

**Minutes of the Town of Lee Planning Board**  
**November 27, 2023**  
**6:00 pm Lee Town Hall Courtroom**

**Present:** Buck Donovan (Chairperson), Peter Bluhm, David Forrest, Peg Biron, Conrad Decker, Daniel Blaisdell (alternate) and CJ Hoss (BRPC).

Select Board Member Gordon Bailey and Resident Kathy Hall were also in attendance.

**Call to Order:** Meeting was called to order, and a quorum was declared at 6:00pm. on November 27, 2023, by Chairperson Buck Donovan.

**Public Comment:** Resident Hall reported on two events occurring on December 9<sup>th</sup> sponsored by the Lee Youth Commission.

**Update – Master Plan Committee:** P. Bluhm introduced CJ Hoss from Berkshire Regional Planning Commission who has been instrumental in the creation of the draft master plan. Two sections, the housing and land use sections, were presented to the board for comments and feedback.

CJ Hoss started reviewing the land use implementation section. He explained how most of the base zoning bylaws in the Berkshires were developed in the 1960s/1970s, and were focused on segregating uses because of concern of noxious, industrial uses mixing with residential uses. Within the last 20 years or so, planning trends have started to shift back to allowing land use patterns that were prevalent 100+ years ago, which were mixed use and didn't rely on automobiles. The idea is smaller scale community services and retail from one place, one village, one hamlet. The focus is trying to figure out what the town wants and what the town is willing to approve. CJ discussed the potential of form-based codes, which is an alternative to traditional zoning where the focus is on the form and placement of buildings instead of the uses that are specifically allowable or prohibited on a given parcel. This tries to encourage development that fits into neighborhood character.

B. Donovan made a comment how zoning is 50+ years old, and will eventually need to be rewritten. P. Bluhm discussed how CJ is aware of alternatives, and is intrigued about form-based codes. B. Donovan asked CJ if form-based codes could expand mixed use zoning into strictly residential areas. CJ replied that it could, but in areas like Pittsfield certain types of uses were prohibited in areas, like the first floors on North Street. There are flexibilities where definitions could be created with multiple subdistricts with different regulations, street by street that enhances the neighborhood character versus detracting from it. B. Donovan asked for smaller community examples that could echo Lee. CJ will follow up with more specific examples of smaller communities who are using form-based codes. C. Decker asked if North Street in Pittsfield is similar to Lee. B. Donovan stated that it is. P. Biron asked a question regarding public right of way in Pittsfield. CJ explained that this does not have to do with how the public right of way gets used. P. Biron echoed the sentiment from B. Donovan and C. Decker regarding the want of a small-town example from CJ Hoss. D. Blaisdell asked if the board was aware of

what the town wanted. P. Bluhm explained how the master plan is a series of suggestions/recommendations with some being broad and some being specific. D. Blaisdell asked if the board has taken a pulse of what the town wants. P. Bluhm discussed how in February of this year there was a large public forum where the objective was gathering public opinions and wants. CJ Hoss also discussed how the OSRP (open space recreation plan) and other projects include public engagement and stakeholder feedback.

P. Bluhm suggested to move on to the second objective. P. Bluhm discussed that the focus of this section is having an older form of residential settlements with less reliance on cars would be beneficial to the town. CJ discussed how this new master plan built off of the master plan from 2000. Residential sprawl was a large worry in 2000, but similar worries occur today with present land use, the towns budget and utilities.

P. Bluhm started to discuss the next objective. There was a worry in the 2000 about the Lenox Dale / Lee area, but the direct worry was unclear, so the master plan committee did not delete that section because they are unsure what the worry specifically was. Another reoccurring is what to do with the mills, and 1.1.3 assigns the planning board the task of finding what to do with them. CJ discussed how past zoning discouraged growth around a towns outer edge to discourage sprawl, however in an area like Lenox Dale could benefit from development for both Lenox and Lee. P. Biron discussed that Lee does not own Lenox Dale, but that it would be great if the two towns can work together.

P. Biron asked a question about L.1.4.5 and CPA funds. CJ explained that another section has more to do with the historical and cultural places of importance, and this objective deals more with agriculture. P. Biron asked about 1.5, and what 'gateway' means.

P. Bluhm started discussing the housing section, prefacing that there is a clear housing need in Lee. There could be a possibility of creating a trust, like in Great Barrington.

