

TOWN OF LEE  
SELECT BOARD MEETING  
Tuesday January 17, 2023 @ 7:00PM  
Town Hall • 38 Main Street • Former Courtroom

Minutes

**Members Present:** Sean Regnier, Bob Jones, Gordon Bailey

**Members Absent:** None.

**Chairman Regnier called the meeting to order at 7:00PM.**

1. Minutes: Open Session Minutes of 01/03/2023

*Mr. Bailey made a motion to approve the 01/03/2023 minutes as submitted which Mr. Jones seconded and was unanimously approved, 3-0.*

2. Public Hearings

a) A public hearing for an Innholder License, Common Victualler License, Entertainment (Week Day & Sunday) License – Lakehouse Inn

The applicant was not present.

Chairman Regnier began by stating the Board has all of the applications in front of them, the legal notice was posted, and abutters were notified.

Mr. Jones stated that the Board received a number of emails from abutters and non-abutters that are on the lake who are concerned about how noise can travel over open water. Mr. Jones stated they also have the existing noise bylaw for the Town of Lee to consider. Mr. Jones stated there is a lot of concern about the wide range of hours the applicant is requesting for entertainment. Mr. Jones stated the intent is to keep the applicant and neighbors both happy.

Mr. Bailey stated there are really four applications before them; the Innholder License, the Common Victualler License, the Entertainment (Week Day) License, and the Entertainment (Sunday) License. He stated that he did not have a problem acting on the Innholder and Common Victualler licenses today, but would like to continue the hearing on the entertainment licenses and only act on those when the applicant was present.

*Mr. Jones made a motion to approve the Common Victualler and Innholder licenses for the Lakehouse Inn which Mr. Bailey seconded and was unanimously approved, 3-0.*

Regarding the entertainment licenses, Chairman Regnier stated the applicant is looking to hold entertainment from 8am to 12am Monday through Sunday, including an up to a five-person band and music inside and outside.

*Mr. Bailey made a motion to continue the hearing on the entertainment license applications until the next Select Board meeting and request the applicant be present at the meeting which Mr. Jones seconded and was unanimously approved, 3-0.*

Deb Bronston Culp, 64 Bramble Lane in Lenox, asked the Board if this was a typical request. Chairman Regnier stated that the applicant did submit a standard application, but the time request is very broad. Mr. Bailey stated that other entertainment license holders are usually allowed entertainment for a few hours a day, for example 6:00pm to 10:00pm. Mr. Bailey stated he would like to speak with the applicant about why he is requesting such broad times to have entertainment, and stated he also has concerns about amplification.

b) A public hearing for a petition for Joint or Identical Pole Locations: Verizon New England, Inc. and NSTAR Electric Company d/b/a Eversource Energy – Verizon No. 4A0X2NN, Meadow Street.

Donald Voner, was present via Zoom representing Verizon.

Chairman Regnier began by stating the purpose for the addition of the three new poles on Meadow Street is that they would provide construction space for and accommodate a MassDOT bridge and road reconstruction project; and provide for the distribution of intelligence and telecommunications and the transmission of high and low voltage current. Mr. Bailey stated he is excited to see something move forward in that area.

Mr. Voner stated these poles were the result of the design of the project and they are going to be there to keep everything moving normally for all of the residents in the area so that the construction can occur.

*Mr. Jones made a motion to approve the joint or identical pole locations on Meadow Street which Mr. Bailey seconded and was unanimously approved, 3-0.*

3. Public Comment

Kathy Hall, Lee Youth Commission, began by stating many people have been asking about the black drape in front of Memorial Hall, and it is to honor Frank Consolati who served many years in the Town of Lee. She added that the ice rink is still available but with the warm weather, it may not as safe as it was, and they do not want the liner to be ruined. Ms. Hall stated that she has also heard many concerns regarding the odor coming out of the Green Theory building. Mr. Bailey stated that is something they are aware of and something that is being looked into to resolve. Ms. Hall asked if there was an update on the LED streetlighting. Admin Brittain stated that an investment-grade audit is being conducted right now and then it will be placed on the warrant for Town Meeting as the next phase. Ms. Hall stated her concern for how dark main street is at night and how hard it is to see people crossing the street. Admin Brittain stated that main street already has LED streetlighting and the current project would not affect main street besides maybe adding other capabilities such as wifi. Ms. Hall concluded asking if there was still ARPA money available. Admin Brittain stated there is around \$80,000 left.

4. General Business

a) Update from the Agricultural Commission

Mary Brittain, Chair of the Lee Agricultural Commission, was present. Ms. Brittain stated that the purpose of the commission is to promote agriculture in the Town of Lee and to support the town boards. They currently have five members and there is still space for two alternate members. Ms. Brittain stated that they recently worked with the Planning Board to update their bylaw regarding livestock in town, and early on in the commission they helped to pass the right to farm bylaw. Ms. Brittain stated the Board meets once a month on the 2<sup>nd</sup> Tuesday of each month at 6pm in the Courtroom. For their future, Ms. Brittain stated that they recently met with Seth Jenkins of the Berkshire Regional Planning Commission (BRPC) regarding a property on Stockbridge Road which the Board will discuss, they plan to work with library on a seed collection distribution program, and they plan to have a farm brochure made up.

b) Susan Stone – Historical Commission

Ms. Stone began by requesting that the Select Board ask the Building Inspector to inform the Historical Commission when demolition occurs. Ms. Stone stated that there has been some building demolition and the Historical Commission has not been given the chance to go out, photograph and document the historical buildings. Ms. Stone stated that there are still 200-300 buildings not on their inventory that qualify as historical and that is some of the issue with the demolition taking place without notification. Ms. Stone stated the Historical Commission currently has five members and could use two more. Ms. Stone stated they have been meeting sometimes twice a month, but they normally meet once a month.

