

**SPECIAL TOWN MEETING, DECEMBER 6, 2023, 7:00 P.M.**

**Lee, Massachusetts Annual Town Meeting December 6, 2023 at 7pm Lee Middle & High School Auditorium**

**COMMONWEALTH OF MASSACHUSETTS BERKSHIRE, SS.**

Moderator Matthew Carlino called the meeting to order at 7:10PM. All present recited the Pledge of Allegiance. The moderator confirmed that the warrant had been duly posted and there was a quorum present.

**Article 1**

Gordon Bailey moved that the Town vote to appropriate \$36,700,000 (i) to pay costs of designing, engineering, constructing and equipping a Public Safety Facility, related demolition of existing facilities, costs of relocating the Public Works Department to 1185 Pleasant Street, and for the payment of all other costs incidental and related thereto and (ii) to pay costs of acquiring by gift, purchase and/or eminent domain, the following parcels of real property for municipal purposes and described in a deed recorded at the Middle Berkshire Registry of Deeds namely: 41 Railroad Street (assessor's parcel 150018A000000430) Book 2773 Page 52 and 1185 Pleasant Street (assessor's parcel 150030000000071A) Book 6572 Page 67, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that no amounts shall be borrowed or expended for this purpose, unless and until the Town shall have voted to exclude the amounts required to repay any borrowing authorized by this clause from the property tax levy limitations of G.L. c. 59, §21C (also known as Proposition 2½). Bob Jones seconded.

Chris Brittain gave an overview of the project and introduced architect Brain Humes. Mr. Humes gave a brief presentation detailing the look and use of the prospective building. Chief Brown and Chief DeSantis each read statements in favor of the proposed building. Many other towns people spoke in favor of the new building, including Bill Matthews, Peter Bluhm, Dave Forrest, Edward Armstrong, and Clair Lahey. A few people had questions that were answered by Chris Brittain or Brian Humes. After a reasonable discussion, a voice vote was called and the moderator declared the vote passed. Jeremiah Pollard, town

Counsel, required a clicker vote. Article 1 PASSED 197 YES-26 NO 2-ABSTAIN via 2/3 clicker vote.

## **ARTICLE 2**

Bob Jones moved that the Town vote to appropriate the sum of \$55,967.21 to the “Rural Recovery Center” and \$11,200.00 to the Lee Police budget for the purpose of the funding of substance use disorder prevention, harm reduction, treatment and recovery programs, as further detailed in the Massachusetts State-Subdivision Agreement for Statewide Opioid Settlements, and that to meet this appropriation, \$67,167.21 be transferred from the Opioid Special Revenue Account reflecting the amount allocated by the Commonwealth to the Town of Lee in the Fiscal Year ending June 30, 2023 from the Commonwealth of Massachusetts’ Opioid Settlement Fund. Sean Regnier seconded. Chris Brittain gave a short summary of the article. There was no discussion. Article 2 PASSED unanimously via voice vote.

## **ARTICLE 3**

Sean Regnier moved that the Town vote to appropriate \$25,000 in legal and acquisition costs, and \$110,000 in land purchase expense, for a total appropriation of \$135,000 to enable the Town of Lee to acquire for conservation purposes under Chapter 44B, the Community Preservation Act, and to authorize the Board of Selectmen to accept the deed to the town of fee simple interest or less, of a parcel of land on 505 Stockbridge Road, consisting of 25± acres of open land identified as Parcel 1500230000000250 (Book 1672, Page 327 recorded at the Middle Berkshire Registry of Deeds) in the records of the town assessors; a map being on file with the Town Clerk, together with all rights and easements and subject to all easements; said land to be managed by the Town of Lee Conservation Commission; and that to meet this appropriation, the sum of \$135,000 be transferred from the Undesignated Community Preservation Fund and/or Open Space Recreation Fund balance and to authorize the Board of Selectmen to submit on behalf of the town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition; and/or any others in any way connected with the scope of this Article; said gifts or grants to be deposited in the Undesignated Community Preservation Fund balance; and that the Board of Selectmen be directed to grant a perpetual conservation restriction in said parcel of land meeting the requirements of M.G.L. Chapter 44B, § 12 and M.G.L. Chapter 184, §§ 31-33, and to enter into all agreements and execute any and all instruments as may be necessary to effect said purchase, said funds to be expended by the Community Preservation Committee. Gordon Bailey seconded. Chris Brittain gave a short description of the article. Article PASSED via voice vote.

#### **ARTICLE 4**

Gordon Bailey moved that the Town vote to authorize the Select Board to dispose of 1.2 acres of land and unusable unoccupied barn structure on 300 Stockbridge Road (Assessor's Parcel 1500240000000010 Book 1417 Page 1024 recorded at the Middle Berkshire Registry of Deeds) as shown in the map on file in the Town Clerk's office, and to authorize the Select Board to enter into all agreements and execute any and all instruments as may be necessary for this purpose. Bob Jones seconded. Chris Brittain gave a short description of the article. John Coty mentioned he was dismayed the barn was in such bad shape, but happy to have this land for public use. ARTICLE PASSED via voice vote.

#### **ARTICLE 5**

Bob Jones moved that the Town vote to appropriate the following sums for the purpose paying previous fiscal year invoices, said sums to be paid out of the current FY 2024 budget for each respective department.

FY2023 invoices for DPW total \$1,853.19

RW's \$584.85

PLT \$200.25

Cintas \$1068.09

FY2022 invoice for Water & Sewer

Arc GIS \$400

FY2021, 2022 invoice for Fire/EMS

Stryker \$3677.18

FY2021, 2023 invoices for Counsel on Aging, Police and DPW

AWSI \$197 (drug testing)

Seconded by Sean Regnier. Chris Brittain explained the article. ARTICLE PASSED unanimously via voice vote.

