



TOWN OF LEE
32 Main Street, Lee, MA 01238
www.lee.ma.us

R. Christopher Brittain,
Town Administrator

TO: Residents of Lee
FROM: Chris Brittain, Town Administrator
RE: Summary of Special Town Meeting Articles
DATE: November 9, 2023

Dear Residents:

Below is a summary of each article in the December 6, 2023 Special Town Meeting Warrant.

1. **DPW/PUBLIC SAFETY FACILITIES:** This is an all-encompassing article that approves the purchase of 2 properties and funds the creation of a new public safety facility at the current location of the Airolti Building and DPW Garage (by the Lee Post office). It also includes related engineering and demolition/site work. If approved the result would be the demolition of the Airolti Building, 41 Railroad St. and DPW garage/Quonset hut which would be replaced by a new public safety facility (see attached photo). The DPW would be relocated to 1185 Pleasant Street (former Daley/Casella Building). If approved at town meeting by a 2/3 vote, the question would be placed on a town wide election ballot to comply with proposition 2 ½ requirements. Upon election approval the town could then be issued a bond for proposed projects. The total cost of all projects is estimated at \$36,700,000. If future Annual Town Meetings approves the use of INTEREST gained from the Rest of River Settlement (not actual settlement funds) towards the bond payment the total project should result in an estimated \$340 per year average tax increase.

2. **OPIOID SETTLEMENT MONEY:** Towns in Massachusetts recently received settlement money from a statewide case against opioid drug manufactures. The town of Lee received \$67,167.21. The money must be spent on substance abuse related costs. This article provides funding to the Rural Recovery Center in Great Barrington which provides these services for Lee Residents. It also allocates a portion to the Lee Police Department for training officers to carry Narcan and towards the police co-responder program. Lee will receive additional funding each fiscal year which will be allocated separately at future town meetings.

3. **CPA LAND ACQUISITION OF 505 STOCKBRIDGE ROAD:** This article allows CPA funds to be used for the purchase of open space on Stockbridge Rd. The purchase will connect two town parcels together (300 Stockbridge Rd and Longcope Park). See

attached map. The purchase would create a total contiguous parcel of approximately 240 acres. This purchase would have no additional tax impacts since CPA funds have already been collected. CPA funds can ONLY be used for recreation/open space, affordable housing and historical preservation. Land purchased with CPA funds will include a permanent conservation easement.

4. DISPOSITION OF BARN: With the purchase of new open space in article 3, the town is able to dispose of a section of property (approximately 1.2 acres) that contains a barn with critical structural deficiencies. This article will allow the town to sell the barn and associated land to the adjacent property owner for \$31,000. If the town does not sell the property, we are expected to incur future costs for demolition. See photos below.

5. PREVIOUS FISCAL YEAR APPROPRIATION: This article includes payments to 4 vendors for invoices from previous fiscal years totaling \$6,127.37. Because they are not part of the current fiscal year budget, they require a special 9/10th vote of town meeting. Unfortunately, these invoices were unpaid due to instances related to staffing transitions during the pandemic.

6. ACCEPTANCE OF MGL CHAPTER 41 SECTION 110A: Due to the passage of the VOTES act in 2022, the final day to register to vote now falls on a Saturday for Tuesday elections. Without the acceptance of this act the town must pay staff overtime to be present on Saturdays from 9am-5pm in the event that a resident would like to register to vote. Passage of this article would allow the town to hold the final voter registration day on the previous Friday when town hall is normally open.

7-9. ZONING ARTICLES (Reports provided by Planning Board):

Accessory Dwelling Units

This proposed zoning bylaw would allow construction of accessory dwelling units (ADUs) that are not attached to main dwellings. Lee currently allows only attached ADUs. The goal of the proposal is to make a limited change to existing zoning that gives homeowners a chance to earn more income, to increase housing availability, while still protecting the character of residential neighborhoods. This proposed bylaw would require that an ADU must obtain a special permit review from the planning board before construction begins. The proposal also includes some limitations that should limit neighborhood impact, such as requiring that any ADU must be at least 400 but not more than 900 square feet and that adequate parking must be provided. The bylaw also provides that ADUs cannot be offered as short-term rentals, and that lots with ADUs cannot be subdivided.

