

**Lee Planning Board
32 Main Street
Lee, Massachusetts 01238, 2012**

January 14, 2013

Present: Chairman, David Durante, Thomas Wickham, Anthony Caropreso, Harold Sherman, Shaun Hall, and Shaun Mahoney, Associate Member

This meeting was called to order at 6:15P.M.

AT & T Mobility/Site Plan Review/Special Permit Case #21-24

This was a continuation of a public hearing held on December 10, 2012. David Durante recused himself from the discussion because of a possible conflict of interest. Thomas Wickham presided over the meeting.

Attorney Ed Pare, Brown, Rudnick, LLP, represented AT & T Mobility in a request for approval of a site plan review and a Special Permit under Section 199- 9.7H. The project involves the addition of 3 new antennas, 6 remote radio heads and supporting equipment to an existing tower. The property is located at 335 Forest Street .

Attorney Pare stated that the new array of equipment would not be any larger than the existing equipment.

David Durante, an abutter stated that he had an issue with the tower on Forest Street because he owns property on Chanterwood Road which is in a designated area that is valued with a scenic view. The existing tower is in close proximity to Chanterwood Road. The bylaw prohibits proposed wireless communication facilities that adversely impact a scenic view. David's opinion was the project which includes 3 additional antennas with supporting equipment would impact his scenic view.

Tom stated that he views the project as only a tower upgrade.

Sherman made a motion that the board has sufficient information to review and approve the site plan as presented. This motion was seconded by Tom and was unanimously approved, 5-0.

The Board made the following findings under Section 199-9.7H(1):

- (a) That the applicant has demonstrated to the satisfaction of the Planning Board that the requirements of the bylaw have been met.
- (b) That the size and height of the structure is the minimum necessary.
- (c) That the proposed wireless communication facilities will not adversely impact historic structures, scenic views, or residential neighborhoods.

- (d) That there are no feasible alternatives to the location of the proposed wireless communication facilities, including co-location of the proposed wireless communication facilities, including co-location, that would minimize their impact, and the applicant has exercised good faith in permitting future co-location of facilities at the site.

Tom made a motion that all the findings have been met. This motion was seconded by Sherman and was unanimously approved, 5-0.

The Board made the following findings under Section 199-13.4(D):

1. The project is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose.
2. The project is essential or desirable to the public convenience or welfare at the proposed location.
3. The project will not be detrimental to adjacent uses or to the established or future character of the neighborhood.
4. The project will not create undue traffic congestion or unduly impair pedestrian safety.
5. The project 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 hazards affecting public health, safety or general welfare.

Shaun Hall made a motion that all the findings have been met. This motion was seconded by Tom and was unanimously approved, 5-0.

Tom made a motion to approve the Special Permit under Section 199-9.7H for AT & T Mobility Case # 21-24. This motion was seconded by Shaun Mahoney and was unanimously approved, 5-0.

AT & T Mobility/Site Plan Review/Special Permit Case #21-25

This was a continuation of public hearing held on December 10, 2012.

Attorney Ed Pare, Brown, Rudnick, LLP, represented AT & T Mobility in a request for approval of a site plan review and a Special Permit under Section 199-9.7H. The project involves the replacement of 3 existing antennas with 3 new LTE antennas at the existing height of 100' along with supporting equipment located at 215 Laurel Street.

At the last meeting several abutters present requested a screening plan. The applicant has submitted a screening plan at this time. The landscaping plan that was presented included planting arborvitae trees and the installation of a wooden stockade fence along the west and north side of the property. The Chairman stated that he has met with the

abutters and they would be satisfied with a screening plan of only the north side of the property.

The Board made the following findings under Section 199-9.7H(1):

- (e) That the applicant has demonstrated to the satisfaction of the Planning Board that the requirements of the bylaw have been met.
- (f) That the size and height of the structure is the minimum necessary.
- (g) That the proposed wireless communication facilities will not adversely impact historic structures, scenic views, or residential neighborhoods.
- (h) That there are no feasible alternatives to the location of the proposed wireless communication facilities, including co-location of the proposed wireless communication facilities, including co-location, that would minimize their impact, and the applicant has exercised good faith in permitting future co-location of facilities at the site.

Sherman made a motion that all the findings have been met. This motion was seconded by Tom and was unanimously approved, 5-0.