*Mr. Jones made a motion that the Board instruct the Building Inspector to notify the Historical Commission of any impending demolition in the Town of Lee which Chairman Regnier seconded and was approved, 2-0. Mr. Bailey abstained from the vote.*

c) Complete Streets Program, Paving updates – Lenny Tisdale

Lenny Tisdale, the DPW Superintendent, began by stating that Complete Streets was formed by MassDOT back in 2016 and it's for intermodal street crossing with active transportation such as biking and walking. If you have areas where you can address shortcomings, for bikes for example, it gives you some guidance. Mr. Tisdale stated that there are three phases of the Complete Streets Program. The first is the initiation, notifying MassDOT that they want to be a part of the Complete Streets community. If your plan scores about an 80 in tier one, they will bump you to tier 2 which comes with a reimbursement of \$38,000 if you wanted to bring in a planning company, such as BRPC. Then you can apply for up to \$400,000 to meet the plans you made.

*Mr. Bailey made a motion to empower DPW Superintendent, Lenny Tisdale, to sign the letter of intent for MassDOT concerning the Complete Streets Program which Mr. Jones seconded and was unanimously approved, 3-0.*

d) Silverleaf Resorts, LLC – Application for Amendment (Change of Corporate Structure)

Chairman Regnier began by stating that this is a simple change of corporate structure from INC to LLC.

Cindy Coach, the General Manager of Oak N Spruce Resorts, was present and representing the business. Ms. Coach stated that the property is owned by Holiday & Club Vacations which is out of Orlando, FL. Ms. Coach stated that they bought Silverleaf Resorts in 2015 and the legal change of corporate structure from INC to LLC was initiated.

*Mr. Jones made a motion to approve the change of corporate structure from INC to LLC which Mr. Bailey seconded and was unanimously approved, 3-0.*

e) One Day Alcohol License – Lee Sportsman's Association

Chairman Regnier stated this is for a fundraising dinner from 3pm to 10pm on February 5<sup>th</sup> at the clubhouse on Fairview Street.

*Mr. Bailey made a motion to issue the one-day alcohol license to Lee Sportsman's Association which Mr. Jones seconded and was unanimously approved, 3-0.*

f) Petition to the Land Court to deregister the property located at Laurel Lake Cross Road (the Mount)

*Mr. Jones moved that the Select Board vote to submit a petition to the Land Court to deregister the property located at Laurel Lake Cross Road, owned by Lenox and Lee, a portion of which is under agreement with Edith Wharton Restoration, Inc., and authorize the Chair of the Select Board to execute any and all petitions and/or other documentation with the Land Court to effect said deregistration, which Mr. Bailey seconded and was unanimously approved, 3-0.*

g) Discussion on Non-Retail Marijuana Licenses Bylaw

Chairman Regnier began by stating he and Admin Brittain met with Harsh Patel, the owner of Green Theory, to look at impact fees now that he is in operation. They discussed the odor issue with him as well, and Mr. Patel is aware of the issue. Mr. Patel has brought the issue to his team and they are going to look into new carbon filters and he will respond back to the Board by June 30<sup>th</sup>.

Mr. Bailey stated that when the Special Permit was issued, there is a one-year mandatory review, but he would like to shorten that to a six-month review should they move forward with any future special permits. The Board also briefly discussed lowering the number of special permits allowed in the Town of Lee.

5. Any topic the Chairman could not reasonably anticipate.

Chairman Regnier stated that they have an application for renewal of an annual class II auto dealer license from PSR Auto Sales, Inc. d/b/a Route 102 Auto Sales for 2023 that was lost in the renewal process.

*Mr. Bailey made a motion to approve the 2023 Class II Auto Dealer License from PSR Auto Sales, Inc. d/b/a Route 102 Auto Sales which Mr. Jones seconded and was unanimously approved, 3-0.*

6. Town Administrator- Board Openings

Admin Brittain stated that the Town has a few Board openings such as:

- \*2 vacancies for the Community Preservation Act Committee
- \*2 vacancies for Historical Commission
- \*Appalachian Trail Committee
- \*Youth Commission
- \*5 Town Cable Advisory
- \*Board of Assessors
- \*Board of Registrars
- \*Agricultural Commission

Admin Brittain stated that the list of vacancies is also available on the Town's website. If someone is interested, they can email a letter of interest and resume to [cbrittain@town.lee.ma.us](mailto:cbrittain@town.lee.ma.us).

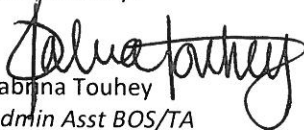
Chairman Regnier stated that he'd like to take a minute to acknowledge Frank Consolati's passing. Mr. Bailey stated that Mr. Consolati was someone who was always thinking about what was best for the Town and was a great man. He added that Mr. Consolati served on the Select Board for three years, but he was a long-time representative. He, his energy, and his commitment to the Town will be greatly missed.

**The next regular Select Board meeting is scheduled for February 7, 2023.**

**The Board will have an executive session on January 18, 2023 at 3:30pm.**

**Mr. Jones made a motion to adjourn the meeting at 8:10pm which Mr. Bailey seconded and was unanimously approved, 3-0.**

Submitted by:

  
Sabrina Touhey  
Admin Asst BOS/TA

Approved on 02/07/2023