Short Term Rentals

The availability of Internet software like “VRBO” has led to a large increase in the short-term rental of residential property in Lee. Our current bylaws don’t say whether such rentals are allowed or disallowed, and there has been some confusion and unhappiness. Some homeowners want to rent their properties as STRs, but they are uncertain whether they may. On the other side, some hotel and motel owners

understandably feel it is unfair to allow unregulated competition that doesn't have to meet common standards.

This draft bylaw is a proposed amendment to the town's zoning code. It does allow for short-term rentals, but with some limitations. The Planning Board sought to produce a balanced approach to STR regulation, imposing more restrictions than some towns, but less than others. The draft is rather long for Lee, in part because it matches a complex state law definition for short-term rentals.

Of course, the proposed bylaw would allow individual persons to use their properties as STRs. So a homeowner who leaves town, say, for the winter can rent that property as an STR. Corporate-owned property is not eligible for STR use, but an exception is made for an LLC that operates only one or two units and where the owner of the LLC stock lives on the site. Also, income-restricted – so-called “affordable” housing” – cannot be rented as STRs.

There is no restriction on how often property can be used rented. Where a Lee resident has a room or a cottage available for rent, it can be used as an STR all year long, regardless of whether the owner is present. The proposed bylaw has no effect on traditional long-term or month-to-month rentals.

In Lee, STR owners already must collect and remit a tax to the state Department of Revenue. This bylaw would require that STRs be registered at the town hall, providing a fair amount of information, such as who owns the property, how many tenants are expected, and how to reach the property manager. The registrations will help the town keep track of how many short-term rentals exist in town, but the main function will be as a platform to enforce the bylaw's performance standards. The annual registration fee will be \$100.

The performance standards are in subsection F. They restrict short-term tenants and owners from exceeding the declared occupancy limit and from erecting tents or playing amplified music outdoors. They also require the registrant to identify a Property Manager who will respond to a tenant's telephoned complaint within two hours. There are also some safety requirements, such as smoke detectors and a parking requirement. STRs are subject to inspection for fire and safety purposes, but there is no mandate for annual inspections.

Violations of the performance standards will be enforced in the same manner as a zoning violation. That means a potential fine of \$300 per day. Also, repeated violations can produce a 12-month revocation of the right to offer short-term rentals.

Other Towns

The Planning Board reviewed STR bylaws from several other jurisdictions. We have taken many ideas from these other towns, but we have not wholly followed any of them.

Otis's STR includes a registration requirement, although it calls it a “licensing” requirement. Fees are much higher in Otis. Like the proposal here, the Otis bylaw

