

Minutes of the Town of Lee Planning Board
August 8, 2022
6:00pm Lee Town Hall/Hybrid

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, August 8, 2022 at 6:00pm.

Present: Buck Donovan (Chair), Peg Biron, Matt Carlino, Conrad Decker, Peter Bluhm and David Forrest.

Others Present: Camryn Biasin, Sam Nickerson, Patty Carlino, Kathy Hall, Nick Arienti, Jim Scalise, Bob Jones, Rick Pollack and Catherine Hibbard.

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.

Discussion – Master Plan Committee

Chairperson Donovan stated there is a good list of interested residents for the committee.

Member Bluhm stated he would Chair the first meeting until the committee assigns the position.

Chairperson Donovan named the Committee members Kathy Hall, Gail Ceresia, Mark Navin, Thom Swift, Sean Regnier, Kirk Nichols, Peter Bluhm, Neil Clarke, Betsy Strickler, and Diane Wespiser.

Member Bluhm stated he had one additional resident interested in the committee, David Buttery, who has a lot of experience.

Member Biron moved that the Board contact each member, including David Buttery, to confirm willingness to be on the Master Plan committee; Member Forrest seconded. Planning Board voted (5-0).

(Biron – aye; Forrest – aye; Bluhm – aye; Carlino – aye; Donovan – aye)

Chairperson Donovan confirmed that Tom Matuszko from Berkshire Regional Planning Commission will be the contact person for the Board.

Sign Permit – 55 Housatonic Street

Chairperson Donovan stated the application was for a wall sign but the Board needs the square footage of the entire logo and the letters. He stated the bylaw very explicitly describes what constitutes the square footage of the sign.

The Board tabled the permit until more information is submitted.

Sign Permit – 165 Housatonic Street

Member Carlino recused.

The Board discussed the square footage of the sign.

Member Bluhm moved to deny the sign permit for 165 Housatonic Street on the ground that the total sign size is too large and it contains moving animations; Member Biron seconded. Planning Board voted (4-0). (Biron – aye; Forrest – aye; Bluhm – aye; Donovan – aye).

Sign Permit – 541 Chapel Street

Chairperson Donovan stated the permit application is for EMS Truck & Auto Repair. The Board discussed the size of the sign being 3 square which is permitted in the zone. Member Bluhm moved to endorse the sign for 541 Chapel Street, Member Forrest seconded. Planning Board voted (4-0).
(Bluhm – aye; Forrest – aye; Biron – aye; Carlino – abstain; Donovan – aye)

Site Plan Review & Special Permit Hearing (cont'd) – 200 Laurel Street

Jim Scalise introduced himself representing SK Design Group and also introduced Sam Nickerson the project applicant and Nick Arienti the project's attorney.

Mr. Scalise stated that he had been in contact with some of the neighbors and made some minor changes to the Site Plan.

Mr. Scalise stated they heard concerns about the dumpster, lighting, traffic headlights and trespassing. He stated the dumpster has fencing around it and is located in a nondescript location. He also agreed that the dumpster should remain closed.

Mr. Scalise stated that with the planting of bushes and dwarf trees it would shield the neighboring property from headlights. He also stated they eliminated two of the lights and the two lights located at the intersections with Route 20 for safety reasons.

Member Decker requested that the southerly lights be shielded.

Member Bluhm stated some of the neighbors were concerned with the use of the town land located behind the property.

Mr. Scalise stated trying to police public land, which is available to any resident in town is difficult and the only work being done is in regards to drainage improvement.

Member Biron questioned if there were enough parking spaces.

Mr. Scalise stated they followed the town bylaws and also added an addition 4 spaces to what was required in the bylaw.

Resident Hibbard stated concerns with the parallel parking spaces that are lining the sides of the motel. Resident Hibbard requested some type of screening because she does not want to be looking at cars parked there.

Resident Hibbard stated when people are walking in the town forest, they will be looking directly into the back yards of the proposed apartments and suggested some type of fencing. She also stated there will be impacts to the forest and animals who live there due to the increased lighting and noise.

Mr. Scalise stated the house at 250 Laurel Street is approximately 300 feet to the north. He stated parking a few cars along the driveway is normal in a residential setting and suggested it is in keeping with the character of the neighborhood.

Member Bluhm moved to waive strict site plan review; Member Carlino seconded. Planning Board voted (5-0). (Decker – aye; Bluhm – aye; Forrest – aye; Carlino – aye; Donovan – aye).

Member Bluhm moved to approve the site plan with the following conditions: The lighting fixtures be at 70 watts, 3000 degrees which is a soft yellow light. The gull wing fixtures (south) will have shields installed. Revised plans approved that includes 3-to-5-foot plantings. Plant 60 feet of evergreen shrubbery on the north border that screens the parallel parking area. Install bear proof cover on dumpster. Member Forrest seconded.

Select Board Member Bailey called point of order and suggested to include the date of the plan in the motion.

Member Bluhm clarified the date of revised plan, August 4, 2022.

Planning Board voted (5-0). (Decker – aye; Forrest – aye; Carlino – aye; Bluhm – aye; Donovan – aye).

Chairperson Donovan opened Public Hearing at 6:47pm.

Mr. Scalise (SK Design Group) re-introduced himself representing Ecos Properties. He stated the application applies to two parts of the zoning bylaws. The first would be section 6.1 which is the purview of the Board under non-conforming structures uses and lots. The applicant is requesting the Planning Board to find that the proposed change from an existing hotel to residential apartments, with less units, shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. The second would be that such extended, altered or reconstructed structure shall not be in greater non-conformity with open space, yard and off-street parking requirements. The existing count on property is 24 units with 26 bedrooms and the proposed count is 16 units (33% less) with 17 bedrooms (34% less).

