and then that document gets filed with the Registry of Deeds, then they can physically pull the lines through.

Member Bluhm he appreciated Mr. Scoco coming to the meeting and opening up communication with the lot owners and he is optimistic that the problems that remain can be resolved quickly.

Discussion – Eagle Mill Development

Chairperson Donovan welcomed Jeff Cohen, representing Eagle Mill Development and requested an update of the project.

Mr. Cohen stated that in order for Reese Larkin Development to develop the units that they've been approved for, in phase one, they apply to Department of Housing and Community

Development for financing. They were approved for funding in July of 2021. The second component of the ability to start construction, aside from funding, is an approval from HUD because there are federal funds involved relating to conservation. The problem that has occurred was that the construction company, DEW, had to provide fixed costs to the developer and due to covid, the DHCD had a minimum of a 19% increase in costs for every project they have agreed to fund. For the Eagle Mill, phase one, there was roughly 16.5 million dollars approved for a total project cost of roughly 25 million. In light of covid, the project costs went up to about 29 million. The DHCD agreed to put up an additional 2.5 million to help and the town of Lee also agreed to increase its commitment from 50 thousand to 150 thousand. DEW is in the middle of the bid process and are expecting to apply for demo permits in the latter part of March. They should be ready to start demo as soon as DHCD released the funding and has a closing with Secretary of State's office. They are very optimistic to get the project underway in the spring. Mr. Cohen discussed the bidding process of the machine shop on the property. He stated that unlike the development of affordable or workforce housing, there are no subsidies available to develop commercial property. They way they fund that is with historic tax credit. They are hoping to start construction on the machine shop within three to six months. Member Bluhm confirmed with Mr. Cohen that the start of construction is dependent upon when the DHCD does the closing.

Discussion – Sign Bylaws

Chairperson Donovan shared concerns with the five foot off curb or sidewalk rule. He stated that most of the political signs that are out now would have to be moved.

Member Bluhm stated that the Board was proposing that a sign had to be between the house and the sidewalk if there is a sidewalk and if there is no sidewalk then five feet off the roadway.

Member Bluhm suggested changing the proposal so there would not be an issue.

Member Carlino stated he would like the Board to make sure the signs could not be put up on the road side of the sidewalk.

Alternate Member Bailey stated that nobody has the right to put anything on town property unless they get permission from the Select Board. He suggested getting town counsel involved as far as liability for the town or a possible permit process.

Alternate Member stated that he does not want the Board to limit the number of signs on anyone's property but to keep the signs off of the public way.

Chairperson Donovan suggested to remove the five-foot restriction and just propose a sign shall not be placed between the traveled roadway and the sidewalk.

Member Bluhm stated getting early advice on the whole document from town counsel and the ACLU would be very helpful.

The Board discussed setting a date for a public hearing for the proposed changes to the sign bylaws.

Member Carlino stated that getting the changes on the warrant for annual town meeting will fulfill the promise made by the former town administrator to the public regarding free speech political signage.

Member Bluhm moved that the Planning Board post the proposal for signs that was circulated at the last meeting for a Public Hearing before this Board on March 28, 2022 at 6:00pm; Member Carlino seconded. Planning Board voted (5-0). (Bluhm – aye; Biron – aye; Carlino – aye; Forrest – aye; Donovan – aye).

Any Other Topic

The Board briefly discussed the issue with minutes being posted on the town webpage. Administrative Assistant confirmed that when they are uploaded to the webpage they disappear after two days. There will be training and new password soon to get the issue resolved.

Member Bluhm moved to adjourn meeting; Member Carlino seconded. Planning Board voted (5-0) Chairperson Donovan declared the meeting adjourned at 7:36 pm.

Respectfully Submitted,

Elizabeth Mead
Administrative Assistant