#### **ARTICLE 6**

Sean Regnier moved move that the Town vote to accept the provisions of Massachusetts General Laws Chapter 41 Section 110A which allows public offices in a city or town to remain closed on any or all Saturdays and the provision of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extend as if such Saturday were a legal holiday. Acceptance shall take place upon passage. Gordon Bailey seconded. Chris Brittain explained the article. Alexandria Hedinger asked what other ways a person can register to vote. Chris responded with online, in person, at the RMV, or by having a voter registration card mailed to you. ARTICLE PASSED via voice vote.

#### **ARTICLE 7**

Gordon Bailey moved that the town vote to amend the zoning bylaw in Article IX (Supplemental Use Regulations) by adding a new Section 199-9.13, as published in the

warrant, relating to “Short Term Rentals.” The motion was seconded by Bob Jones. Peter Bluhm presented a description of the bylaw.

Peter Bluhm moved to AMEND the proposed section (199-9.13, subsection D.1), as follows:

1. In the first line, after “Nevertheless,” by striking “a” and adding instead “any revocable trust or”;
2. In the second line, by striking “principal” and inserting instead “sole real estate asset”; and
3. In the third line, after “entity’s” by inserting the word “trustee,”.

So that if adopted the motion would read:

1. Property owned by a corporation, trust, or partnership. Nevertheless, any revocable trust or corporation may operate an STR if its sole real estate asset is a single residential property in Lee; that property contains one or two dwelling units; and that property is the primary residence of the entity's trustee, majority stockholder(s), beneficiary, or partner.

Gordon Bailey seconded the amendment. Peter Bluhm explained in detail what the amendment meant. Judith Ambry asked if this would affect all land including conservation land and Peter responded that it cannot affect the restriction of conservation land, yet it does apply to all zones. The AMENDMENT TO ARTICLE 7 PASSED.

Hyden Kuhn spoke and asked how many single-family houses there are. Peter Bluhm responded that he did not know that number. Hyden Kuhn stated that he is against short term rental as there is a housing shortage here in Lee. He went on to say that young people and couples can’t afford to buy property, and allowing short term rentals is hurting our community and our housing crisis. He would like the town to do more to prevent that. Jessica Gaherity asked if it was written in the deed, would this still have an effect. Gordon Bailey said it would not. Peter Bluhm spoke that housing issues are regional and not just unique to Lee. He goes on to say that family corporations can have short term rentals, such as in a trust. Josh Bloom asked if the town has looked at the different forms of enforcement for short term rentals, as perhaps some people in those towns have been able to skirt around the laws as pertaining to their taxes. He suggested that maybe an enforcement study could be done in the future. Peter spoke to using a registration system at town hall for short term rentals. Chris Brittain mentioned they have looked into software to use that tracks the rentals and can be used for registration and for payment if this passes. Rachael Armstong asked who would be responsible for maintaining the registration and Chris Brittain responded that the town clerk would. Peter Bluhm noted that it would be the select board in charge of registration. Alex Hedding asked why there would not be an annual inspection. Peter Bluhm says that they would

subject to inspection at any time via or Tri Town Health. ARTICLE 7 PASSED via voice vote.

### **ARTICLE 8**

Bob Jones motioned that the town vote to amend the zoning bylaw by adding a new Section 199-4.5 to the existing zoning bylaw, as published in the warrant, relating to “Accessory Dwelling Units.” Sean Regnier seconded. Buck Donovan gave a brief description of the bylaw. Jim Harding was wondering if a couple could live in their ADU and rent out their main house. Buck responded with “loophole”.

Jim Harding moved to AMEND the main motion by adding the words “as no property containing an ADU shall be offered or utilized in any way for Short-Term Rentals.” Comments and conversation continued until the final amendment was written with Jeremia Pollards’ help. Gordon Bailey explained the amendment, that 30 days or more not a short-term rental. The amendment would keep both the accessory dwelling and the main house as rental options. Bobbi Koz Paley spoke of having tiny houses and more flexibility. The amendment was restated after consulting with counsel and then seconded by Sean Regnier. After more discussion by Cornelia Kalisher, Josh Bloom, Hyden Kuhn, Caroline Young, Peter Bluhm, Jim Harding, and Gordon Bailey, there was a voice vote on the amendment. The moderator then asked for a clicker vote (division of assembly). ARTICLE 8 AMENDMENT FAILED 44-YES 52-NO 4 ABSTAIN majority.

Discussion on the unamended article continued. Cornelia Kalisher was concerned about the amount of parking space. Josh Bloom thought that section 6 and C7 are too restrictive, and asked if there was a “grandfather” clause, Jeremia Pollard responded that it would be grandfathered in when it’s preexisting and non-conforming are legal if they preexist zoning. Buck Donovan confirmed 1 ADU. Bobbi Koz Paley wanted a mandate for parking. ARTICLE 8 PASSED 60-YES 22-NO 6-ABSTAIN via voice vote with 2/3 votes.

### **ARTICLE 9**

Gordon Bailey moved the town vote to amend the zoning bylaws by adding the definitions, as published in the warrant, to § 199-14.1 of the existing bylaw, to be located alphabetically within that section. Sean Regnier seconded. Peter Bluhm summarized the article. ARTICLE 9 PASSED unanimously.

Sean Regnier moved to dissolve meeting. MOTION PASSED UNANIMOUSLY.  
Meeting was dissolved at 9:24pm.

Submitted,

Rachael B Armstrong, Clerk

SPECIAL TOWN MEETING MINUTES 2023