The Board made the following findings under Section 199-13.4(D):

1. The project is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose.
2. The project is essential or desirable to the public convenience or welfare at the proposed location.
3. The project will not be detrimental to adjacent uses or to the established or future character of the neighborhood.
4. The project will not create undue traffic congestion or unduly impair pedestrian safety.
5. The project 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 hazards affecting public health, safety or general welfare.

Sherman made a motion that all the findings have been met. This motion was seconded by Tom and was unanimously approved, 5-0.

Sherman made a motion to award the Special Permit to AT& & Mobility Case # 21-25 subject to the following condition:

The landscaping plan is installed according to the plan submitted provided the applicant is permitted by the landlord.

This motion was seconded by Tony and was unanimously approved, 5-0.

5 Cents a Dance/Site Plan Review

The Board reviewed the site plan at the last meeting but tabled it until they received the sign permit for the existing sign. The business is located at 139 Main Street.

Tom made a motion that the board has sufficient information to review and approve the site plan as presented. This motion was seconded by Tony and was unanimously approved, 5-0.

5 Cents a Dance/Sign Permit

Jan Greiner is seeking approval for a sign permit for a 24" x 30" window sign to be located at 139 Main Street

Tom made a motion to endorse the sign permit as presented. This motion was seconded by Shaun and was unanimously approved, 5-0.

Animagic Museum Gallery/Site Plan Review

Eugene Mamut is seeking approval of a site plan review to operate a retail business at 135 Main Street.

Sherman made a motion that the board has sufficient information to review and approve the site plan as presented. This motion was seconded by Shaun and was unanimously approved, 5-0.

Animagic Museum Gallery/Sign Permit

They are applying for a sign permit for a 30" x 21.5" window sign to be located at 135 Main Street.

Sherman made a motion to endorse the sign permit as presented. This motion was seconded by Shaun and was unanimously approved, 5-0.

Palmer Paving Corporation/Site Plan Review

Ethel Noonan is seeking approval of a site plan review to locate Palmer Paving Corporation at 50 Housatonic Street. Palmer Paving will locate offices on the second floor of an existing building located at 50 Housatonic Street.

Sherman made a motion that the board has sufficient information to review and approve the site plan for Palmer Paving Corporation as presented. This motion was seconded by Tony and was unanimously approved, 5-0.

Lee Hearing Aid Outlet/Site Plan Review

Robert LaCost is seeking approval of a site plan review to operate Lee Hearing Aid Outlet at 154 West Park Street.

Lee Hearing Aid Outlet/Sign Permit

They are applying for a sign permit for a 4' x 12" freestanding sign to be located at 154 Park Street.

Tom made a motion to endorse the sign permit for the freestanding sign as presented. This motion was seconded by Tony and was unanimously approved, 5-0.

Goodwill Industries of the Berkshires, Inc./Site Plan Review

Frank Engels is seeking approval of a site plan review to locate a retail use for Goodwill Industries at 187 Center Street. Shaun Hall recused himself from the discussion due to possible conflict of interest.

Tony made a motion to the board has sufficient information to review and approve the site plan as presented. This motion was seconded by Tom and was unanimously approved, 4-0.

Tony made a motion that the Board waives the site plan review fee. This motion was seconded by Sherman and was unanimously approved, 5-0.

Goodwill Industries of the Berkshires, Inc./Sign Permit

They are seeking approval of a sign permit for a 48 sq.ft. building sign to be located at 85 Center Street.

Tony made a motion to endorse the sign permit as presented. This motion was seconded by Tom and was unanimously approved, 4-0. Shaun Hall abstained.

G.H. Bass & Company/Sign Permit

They are seeking approval of three sign permits to be located at Lee Premium Outlets.

They are applying for sign permits for a 3.5 sq.ft. blade sign, 8 sq.ft. building sign, and a 40 sq.ft. building sign.

Tony made a motion to endorse the three sign permits as presented. This motion was seconded by Tom and was unanimously approved, 5-0.

Recreational Bylaw

This was a continuation of a discussion that was held on December 10th. The next step would be that the board would schedule a public hearing to adopt a Recreational bylaw.

Other business

Tom made a motion to approve the minutes of December 10, 2012. This motion was seconded by Tony and was unanimously approved, 4-0. Shaun abstained.

Sherman made a motion to adjourn this meeting at 8:30 P.M.

Respectfully submitted,

Jaimy Messana
Land Use Administrative Assistant

CC: Board of Health
Principal Assessor
Board of Public Works
Town Administrator
Board of Selectmen

Town Clerk
Historical Commission
Conservation Commission
Building Inspector
Town Counsel