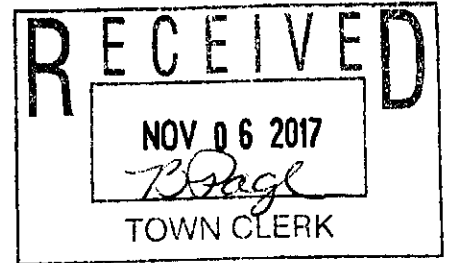


**Town of Lee
Zoning Board of Appeals
Lee, Massachusetts 01238**



NOTICE OF A DECISION ON SPECIAL PERMIT

(To be mailed forthwith to the petitioner and to persons present at the Hearing who requested that notice be sent to them and stated the address to which such notice should be sent, as provided in Section 15, Chapter 40A as amended.) Copy will be given to the Lee Board of Selectmen, Lee Building Inspector and Planning Boards of abutting municipalities.

Applicant(s): Oak N' Spruce
137 Meadow Street
Lee, MA 01238

Date: October 27, 2017

Case No. 473

Premises affected: 137 Meadow Street
Lee, MA 01238

Assessors' Map 35
Lot 1

Special Permit Petition

Referring to the above petition so as to **Grant**
Oak N' Spruce relief from Section 199.3.2 (Floodplain District) of the Town of Lee Zoning By-Law for a project that involves the paving of the existing gravel parking area behind the maintenance garage and the expansion of the existing parking area.

After a Public Hearing on: October 25, 2017 the Zoning Board of Appeals **VOTED** 5 - 0 **TO GRANT** the Special Permit as requested in the application.

K. HERREN - GRANT - I vote to approve this project.

G. STORY - GRANT - I vote to grant the special permit based on the fact that the project meets all the zoning requirements.

G. BAILEY - GRANT - I vote in favor of the project based on the fact that the project meets all the requirements.

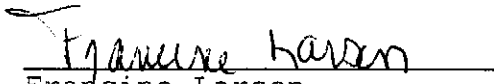
R. BRITTAIN :- GRANT - I vote in favor of granting the permit because the project meets all the zoning requirements.

F. LARSON - GRANT - I vote to approve the Special Permit

The decision of the Board together with the detailed record of its proceedings stating the reasons for the decision shall be filed within 14 days of the Hearing in the office of the Lee Town Clerk.

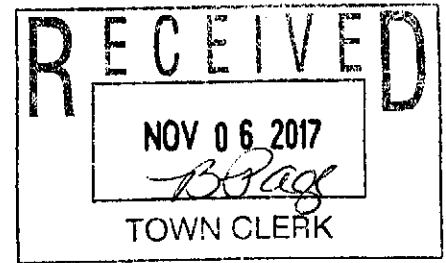
IMPORTANT: Any appeal from the decision of the Zoning Board of Appeals must be made pursuant to Section 17, Chapter 40A (MGL) as amended, and must be filed within twenty (20) days after the date of filing the decision with the Town Clerk.

Filed this 6th day of November, 2017 with the Lee Town Clerk and with the Zoning Board of Appeals.


Francine Larson
Chairman, Zoning Board of Appeals

cc:Board of Selectmen
Board of Public Works
Building Inspector
Conservation Commission
Town Clerk
Planning Board
Applicant
Abutters
Planning Boards of: Lenox, Stockbridge, Great Barrington,
Tyngham, Becket, Washington

TOWN OF LEE, MASSACHUSETTS
ZONING BOARD OF APPEALS



October 27, 2017

Oak N' Spruce
137 Meadow Street
Lee, MA 01238

Assessors' Map 35 Lot 1

The Public Hearing for Case Number 473 was called to order at 7:00 P.M. on Wednesday, October 25, 2017. There was a five member board present. All members introduced themselves and stated they had no conflict of interest.

ZONING BOARD OF APPEALS MEMBERS PRESENT; Chairman Francine Larson. Garth Story, Gordon Bailey, Keith Heeren and Richard Brittain

PETITIONER(S) PRESENT: Matthew Puntin, SK Design Group, Inc.

ABUTTER(S) PRESENT: Cornelia Kalischer, Beartown Mountain Road

Chairman Francine Larson opened the hearing at 7:00 P.M. The Special Permit petition was read for the public record. Notices had been published in the Berkshire Eagle and posted in Town Hall, and mailed to abutters.

The Chairman then asked the Petitioner to state their reason for the request for a Special Permit under Section 199-3.2 Floodplain District.. Matthew Puntin, SK Design Group, Inc. presented the project to the board. The proposed project involves the paving of the existing gravel parking area behind the maintenance garage and the expansion of the existing parking area. The property is located at 137 Meadow Street in the CR (Conservation Residential) zoning district.

Cornelia Kalischer, abutter spoke against the project and indicated she was not notified about the hearing.

Gordon made a finding that the proposed use complies with the underlying district because it was designated a parking under the original special permit and will continue to be parking for the maintenance building and with the additional 14 spaces proposed is not a substantial change and would be allowed in the district. This motion was seconded by Richard and was unanimously approved, 5-0.

**DECISION / DETAILED RECORD
ZONING BOARD OF APPEALS**

SPECIAL PERMIT#473

10/27/2017

Gordon made a motion to make the finding that the encroachment has a certification from the registered engineer and this requirement demonstrates that it does not raise the flood level. This motion was seconded by Richard and was unanimously approved, 5-0.

Gordon made a motion to grant a Special Permit in accordance and Section 199-3.2 Floodplain District for the paving of the existing gravel parking area behind the maintenance garage and the expansion of the existing parking area given are findings. This motion was seconded by Richard referencing plan prepared by SK Design Group dated September 2017.

The Board had finished discussion, had no further questions and was ready to decide. Members of the Board stated their decisions as follows:

K. HEEREN – GRANT – I vote to approve this project.

R. BRITTAIN – GRANT – I vote to grant the special permit based on the fact that it meets all the zoning requirements.

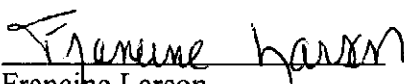
G. BAILEY – GRANT – I vote in favor of the project based on the fact that the project meets all the requirements.

G. STORY – GRANT - I vote in favor of granting the permit because the project meets all the zoning requirements.

F. LARSON – GRANT - I vote to approve the special permit.

The Chairman stated that the request for Special Permit has been granted by a vote of 5-0.

The hearing adjourned at 8:00 P.M.


Francine Larson
Chairman

Distribution:

Town Clerk
Board of Selectmen

Planning Board
Building Inspector