

June 7, 2026

To Members of the Planning Board of the Town of Lee

Re: Special Permit and Site Plan Review Application for Proposed Hotel Reconstruction at 165 Housatonic St., Lee, MA

Dear Planning Board Members:

The special permit application of the Garden Management, Inc., requests permission to (1) build a structure 50 feet high at 165 Housatonic St.; (2) extend the Commercial Business Corridor (CBC) district at this site by 50 feet; and (3) use that extension for a parking area in a residentially zoned district (district R-20). The site is presently occupied by the Pilgrim Inn, which has a nonconforming use as a hotel straddling the CBC and R-20 districts.

Residents in the R-20 district are adamantly against approval of the special permit. We own and live in houses that abut or are close to the site of the proposed hotel. This letter outlines our concerns. Excerpts from or summaries of relevant sections of the Lee Zoning Bylaws are included under each topic.

### 1. Limitations on Change in Nonconforming Structure

#### **§ 199-6.2 Requirements for extension, reconstruction or change in use or structure.**

*The Planning Board may authorize by special permit any extension, alteration or reconstruction of a nonconforming structure or to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, provided that no such extension, alteration, reconstruction or change in use shall be permitted unless the Planning Board finds that:*

*A. For a change in use, the change, extension or alteration will not be substantially more detrimental than the existing nonconforming use to the neighborhood.*

According to the site plan submitted by Garden Management, Inc., the two existing Pilgrim Inn buildings occupy 7,572 square feet. These one- and two story-buildings house 24 rooms served by 50 parking spaces. Garden Management, Inc., proposes to erect a 50-foot, four-story hotel on the same location. The new hotel is stated to comprise 75 rooms and 11,577 square feet, served by 80 parking spaces.

We question the claim that the proposed hotel will total 11,577 square feet. Divided by 75 rooms, 11,577 square feet yields a mere 154 square feet per room, exclusive of corridors, lobby space, roof space, a breakfast room, and other guest and service areas. We assume that claim that the entire hotel will comprise 11,577 square feet is mistaken and the figure instead represents the footprint of each floor. If this is the case, the entire structure, at four stories, would equal 46,306 square feet, not including roof or basement areas.

By this calculation, the proposed hotel will be more than six times larger than the Pilgrim Inn. It will have a proportionately increased impact on the adjacent R-20 district in terms of light and noise pollution, increased traffic, a lack of privacy, decreased property values, and other degradations as described below.

## 2. 50-Foot Extension of CBC into R-20

### **§ 199-2.5 Lots in two or more zones.**

*Where portions of a lot are contained in two or more zoning districts, the Planning Board by special permit may allow a frontage use to be extended to an additional rear portion of not more than 50 feet, subject to the dimensional and use regulations of the frontage parcel.*

The zoning code states that an extension of “not more than 50 feet” is permitted on a CBC lot. The existing Pilgrim Inn area already extends into R-20 by an estimated 50 feet or more. Garden Management, Inc. seeks to increase this extension by an additional 50 feet for use as a parking lot. The new extension is needed only because of the large size of the proposed hotel—in other words, it is needed to satisfy the minimal parking requirements associated with a 75-room hotel. We feel that this is not a valid justification for considering the extension request.

In addition, we are concerned that an additional extension would establish the precedent for successive extensions in the future. The lot includes another two acres or more situated in R-20. If allowed successive extensions into R-20, Garden Management, Inc. could continue to convert an ever-larger portion of R-20 to commercial use, thus rendering the residential designation meaningless.

## 3. Building Height

*§ 199 Appendix A - Tables of Dimensional Requirements and Notes. In CBC, building height is limited to 35 feet or 2.5 stories. By special permit the special permit granting authority may allow structure to be erected that are greater than 2 1/2 stories and up to 40 feet in height provided that the lot is a minimum of 1.75 acres.*

### **§ 199-13.3 Approval; conditions; disapproval.**

*I. (3) Conditions may also be imposed for the following purposes when a site plan involves construction or substantial expansion of a structure:*

*(a) To better match the architectural style of the proposed building(s) to the prevailing character of and scale of buildings in the neighborhood and the Town.*

*(b) To make the height of any proposed alteration compatible with the style and character of the surrounding buildings.*

Garden Management, Inc. requests a special permit to construct a hotel 50 feet high. However, the zoning code provides that the town may allow a maximum height of 35 feet or, exceptionally, 40 feet in the CBC provided the lot is at least 1.75 acres.

