



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

WESTERN MASSACHUSETTS DIVISION

1350 MAIN STREET

SPRINGFIELD, MASSACHUSETTS 01103-1629

MARTHA COAKLEY
ATTORNEY GENERAL
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May 3, 2010

Suzanne M. Scarpa, Town Clerk
32 Main Street
Lee, MA 01238

RE: Lee Special Town Meeting of January 28, 2010 --- Case # 5438
Warrant Articles # 3 and 7 (Zoning)

Dear Ms. Scarpa:

Articles 3 and 7 - We return with the approval of this Office the amendments to the Town by-laws adopted under these Articles on the warrant for the Lee Special Town Meeting that convened on January 28, 2010.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103
(413) 784-1240, x 7717

enc.

cc: Town Counsel (via email)



ARTICLE 3

1st D Costello
2nd P Corlino

Mr. Moderator:

I move that the Town vote to amend its Zoning Bylaw paragraph "199-40 Location of required parking facilities." to read as follows:

§ 199-40. Required parking facilities shall be located on the same lot as the building or other use which they serve, except that upon approval of the Planning Board required facilities may be located elsewhere, but not more than 300 feet from such building or use, measured in a straight line to the nearest space for vehicular parking.

2/3 RDS Vote - Yes

39 Yes

1 NO

Suzanne M. Scarpa
The Town Clerk 4/28/10

A TRUE COPY ATTEST

Suzanne M. Scarpa

SUZANNE M. SCARPA
TOWN CLERK - LEE

SPECIAL TOWN MEETING WARRANT January 28, 2010

See STM
Jan 28, 2010
Article 7
Form 2
2

The meeting was called to order at 7:03 PM. Town Clerk Suzanne Scarpa stated there was a quorum and the warrant was duly posted. The Pledge of Allegiance was recited by all present. There was a moment of silence in honor of Bobbie Pollard who has served our Town in many capacities for many years.

Article 7. Adaptive Reuse Overlay District (AROD) Amendment (2/3 vote)

P. Carlino moved that the Town amend its Zoning Bylaw Article 199-20A, Adaptive Reuse Overlay District (AROD), Paragraphs 199-20-A(1), A(2), B, and C to read as follows:

199-20A. Adaptive Reuse Overlay District (AROD)

A. Purpose of District: The purpose of the Adaptive Reuse Overlay District (AROD) is to:

- (1) Provide specific regulations allowing for the reuse of private buildings, municipal buildings, public and private school buildings and as defined in paragraph 199-20A-b below.
- (2) Allow for the reuse of existing buildings as defined above throughout the town to increase the town's overall tax base, create employment opportunities and ensure efficient use of municipal services so as to not create an undue burden on them.
- (3) Ensure that such uses are compatible with their surroundings.
- (4) Maximize the use of the site's natural characteristics.

B. Eligibility for Conversion

- (1) Private buildings, municipal buildings or public or private school buildings as defined in (a) and (b) below and located in any zoning district are eligible for conversion to those uses listed in Section 1.3.1 of this bylaw, but only if it meets all of the following tests:
 - (a) It was used for not less than 15 years.
 - (b) It contains not less than 10,000 square feet in total gross floor area.

C. Scope of Authority

The AROD is superimposed over rather than replacing the underlying zoning districts. The regulations of this overlay district shall govern all reconstruction or expansion of privately owned buildings, municipal buildings and public and private school buildings as defined in paragraph 199-20A, paragraph B above. Provisions of Section 1.0 shall supersede those of Article III Use Regulations and Article IV - Intensity Regulations in the Bylaw. On all other matters, the provisions of the underlying districts shall continue.

The Special Permit Granting Authority for this section shall be the Board of Selectmen. The Board of Selectmen shall require that any application for a special permit under this section shall be accompanied by a site plan in accordance with Section 199-35 of the Bylaw. 2nd by D. Consolati. Short explanation. Vote-yes unanimously.

I, TRUE COPY ATTEST
Suzanne M. Scarpa
SUZANNE M. SCARPA
TOWN CLERK