**Lee Planning Board**

**32 Main Street**

**Lee, Massachusetts 01238**

 **April 27, 2015**

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

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

**Industrial Zoning Amendment**

The board reviewed the draft of the revised industrial Zoning Bylaw.

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

**Sign Bylaw Revisions/Zoning Bylaw**

Garth Story, Chairman Sign Committee described all the proposed revisions to the sign bylaws.

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

**Golden Hill Properties/475 East Street/Site Plan Review**

Chris Gerardi and Ann Hayes, Golden Hill Properties are seeking approval of a site plan for a project that involves the conversion of a building located at 475 East Street into 9 residential units. The existing building is a single story with walk-out style basement and was previously occupied as housing for retired and disabled veterans. There are currently 16 parking spaces. The property is located in the R-20 zoning district and contains 2 acres of land. The existing building will be used as a residential use.

Tom stated that the plan doesn’t show any proposed screening and or any exterior lighting.

Sherman made a motion to waive strict site plan requirements. This motion was seconded by David and was unanimously approved, 5-0.

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Sherman made a motion to accept the site plan with the condition that the issue of screening of the parking area is addressed and the dumpster is depicted on plan and screened and lighting plan is submitted. This motion was seconded by Shaun and was unanimously approved, 5-0.

**Steven A. Garrity and Tracy A. Garrity/Form A**

Peter Nikitas, Foresight Land Services represented Steven Garrity for approval of a Form A for property located on Devon Road. The property consists of 1.57 acres of land located on the south side of Devon Road. Lot 1 contains 0.63 acres and parcel 2A contains 0.94 acres of land and is to be combined with lot 1.

Tom made a motion to endorse the Form A for Steven & Tracy Garrity as presented. This motion was seconded by Buck and was unanimously approved, 5-0.

**L.B. Corporation/Form A**

Peter Nikitas, Foresight Land Services represented L.B. Corporation for approval of a Form A for property located on Valley Street.

The property consists 0.98 acres of land located on the southeasterly side of Valley Street. Lot 1 is not a separate building lot. Lot 1 is to be combined with adjacent land of L.B. Corporation.

Tom made a motion to endorse the Form A for L.B. Corporation as presented. This motion was seconded by Shaun and was unanimously approved, 5-0.

**AJT Realty Trust/905 Pleasant Street/Site Plan/Special Permit**

Buck Donovan recused himself from the discussion. This was a continuation of a Public Hearing held on April 13th.

 Jeremia Pollard, Town Counsel was present at this meeting.

 Attorney Don Hunter represented AJT Realty in a request for approval of a Special Permit for the retail use and lease for commercial purposes of an existing commercial facility/building located at 905 Pleasant Street. The property is located in the Industrial zoning district. Attorney Hunter submitted proposed findings and conditions to the board. Jeremia Pollard submitted draft conditions to the board. There was a lengthy discussion that followed.

Tom made a motion to make the following findings. This motion was seconded by Shaun and was unanimously approved, 4-0.

The Board made the following findings:

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1. The re-use of the existing building for retail use will be, upon the issuance of this Special Permit, in compliance with all provisions and requirements of the Zoning Bylaws and in harmony with its general intent and purpose.
2. Due to the location, size, and geography of the property, it is not amendable to any industrial use per se. As such, the retail use of the building is desirable to the public convenience at this location.
3. There are numerous, industrial and non-industrial uses in the immediate area, including, but not limited to, veterinarian hospital, floricultural center(s), convenience store and gas station, bar, auto repair facility, bowling alley and some residential buildings. The inclusion of a retail use, especially when the prior use was that a night club/bar will not be detrimental to adjacent uses or to the established or future character of the neighborhood.
4. Route 102/Pleasant Street is a state highway and, except for the Mass Pike, the largest and widest roadway within the Town limits. There is very limited, if any, pedestrian use of this road and the potential traffic generated by this usage will not cause any conceivable congestion.
5. The size and scope of the proposed retail usage, even considering the sale of food, is not significant enough to impact, let alone, overload any municipal facilities.

The Special Permit is subject to the following conditions:

1. Hours of operation will be limited to 7:00 am to 5:00 pm on weekdays; 7:00 am to 3:00 pm on Saturdays; and 9:00 am to 3:00 pm on Sundays.
2. No more than two (2) storage sheds offered for sale will be stored on the premises.
3. No more than six (6) U-Haul vehicles will be stored on the premises.
4. The lighting on the premises shall be limited to the size (50Watt LED) and in the locations as shown on Exhibit E-1.
5. The dumpster serving the premises shall be located to the left rear of the building and located such that it will not be visible from the street nor from the parking area in front of the building.
6. Parking requirements for retail use above thirty-nine (39) spaces; three (3) handicapped spaces; and one (1) van accessible space; are hereby waived.
7. Equipment repairs of any kind are prohibited at 905 Pleasant Street
8. All permits and/or certificates required by any other department, board, or official including but not limited to the Conservation Commission, the Zoning Board of

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Appeals, and/or the Building Department must be sought and obtained for any uses, structures and/or signs located on the property. In this regard there currently exist structures located in the front lot set back, including bins designated M1 through M12 and the structures designated as “Greenhouses.” To the extent that uses are allowed by this special permit, the uses permitted by the Planning Board in no way authorize structures and/or signs that require variances, special permits, or any other approvals that were not obtained prior to construction in connection with the current uses at 905 Pleasant Street. Also, the Floodplain District is a special overlay district and requires permits from the Zoning Board of Appeals for the construction and/or improvements of structures, as well as for moving or excavating any earth materials or other materials. The plan submitted shows that the floodplain line goes through the center of the property and main building, which requires permits from the Zoning Board of Appeals for any of the items designated in Chapter 199-3.2

1. The owner shall execute a license and release to the Town of Lee, its agents, assigns, and/or contractors allowing them to move any impediments to access the sewer easement created by the Order of Taking recorded in the Berkshire Middle District Registry of Deeds Book 1011, Page 840, as well as a release of any damages sustained to property moved or relocated in connection with the Town’s entry upon the land with vehicles, equipment, machinery and/or materials to inspect, repair, maintain, and/or improve said sewer. Further, the owner shall notify any subsequent transferee and/or assignee of the foregoing condition.
2. All vehicles rented in connection with the U-Haul business, or any other uses involving the storage, sale and/or rental of motorized vehicle of any kind, shall be located outside of the flood plain.

David motion to grant Special Permit for retail use 905 Pleasant Street with the conditions as discussed. This motion was seconded by Shaun and was unanimously approved, 4-0.

**Other business**

Tom motion to approve minutes of April 13, 2015 as amended. This motion was seconded by Shaun and was unanimously approved, 5-0.

Sherman made a motion to investigate the appeal process regarding the decision of the Board of Selectmen for awarding a special permit to Daniel Dus and consult Town Counsel on matter. The motion was seconded by David and the final vote was 3-2. David - yes, Sherman – yes, Shaun – yes, Tom – no, Buck – no.

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Tom made a motion to approve the letter from Ralph Sorley’s contractor as good cause for the extension of the special permit. This motion was seconded by Shaun and was unanimously approved, 5-0.

Tom made a motion to adjourn this meeting at 9:00 P.M.

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