A 40-foot façade is out of scale and character in both the CBC and R-20, where nearly all buildings are no more two stories (20-25 feet) tall. In addition, although we are unable to find a measurement for the proposed setback in the site plan, it would appear to be disproportionately narrow relative to the building’s size. The only open spaces on the north and south sides of the structure are a narrow driveway along the lot border, which, from the diagram in the site plan, seem to be tight for emergency vehicles such as fire engines, RVs and other large private vehicles, and commercial vehicles. With a massive bulk and constricted setting, the proposed structure would visually dominate the Housatonic Street corridor and overwhelm the adjacent R-20 neighborhood.

Moreover, it is questionable that the size of the site qualifies the hotel for the 40-foot allowance. The site plan bases its request for a special permit for a nonconforming height on a lot of 3.6 acres. However, most of this acreage is in R-20, not the CBC. Judging from diagrams included

with the submission, the area occupied by the proposed hotel in the CBC, including the previous extension but not an additional extension—would amount to about 45% of the total lot, or 1.6 acres.

Finally, the proposed façade makes no effort to blend in with or accommodate the existing character of the surrounding environment. Many of the buildings on Housatonic St. are older one- or two-story structures with brick or shingle facades. They present the typical look of a small New England town and are surrounded by ample greenery. The proposed structure is oversized for the lot and leaves no room for landscaping other than the mandatory strip along the street. The façade has the pre-fab design that the Marriott Corp. has used as a cost-saving measure for Fairfield Inns across the United States since the 1980s. The design is dated, and its mix of materials and large signage is both attention-seeking and bland. Given its prominent location, the hotel's branding as a cookie-cutter, low/mid-budget facility for business travelers will paint the town with a similar character, blotting out the local historic character than gives Lee its desirability as a tourist destination.

#### 4. Lighting

##### § 199-12.2 **Lighting.**

*A. Exterior area lighting, including but not limited to lighting for parking lots, recreational areas, walks, drives and outside building walls, shall be done in such a manner so as to direct light away from adjacent lots and public ways.*

*B. Light overspill onto adjacent areas shall not exceed 0.5 footcandle measured in residential districts . . . except that if the ambient level exceeds that, then overspill shall not be such as to create observable shadows.*

##### § 199-13.3 **Approval; conditions; disapproval.**

*I. (2) Conditions may be imposed for the following purposes:*

*(h) To ensure that exterior and site lighting will be compatible with the neighborhood, will not inconvenience neighbors, and will not add unreasonably to overall light pollution in the Town.*

The site plan indicates that outdoor lighting will consist of 5 lights at 67.79 watts each, 1 light at 102.17 watts, and 4 lights at 123.9373 watts each. Taken together, these lights would amount to an estimated total of 75,000 to 150,000 lumens.

This is enough light to illuminate a high school football field and more. Its effect on the surrounding residential neighborhood would be intense. Although all lights will be facing downwards, they will be mounted on 20-foot poles, the rooftop height of other buildings nearby. Coming from this height, the illumination will spread in wide pools visible to homes above ground level of the hotel, while homes at the same level as the hotel will be saturated with ambient light, especially if the façade is illuminated with a light strip and upward directed light, as indicated on the diagrams. Additional lighting, possibly not mentioned in the site plan, will be needed for the outdoor pool area and patio, which, if located on the roof, will be visible from several blocks away in R-20.

The detrimental effects of bright lights at night has been well documented and includes disrupted sleep, psychological and physiological distress, reduced privacy, disturbed wildlife, the loss of the most desirable qualities of a residential neighborhood, and depressed property values.

## 5. Drainage

Barnes Brook flows through two abutting properties, and two additional properties within 300 feet away, before entering the hotel property. It is a unique feature of the neighborhood, with a picturesque setting that lends the area a charming rural character. The brook attracts much wildlife, including great blue herons, frogs, salamanders, and trout. Unusual vegetation such as trillium and bloodwort grow on its banks. Garden Management's submission to the Conservation Commission addresses the downstream effects of proposed stormwater management but does not consider the upstream effects on this stretch of Barnes Brook.

Similarly, the site plan and submission to the Lee Conservation Commission do not acknowledge the interests of the upstream property owners. Barnes Brook floods directly adjacent to the proposed hotel site, and presumably on the site itself, during heavy rains as often as every two to three years. The impact of the significant engineering proposed for the bank of the brook on the hotel site should be addressed. Questions that should be answered include:

- How will the proposed alterations to the site impact drainage on upstream properties?
- How will the proposed alterations impact wildlife and vegetation upstream?

Without consideration of the upstream effects of the proposed excavation and engineering of the site, the proposed hotel plan is inadequate and should be rejected on this basis.

