

Lee Planning Board

32 Main Street

Lee, Massachusetts 01238

November 24, 2014

Present: Chairman, David Durante, Buck Donovan, Harold Sherman and Shaun Hall, and Thomas Wickham

This meeting was called to order at 6:15

Alan Wilcox & Lynn Bertelli/Site Plan Review/Special Permit

This was a continuation of a public hearing for property located at 19 Franklin Street. At the last meeting the Board requested a survey because there was a property line dispute. A neighbor present at the hearing insisted that the addition would be located on their property. Patrick McColgan has surveyed the property at this time. They are adding the second means of egress on the east side with 30 inch walkway going down the side of building. The stairs will now be built on the inside. This doorway will have a one way door emergency exit only. The Chairman asked that because the footprint remains the same is a special permit really necessary. The proposed overhang roof falls under the expansion of nonconforming structure.

When the door opens light will operate. The light will be 26 watt LED downcast fixture.

Tom made a motion to waive strict site plan requirements because this exit is required as a second means of egress and accept the site plan as presented. This motion was seconded by Shaun and was unanimously approved, 5-0.

David made a motion to make the following findings under Section 199-6.1 B:

Such as change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood because this extension does not build anything on the ground as an extension to the building.

Such extended, altered or reconstructed structure or changed use shall not be greater nonconformity with open space, yard and off-street parking requirements of this chapter.

Buck seconded this motion

Tom made a motion to make the following findings under Section 199-13.4 D 1-5:

The project is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose.

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The project is essential or desirable to the public convenience or welfare at the proposed location.

The project will not be detrimental to adjacent uses or to the established or future character of the neighborhood.

The project will not create undue traffic congestion or unduly impair pedestrian safety.

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.

Tom made a motion to award the Special Permit to Alan Wilcox for 19 Franklin Street with the following conditions:

There will be no exterior hardware to allow the opening of the door from the outside.

The lighting will be limited to a 26 watt downcast LED fixture and will remain on for a period not to exceed 5 minutes.

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

Friendly's Restaurant/ Site Plan

David Houser, Friendly's Construction Manager presented the proposal for remodeling the store at 109 Housatonic Street which includes new red awnings and red trim. The project involves enhancing the exterior of the building which requires site plan review. The Chairman stated that the bylaws stipulate that the use of corporate colors is an extension of the signage on the property. The Chairman stated he had a problem with the color because it was the same color as the sign and the cupola.

Sherman made a motion to accept the site plan as presented because the colors scheme is not a fixed color scheme within the corporate requirements and therefore not part of the signage. Tom 2nd this motion. The final vote was 3-2, Tom –yes, Sherman – yes, Buck -yes, Shaun – no, David-no.

Jeff Cohen

Jeff Cohen came to this meeting to give the board an update on his project which involves the redevelopment of the former Eagle Mill. The Eagle Mill is located in the Industrial zoning district and some of the uses proposed are not allowed such as private club for profit and a restaurant. The Board suggested extending the DCBC zoning district to include mill. Jeff Cohen stated that he believes that 40R or Smart Zoning would allow these uses by right.

Berkshire Regional Planning Commission will assist the town to adopt this Smart Zoning 40R if desired and appropriate. The Town of Lee is eligible for grant money if they adopt this smart zoning 40R. The Chairman stated that the board should ask the Select Board to apply for this grant for this purpose DLTA District Local Technical Assistance.

Tom made a motion to request the Board of Selectmen apply for this grant for assistance for the Planning Board in the rezoning for the redevelopment of the former Eagle Mill. This motion was seconded by Shaun and was unanimously approved, 5-0.

David made a motion to request that BRPC come to a meeting to explain the zoning process to the Board. This motion was seconded by Tom and was unanimously approved, 5-0.

Respectfully submitted

Jaimy Messana

Land Use Administrative Assistant

CC:	Board of Health	Town Clerk
	Principal Assessor	Historical Commission
	Board of Public Works	Conservation Commission
	Town Administrator	Building Inspector
	Board of Selectmen	Town Counsel