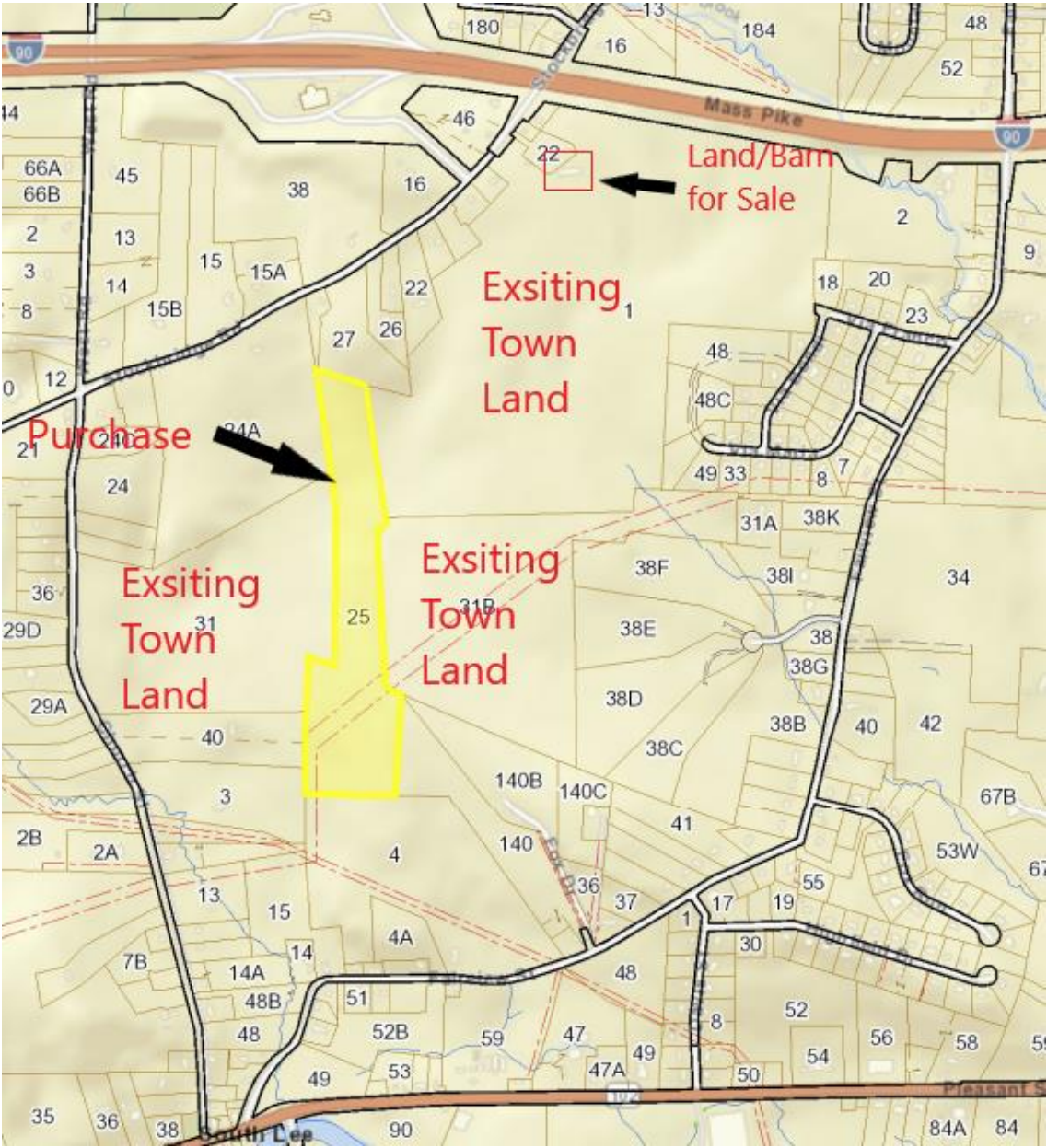
requires the availability of fire extinguishers. Otis requires annual inspection for each STR, and it prohibits rental periods of less than 18 hours.

Lenox's zoning regulation limits STR rentals of any property to a total of 75 days per year, or 110 days with a special permit. Individual rooms can be rented all year long, provided that the owner is in the building at the time of rental. All STR overnight parking must be on the property.

Great Barrington placed an STR bylaw in effect at the beginning of 2023. In Great Barrington, no corporations or LLCs may operate an STR. Also, an individual owner may have only one STR in the town. Where the owner isn't present, a single STR property can be rented for only 150 days per year. In Great Barrington, the STR bylaw is not part of the zoning code, so it appears that violations are enforced by the police, rather than by the zoning and building officials.

Stockbridge also has a general (not zoning) bylaw on STRs. There are many similarities to this Lee proposal. Stockbridge also allows LLCs to operate STRs, but not other corporations. Stockbridge requires STRs with septic systems to show that the systems have been pumped every three years. Stockbridge also prohibits commercial meetings at STRs.

MAP OF STOCKBRIDGE RD LAND PURCHASE AND BARN SALE (ARTICLE 3 and 4)



EXISTING CONDITION OF BARN (ARTICLE 4)



PROPOSED PUBLIC SAFETY FACILITY (ARTICLE 1)