## 6. Landscaping

**199-13.3 Approval; conditions; disapproval.**

*(2) Conditions may be imposed for the following purposes:*

*(g) To provide landscaping and screening sufficient to establish buffers between incompatible land uses, including measures to reduce the visual impact of potentially unsightly uses such as storage areas, machinery, service areas, truck-loading areas, dumpsters, and utility buildings.*

The site plan indicates no plans for landscaping or screening the back and sides of the structure from the surrounding neighborhood. The plan mentions retaining 6 existing saplings, but these saplings are dwarf crabapple trees with a mature height of 15 feet. Given the lack of visual buffers, nearby R-20 residents will have an unpleasant view of dumpsters, truck loading and unloading areas, and other service areas and the operations happening in them. Equally important, their residences will be vulnerable to observation and surveillance by hotel guests in rooms with windows facing out of the back of the site. The incursions into their privacy are potentially severe, as outlined below.

## 7. Noise

**§140-4.Noise Tables.** *L-10 levels for District A (residential) during the day is 55 decibels, max 68, and at night 45 dB, max 58. A -5 correction is imposed for noise that is not smooth and continuous—i.e., is impulsive (hammering, etc.) or periodic (hum, screech, etc.). Sound or noise projecting from one use district (such as District B, which includes the CBC) into another use district with a different noise level limit (such as District A) shall not exceed the limits of the district into which the noise is projected. (summary)*

**§ 199-12.3 Noise.** *No noise shall be in excess of 55 decibels at any lot line opposite or abutting a residential use.*

The zoning code is clear on allowable noise levels. Sound generated from the following sources is likely to significantly violate code limitations on noise in residential areas.

**Mechanical equipment** will generate a continuous low-to-mid frequency hum. HVAC equipment, such as a packaged rooftop unit, typically generates 75–85 decibels (dBs). Other noise-producing equipment includes laundry room vents (typically 55 dBs during the day and 45 dBs at night) and generators (typically 65-80 dBs).

**The 80-car parking lot** will generate loud noise (typically in the 70-85 dBs level) from cars coming and going, engines idling, doors slamming, social gatherings, yelling and loud conversation, and car alarms. The proposed extension of the CDC into R-20 for a parking lot will bring this noise even closer to R-20 residences.

**The outdoor swimming pool and patio** will generate noise of up to 95 dBs, especially if children are active. This noise is likely to include screams, shrieks, splashing, whistles, yelling (“Marco Polo!”), crying, and loud conversation. The pool pump will produce additional noise in the 65 to 90 dBs range. The patio area will create added noise with activities such cell phone conversations, loud social activity, and music.

While the exact location of the pool and patio is not evident from site plan, it appears to be in the back of the building. Thus the noise generated by this recreation area would be heard clearly into the surrounding residential neighborhood. If located on the roof of the building, the noise will be even more obtrusive, as rooftop elevations allow sound to travel much further than street-level noise, especially when there are no intervening buffers.\* Any noise generated will be especially irritating in the evenings, when families gather after the day’s work.

**Garbage trucks** are likely to collect an estimated 75 pounds (at 50% occupancy) to more than 300 pounds (at 100% occupancy) daily. Garbage trucks typically generate noise in the 85 dBs range.

**Service entrances and loading/unloading areas** for daily deliveries are evidently planned for the rear of the building, where they would face directly into R-20. Noise from these areas would include machinery and equipment, the loading and unloading of goods, the opening/closing of bay entrances, loud conversation, idling truck engines, and piercing back-up signals. Delivery bays have been documented to produce excessive noise levels reaching 80 dBs.

Altogether, hotel operations will generate hundreds of dBs of constant and intermittent sound spilling over into the adjacent R-20 area. The site plan indicates no measures to buffer this noise. Its detrimental effects on residents will be intense. For example:

- Residents will be reluctant to spend time in their yards and decks.
- Daily activities at home such as conversing, sleeping, reading, and homework will be made more difficult.
- Residents who work from home will experience reduced productivity.

The damaging effect on individuals of a loud noise environment is well documented. With significantly increased noise levels in their neighborhood, R-20 residents may experience symptoms ranging from headaches and insomnia to weakened immune systems.

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\* For comparison, on May 22, 2026, work took place on the roof of a house on lower Fuller St—at greater distance from Maple St. than the proposed hotel and buffered by a large stand of woods. The roof workers’ conversation was not only audible, but intelligible from Maple St. backyards.

- Residents' stress levels will be compounded by a likely drop in property values caused by the loud noise environment.