Mr. Scalise stated under open space, the project will result in the lot coverage of 6.8% and the dimensional requirements allow up to 20% so it has significantly less rooftop on the property than is allowed in the bylaw.

Mr. Scalise referred to Section 13.4 Special Permits in the bylaw. Specifically, 13.4 D Special Permit Findings. The project proposes less intense use, which is more in harmony with residential neighbors. The project fits a direct need in the Lee community as there is a big demand for workforce housing. Renovating an old building will rejuvenate the character of this property and improve property values in the neighborhood. The project will result in a decrease in traffic during all periods analyzed by the traffic study conducted. Due to the decrease in bedrooms, the project will not overload any public water drainage or sewer system.

Member Bluhm moved that the Board find that the existing property at 200 Laurel Street is an existing nonconforming use as a motel and is nonconforming with respect to the side yard requirements of 25 feet; Member Forrest seconded. Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Member Decker discussed history of property and other similar hotels in area.

Member Decker summarized the proposed project and discussed other alternate options for the property.

Member Bluhm requested the applicant to describe the screening process and lease terms used for potential tenants.

Applicant Nickerson stated in general they have year-long leases. He also stated that they use a property management software that screens for a number of criteria, criminal background checks, credit score checks, check a landlord database for evictions and hold interviews.

Member Forrest stated concerns with where the property is headed. He stated he welcomed the investment of the proposed project and will be a plus for the town.

Applicant Nickerson described the importance of the design in relation to the size of the apartments. He also stated that the goal of the project is to hit the mid-range price point.

Resident Hibbard asked applicant if pets were going to be allowed and if there would be laundry facilities.

Applicant Nickerson confirmed that pets would be allowed and every unit would have its own laundry facility.

Resident Hibbard expressed concerns with the number of units proposed. She stated that if the project was starting anew, it would only be allowed 12 units. She also stated that 12 units is still too many and suggested there should be 6 units.

Resident Hibbard stated that the project, as proposed, will be substantially more detrimental than the existing motel use was to the neighborhood and not in harmony with the zoning laws protecting property values.

Select Board Member Bailey asked what the minimum and maximum size of the proposed apartments is.

Applicant Nickerson stated the smallest unit is 367 square feet and the largest unit is 816 square feet.

Mr. Scalise discussed the process of maintaining the footprint and number of tenants.

Member Carlino stated that he filed a notice of conflict of interest with the Town Clerk.

Chairperson Donovan announced that the Board shall now go into findings.

Chairperson Donovan stated the first finding is that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

The project meets this standard because currently there is a motel and it will turn into a 16 unit, one year lease residential dwellings.

Member Bluhm stated is favor in part because of the testimony heard and the findings from plan as to reduction in sewer, water and traffic. Also, reduction and demand due to permanent versus transient users, reduction and usage based on having less people on site, and based on recent favorable experience with similar projects.

Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Chairperson Donovan stated the second finding is that such extended, altered or reconstructed structure or change use shall not be in greater non-conformity with space, yard and off-street parking requirements of this chapter. Because the applicant has demonstrated that they have added off street parking, would not be detrimental and they are not encroaching any further in open space than what is already non-conforming.

Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Chairperson Donovan announced that the Board will now get into the five findings of a Special Permit.

Chairperson Donovan stated the first finding is that this permit is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose.

The provisions that we are adhering to the 6.1 preexisting non-conforming and harmony with general intent. We are taking a rundown two-star motel and giving the ability to have permanent residential housing for people of our community.

Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Chairperson Donovan stated the second finding is essential or desirable to the public convenience or welfare at the proposed location. The community does need the housing, it's a motel that is falling into disrepair, the neighborhood does have a multi-family dwelling already, and it would be permanent residents not transients.

Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Chairperson Donovan stated the third finding is it will not be detrimental to adjacent uses or the established future characteristic of the neighborhood.

Member Bluhm stated there is a crosswalk in front of property. Talking about the future character of the neighborhood, having workforce housing within walking distance n a sidewalk to the downtown is an asset.

Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Chairperson Donovan stated the fourth finding will not create undue traffic congestion or unduly impair pedestrian safety. The applicant has shown the trip count will be less, the sidewalk will be cleaned up, the sign will be gone, it will be much more conducive to pedestrian safety and the traffic data is a non-issue.

Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Chairperson Donovan stated the fifth finding will not overload any public water drainage or sewer system or any other municipal facility to such an extent that 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 hazard affecting public health, safety or general welfare. The municipal uses will be lower than a utilized motel, increased water line for safety and fire service will be enhanced.

Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Member Bluhm moved that the Board issue a Special Permit under 6.1 (B) for the change of use, in accordance with the plans submitted, dated August 4, 2022, in accordance with the testimony heard, and in accordance with the restrictions previously imposed as conditions in the Site Plan Review; Member Carlino seconded. Planning Board voted (5-0). (Carlino – aye; Forrest – aye; Decker – aye; Bluhm – aye; Donovan – aye).

Chairperson Donovan closed the Public Hearing. 8:18 pm.

Other Topics

The Board discussed the landscaping issue at the Starbucks.

Meeting adjourned. 8:34 pm

Respectfully Submitted,

Elizabeth Mead
Administrative Assistant