**Lee Planning Board**

**32 Main Street**

**Lee, Massachusetts 01238**

 **August 10, 2015**

**Present:** Chairman, Harold Sherman, Thomas Wickham, Shaun Hall, Peter Bluhm **Absent**: Buck Donovan

Also Present: David Schneider, Susan Shook

This meeting was called to order at 6:00 P.M.

**Gary Johnson – All American Fence Company/Site Plan Review/Special Permit**

100 Marble Street / Industrial Zone

Gary Johnson of All American Fence Company sought site plan approval and a Special Permit under Section 199-4 J(2)(b) & 199.4 J(3) to allow “Retail Sales of products manufactured, assembled, or processed on site…” and “ outside storage of materials not used in the manufacturing process.” Also sought was permitting for on-site storage of empty roll-off containers. The interior of the existing building will be used for offices and light assembly of fence gates.

 The Board received letters from two abutters; Barbara Kiddle, of 75 Marble Street and Sheila Maroni, of 55 Marble Street, which were read and reviewed at the meeting. Both addressed concerns about perceived inadequate screening and materials stored at the end of the driveway on Marble Street. David Schneider and Susan Shook, of 79 Marble Street, were present at the meeting and stressed that they would like more evergreen screening of the property.

After the applicant’s presentation and public input were heard, the Board held a lengthy discussion about:

1. Dumpsters: regarding 199-12.11 C(7): Gary Johnson stated that he is part owner of the Berkshire Roll-off company and thus the site qualifies as an “operations base of the owner(s)”. As such, storage of dumpsters on the site is a by-right use.
2. The screening of material and equipment stored along the Marble Street tree line
3. The screening the dumpsters stored near the entrance driveway
4. Various types of screening, fencing versus evergreen trees, and the length of screening that would be appropriate

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Tom made a motion allow the outside storage for anything related to All American Fence with the condition the dumpster area is sufficiently screened in the open area facing the office with a tree line facing 100 Marble Street and a minimum of 6 sections of fencing for a total 36 feet, 6 feet high along the tree line. This motion was second by Shaun

Peter made an amendment to the motion to require a fence and evergreen screening for the length of the material storage estimate 80 feet along the side the road. He stated he was not convinced 6 sections of fence is adequate screening. The motion failed for lack of a second.

Tom withdrew his original motion.

Tom made a motion to grant a Special Permit to 100 Marble Street for outside storage of any materials that are related to the business of All American Fence with the following conditions:

1) That there will be of a at least 36 feet of fence to block the open spaces between the existing evergreens;

2) In the event that a tree dies it will be replaced; and

3) There will be a minimum of 36 feet of additional fencing to screen the roll-off container storage area.

This motion was seconded by Shaun.

Tom made a motion to approve site plan as presented. This motion was seconded by Sherman and was unanimously approved, 4-0.

The following findings were proposed under Section 199-13 D:

The project is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose. The granting of this special permit will make the use compliant

The project is essential or desirable to the public convenience or welfare at the proposed located because it: 1) has been on the site for some time already, 2) is a going concern which is beneficial to the town, and 3) provides employment.

The project will not be detrimental to adjacent uses or to the established or future character of the neighborhood. It is in an industrial zone and is doing “industrial” business.

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

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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. No such issues are identified. Use of public utilities is minimal.

Peter stated that he did not agree with the finding that the use is not detrimental to adjacent uses. Peter stated that he would like the business to be adequately screened and if a tree dies it should be replaced. Mr. Johnson agreed to replace any of the existing trees if they die with a new tree and if needed additional fencing to screen the business.

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

The Board voted to approve the Special Permit application with the conditions as discussed.

Tom – yes, Sherman – yes, Shaun –yes, Peter – yes

The Special Permit was granted.

**Beyond Builders/Sign Permit**

Ryan Larkin, representing Larkin LTD, applied for a sign permit for a 16 sq.ft. freestanding sign to be located at 471 Pleasant Street. The sign application was missing the following information: 1) site plan with the location of the proposed sign, 2) applicable code section, 3) owner authorization for installing the sign and 4) distance from the public right of way for sign placement.

Tom made a motion to deny the sign permit. This motion was seconded by Shaun and the vote was 4-0 to deny the sign permit application without prejudice.

**Paul DiGrigoli/45 Park Street/Site Plan Review**

Shaun Hall recused himself from the discussion.

Paul DiGrigoli had earlier explained his proposal to remove the old stucco on the existing building then recoat the building with dense glass and new stucco.

Sherman made a motion to waive strict site plan requirements and approve the site plan as presented. This motion was seconded by Tom and the vote was 3-0.

 **Old business**

The Chairman made a motion to table minutes of July 27, 2015 until the next meeting to allow adequate time for the members’ review. This motion was seconded by Peter and was unanimously approved, 4-0.

New Business:

1. *The Planning Board Resource Book*, provided by the BRPC, was distributed to Board members
2. The Chairman requested that future Planning Board agendas scheduling Special Permits and/or Site Plan Reviews include citation of bylaw section under which the application is being made.
3. Mr. Torrico requested that a regular agenda item be added that would specifically allot time during which the Building Commissioner would be able to discuss or report on items/issues he feels relevant.
4. Mr. Torrico suggested a future discussion of for-profit “donation bins” located in town. Are they charitable? Are they separate businesses? Are they off premises signs?
5. Mr. Bluhm gave an update on the Site Plan / Special Permit work flow project.
6. Mr. Wickham discussed the issue of the lack of permitting of sandwich board signs proliferating about town. This was recognized as an issue within the purview of the Select Board and the Building Commissioner.

Tom made a motion to adjourn this meeting at 8:30 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