## 8. Traffic

### 199-2.3 **CBC.**

*(2) Additionally, the Town of Lee's intent for the Commercial Business Corridor District is to:*

*(g) Minimize the overall impact of development on the immediate environment and neighborhood and, in particular, reduce the impact of traffic and parking along the corridor.*

Housatonic St. is often congested in the morning and all day during the summer. A 75-room hotel with an 80-space parking lot will increase the load of traffic. Although the developer claims that the overall impact on the town traffic will be minimal, in the area immediately surrounding the proposed hotel this increase in traffic will be felt acutely.

- Guests entering and exiting the hotel will significantly increase traffic on Housatonic St. during peak hours.
- Traffic will also increase with the daily comings and goings of employees, garbage trucks, service vehicles, food delivery vehicles, and other non-guest visitors to the hotel, which are not accounted for in the site plan.

The Housatonic St./Fuller St. intersection is likely to become a chokepoint.

- Residents from the Greylock-East St. neighborhood usually use Fuller St. to drive to the Big Y and beyond. The left turn from Fuller St. to Housatonic St. can already be challenging because of intermittently heavy traffic, including cars turning out of Dunkin' and Canna Provisions. Increased traffic due to the hotel will make this turn even more difficult.
- As the number of hotel parking spaces includes only five for hotel employees and non-guest visitors, they would be forced to park on R-20 side streets, adding to the traffic burden at the Housatonic St./Fuller St. intersection.
- The chances of an accident involving both cars and pedestrians will rise. At some point a light may be needed to regulate traffic at the intersection.

Lee visitors and residents sometimes seek to circumvent traffic on Route 20 and Housatonic St. by using Maple St. to and from downtown, especially during the summer. Many cars go well over the speed limit of 25 miles per hour. Walkers on Maple St. (which are frequent) are endangered as the street is narrow and has two blind curves.

- Heavier traffic on Maple St. is likely to result as drivers seek to circumvent congestion on Housatonic St. or find parking spaces. This will make Maple St even more hazardous, threatening pedestrians and disrupting the peace of the neighborhood.

## 9. Failure of Plan to Meet Mandatory Findings for Special Permits

In residents' view, the proposed hotel satisfies none of the mandatory findings for the special permit.

### § 199-13.4 **Special permits.**

*(1) The structure and/or use is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose.*

The proposed hotel has a height and footprint out of scale with the Town of Lee. The pre-fab character of the structure is inappropriate in a small town and degrades the town ambience and

historic character. Variances with provisions of the zoning code would, if allowed, have a detrimental effect of the CBC, R-20, and the town as a whole.

*(2) The structure and/or use is essential or desirable to the public convenience or welfare at the proposed location.*

A Marriott Fairfield would be great on the Lenox-Pittsfield Rd or in the Lee Service Plaza. It is fine on Route 7 leading into Great Barrington, where it is removed from residential areas and set well back from the road. But it is not in place in the heart of Lee, a town that prides itself on being the gateway to the Berkshires. Does Lee want to welcome visitors with a commercial area resembling every other strip mall in America? Does the town want to present itself like North Adams, where an overly tall, unsightly former Holiday Inn dominates the townscape? The local character of Housatonic St. is already partially degraded by gas stations, billboards, and national fast food chains. The domineering size, lack of landscaping, and uninspired quality of the proposed façade will only further this trend.

It will also send the message that the town prioritizes revenue over the historic local character, ambience, and citizens' quality of life. While the economic benefits to the town may be enticing, Lee is in relatively good economic shape as the downtown area becomes increasingly robust—thanks to excellent town management—and the settlement funds from GE offer a large economic cushion. The degradations posed by the hotel in the proposed location far outweigh any pecuniary benefit to the town.

*(3) The structure and/or use will not be detrimental to adjacent uses or to the established or future character of the neighborhood.*

The town code consistently and repeatedly emphasizes the need to maintain the historic character of the town and the character of residential neighborhoods when considering permit and special permit applications (see the attachment to this letter for examples).

This letter details ways in which the impact of the hotel on adjacent residential areas could be devastating. Sound pollution will be extreme as a large parking area, mechanical equipment, and the pool and patio generate loud noise. Bright lights will eliminate nighttime from our properties. Our privacy will be intruded on as four stories of hotel windows look into our yards, decks, living rooms, and bedrooms, exposing us to constant surveillance. As a result, our physical and psychological health will suffer and our property values will plummet.