Select Board Member Bailey made a comment about the community development corporation (CDC) in Great Barrington, and a recommendation for Lee to get in contact with the CDC, who are very focused on housing and could give feedback.

P. Bluhm made a comment that a section implies that planning board should seek to increase development within the town. D. Forrest discussed the idea to revamp abandoned units to use for new housing units, as well getting a group together to figure out what tasks should be started immediately. P. Bluhm agreed with this thought, and told of the want for another public hearing before it is submitted to the planning board. However, the planning board may also want a public hearing, so the idea of a combined public handover meeting was discussed. B. Donovan shared a fear of failure for the master plan in a public hearing. D. Forrest discussed the idea of a public hearing about order of items before adopting the finalized plan. P. Biron mentioned that the public meeting in February went very well, people were engaged and the outcome was very good. If the planning board does not want to hold a joint meeting with the master plan committee, P. Bluhm would recommend for the master plan committee to have a public meeting on their own. There is a need for another public meeting. D. Blaisdell asked about alternatives if

the town planner is not approved by the spring. P. Bluhm responded that all of the dates in the drafted plan would need to be changed, or staff would have to be hired as contractors.

**Discussion - Split Zones:** B. Donovan asked if it was ready to be sent to town counsel. P. Bluhm mentioned that D. Blaisdell made a recommendation to strike the word ‘usual’ from the proposal. P. Bluhm made a motion to refer this to the towns general counsel to get an opinion about whether there is significant change from the original. P. Biron seconded. Motion passed unanimously (5-0) (Blaisdell – aye, Decker – aye, Biron – aye, Forrest – aye, Bluhm – aye, Donovan – aye).

**Discussion - RB Zones:** B. Donovan asked if it was ready to be sent to town counsel with a goal to have a public hearing on January 8<sup>th</sup>, 2024. P. Bluhm made a motion to schedule a public hearing on January 8<sup>th</sup> at 6:15pm for both the split zone and RB zone drafts. D. Forrest seconded. Motion passed unanimously (5-0) (Blaisdell – aye, Decker – aye, Biron – aye, Forrest – aye, Bluhm – aye, Donovan – aye).

**Discussion - Upcoming Town Meeting:** B. Donovan reviewed the plan for the upcoming town meeting occurring on Wednesday, December 6<sup>th</sup>. The short-term rental bylaw proposal will go before the accessory dwelling units bylaw proposal. SB Member Bailey made a suggestion to give a brief synopsis and the outcome of the planning board vote to recommend to the special town meeting.

**Update – Community Preservation Act:** P. Biron stated that the applications are due Friday, December 1<sup>st</sup> and that the interview process will start on Monday, December 4<sup>th</sup>. B. Donovan asked for clarification that the CPA is the community preservation act. He discussed that in the town warrant for the special town meeting, article 3 allows for CPA funds to be used to purchase an open space on Stockbridge Road, which will connect two properties. There was no update regarding these funds being used to purchase that parcel of land to the planning board. P. Biron stated that they just voted for it, which was why there was a lack of update about that property to the planning board. P. Bluhm asked for clarification that the CPA committee supported this use of funds. P. Biron affirmed that that was the case. SB Member Bailey commented that the CPA committee has had one meeting to vote to utilize the funds. It was in the background for quite some time while in negotiations with the Select Board, however, it did go to the CPA for a posted meeting, vote and discussion before it was posted on the warrant.

D. Forrest asked SB Member Bailey about the barn on the Stockbridge Road property. SB Member Bailey responded that the town is transferring property, that this property has no road frontage and there will be no road frontage transferred. B. Donovan asked if the planning board will be seeing a Form A for this property. SB Member Bailey responded that if the town meeting approves this, then there will be an ANR (approval not required) plan prior to any sale because it will need to be filed before it can be registered and transferred. B. Donovan asked if there was non-conforming frontage already, and SB Member Bailey said that there is no change in frontage

lines at all, and no rights of travel over the towns existing access point. There are lines being drawn to ensure that there is no non-conformity being created.

**Adjournment:** D. Forrest made a motion to adjourn. Peg Biron seconded. Motion passed unanimously (5-0) (Blaisdell – aye, Decker – aye, Biron – aye, Forrest – aye, Bluhm – aye, Donovan - aye). Chairperson Donovan declared the meeting adjourned at 7:28pm.

Respectfully submitted by Brooke Healy.