*(4) There will not be undue traffic congestion or undue impairment to pedestrian safety.*

A detailed traffic study needs to be conducted. R-20 residents' habitual street usage patterns suggest that the Fuller-Housatonic Sts. intersection is likely to become a choke point if truck and private vehicle traffic increase due to the proposed hotel. Given the potential shortage of parking spaces in the hotel lot, hotel guests and staff may start to seek parking on nearby residential streets.

*(5) The structure and/or use 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 hazards affecting public health, safety or general welfare.*

As detailed above, the site plan does not adequately address the effects upstream of the drainage system proposed for the hotel site. Its impact on private property abutting or close to the site and on wildlife and vegetation need to be properly assessed.

## **10. Loss of Privacy and Property Value**

Many restrictions imposed by the code aim to preserve the quality of life in residential neighborhoods and of Lee residents (see the attachment to this letter for examples). We believe that the privacy of residents is a fundamental right implicitly protected by the code. The intrusions on privacy threatened by the proposed hotel are considerable.

- Per the rear elevation in the site plan, 37 hotel room windows on the upper three stories will look into the adjacent portion of R-20—into residents' yards, decks, houses, and bedrooms. Hotel guests, if allowed on the rooftop, will similarly have an unimpeded line of sight. Residents' every move—including those of their children—will be vulnerable to observation, surveillance, and recording.

As with a loud noise environment, the damaging effects on individuals of a lack of privacy are well documented. Daily life is disrupted and customary activities are inhibited. As a result of this intrusion, residents may experience stress, anxiety, insomnia, hypervigilance, headaches, weakened immune systems, and gastrointestinal problems.

Residents' stress will be compounded by a predictable drop in property values caused by the construction nearby of a large hotel. As their homes represent the bulk of the assets of many residents, this drop in value could be disastrous.

## **11. Developer and Town Capacity**

The site plan submission to the Planning Board is signed by Ibrahim Zia, who identifies himself as the owner of Garden Management, Inc. However, Muhammad Zia is identified by the Secretary of the Commonwealth of MA as the sole principal (president, treasurer, secretary, and director) and registered agent of Garden Management.

- If Ibrahim Zia is not the owner or registered agent of Garden Management, Inc, what is the legal status of the site plan submission and the commitments it makes?

Another question is whether a market study has been conducted to determine that a 75-room hotel in this location is economically feasible as a year-round venture. If, as the proposal indicates, the hotel will operate as a Fairfield Marriot, is the franchise agreement already in place or well underway, or is it purely aspirational on the part of Garden Management, Inc.? Does the owner have the capacity for an investment in a newly built Fairfield Marriott, which according to the Marriott Corp typically runs between \$12 million and \$26 million? What are the implications for the hotel's economic feasibility and performance standards if the franchise agreement falls through and the proposed hotel does not partake in Marriott's nationwide reservation system and quality standards?

Our confidence that the proposed hotel will operate successfully is low. Garden Management, Inc. does not seem to have experience operating a hotel of this size or to the standards set by the Marriott Corp. Moreover, the hotel currently on the site, the Pilgrim Inn, has experienced a host of problems since it was purchased by Garden Management in 2020. For example, in the 17-month period between January 2025 and May 2026, Tri-Health accumulated a large file of sanitary code violations at the Pilgrim Inn. These include non-functioning smoke detectors, sewage backed up in a bathtub, soiled and stained mattresses, open dumping, inadequate pool

maintenance, and rodents. During the same period, Lee emergency services responded to more than 70 calls from the Pilgrim Inn, many of which involved medical situations (some demanding ambulance transport to the hospital) as well as domestic disturbances, unwanted parties, threats, and wellbeing checks. These incidents often disturbed nearby residents.

Constantly overflowing dumpsters have been another source of irritation for neighbors. The Office of the Building Inspector issued a violation notice concerning garbage storage on September 22, 2025, ordering the owner to install an opaque fence to screen waste storage from public view in compliance with the zoning code. To date the owner has not complied. Based on this record, we are concerned that in the future, if if Marriott Fairfield branding is not realized or is lost, conditions at the proposed hotel will deteriorate to similarly unacceptable levels.

In conclusion, we would like to emphasize that no other neighborhood in Lee has had to deal with a challenge of this kind. We already have a toxic waste site going in at the other end of our town. This unprecedented project will have a similarly devastating effect on the residential neighborhood surrounding the proposed hotel, degrading our quality of life and destroying our property values.

We hope the Planning Board will carefully consider this application in light of the kind of home Lee wants to offer its residents and taxpayers. We urge you to reject a special permit for this project as out of keeping with the rules and intentions of the CBC and as an existential threat to one of Lee's oldest, most beautiful neighborhoods.

Respectfully,