

# **Summary of Lee Zoning Proposals**

## **March 24, 2022 – Articles 10-19**

### **Article 10. Effect of Zoning**

Section 4.1 is the existing bylaw provision that explains how one complies with the zoning regulations. The current version seems to apply only to “uses” and not to structures. Consistent with existing practice, this proposal adds structures to the text. It is modeled on the Lenox bylaw.

### **Eliminating the Obsolete Business Multiple Dwelling Zone.**

This zone doesn’t exist in Lee. The proposed changes delete seven references to it in the bylaw.

### **Article 11. Parking Lots and Garages**

The town has several parking lots, but nothing in the bylaw explicitly authorizes them. On the suggestion of Town Counsel, this proposal would authorize parking lots. Parking lots would require “special permits” in many zones, thereby allowing the Planning Board discretion to either deny the use or to condition it to better fit in to the neighborhood. In the commercial and industrial parts of town, a parking lot would be a permitted use, granted without review by any town board.

The proposal also would permit parking garages in the DCBC district downtown, the PCVC district, the Industrial District, and the Office Park districts. In each case, any parking structure would require a special permit.

### **Article 12. Animals**

The current Lee bylaw has somewhat spotty provisions regarding animals. In three zones (RA, CR, and RB), the “raising of hogs, pigs, poultry or fur bearing animals” is allowed, but only where the animals are kept “at least 300 feet from any property line.” There is no mention of animals in more dense residential areas. In practice, the Planning Board has allowed some town residents to keep chickens on their residential properties.

This proposal aims to state explicitly what would be allowed and disallowed regarding animals, and it loosens the existing rules slightly. It explicitly allows more animal-related uses, while retaining a site plan review in cases where there is possible harm to neighboring properties. Specifically, the proposal would allow traditional pets. It also would allow some limited additional uses, involving chickens and bees, in residential areas. There is also a provision for

commercial kennels. Finally, the provision for raising larger animals requires a site plan review. Rather than require a uniform 300-foot animal-free boundary, it instead allows case-by-case consideration for these larger animals. Commercial farming is unaffected by these changes. A separate and unaffected provision in the current bylaw requires animal wastes to be stored in containers that avoid creating a nuisance or hazard. The Planning Board has consulted with the Lee Agricultural Commission in designing these proposals.

### **Article 13. Non-Conforming Structures, Uses and Lots**

Section 6.1 of the existing bylaw allows the Planning Board to grant a “special permit” to extend a nonconforming use, and it sets forth two standards. But a different and more general set of five findings is required later in the bylaw (§ 13.4) for “special permits.” Currently it isn’t clear whether Section 6.1 cases require compliance with two standards or seven.

This proposal would clarify the standards required in a Section 6.1 case. The Planning Board would consider the second set of findings (under § 13.4) only to the extent they are relevant to the case at hand. Subsection (E) would also be amended to correct an apparent oversight, thereby recognizing that nonconforming structures (as well as nonconforming uses) can be abandoned.

### **Article 14. Nonconforming Signs**

This proposal slightly loosens the regulation of signs which need repair or adjustment. Currently any nonconforming sign (freestanding or otherwise) that needs significant repair may have to be removed, even if it is performing an essential function for the owner. Under this proposal, routine painting and re-lettering is allowed. Also, only freestanding signs that need major repairs must be removed; signs on buildings would no longer risk this fate.

The zoning bylaw currently contains detailed rules for replacement and abandonment of nonconforming structures. The second part of this proposal would apply those same rules to signs, thereby avoiding a possible conflict between the standards for signs and those for other structures.

### **Article 15. Sign Permits**

Currently the Planning Board reviews applications for permanent signs and the Selectmen review applications for temporary signs. Planning Board review of permanent sign applications is almost always limited to issues of sign size, sign placement, and sign lighting. These decisions are ministerial and do not require judgment.

This proposal would allow the building inspector to issue permits for permanent signs. To ensure accountability, the building inspector would be required to report on his or her actions. No change is proposed to the current system for temporary signs.

The Planning Board is working on further revisions to the sign bylaw and expects to present those changes at the annual town meeting in 2022.

## **Article 16. Site Plan and Special Permit**

### **A. Site plans**

Site plan reviews are conducted by the Planning Board. The main issues typically are how the site is laid out and connected to roads and utilities. Visual impact is also considered, as well as screening and, occasionally, some architectural issues. Site plan reviews are required in a variety of situations, ranging from quite minor changes in use to major projects that are “of right” in that zone. Nearly all site plans get approved, sometimes with conditions.

Site plan reviews are intended to be relatively informal and low-cost proceedings, but the existing bylaw requires very complex submissions from applicants. The resulting burden has led the Planning Board to develop a less formal way to review minor projects. The Planning board routinely “waives strict site plan review” on nearly all applications.

The current bylaw also creates timing difficulties. The bylaw directs the Planning Board to distribute proposed site plans to other boards for comment. But the bylaw also says that some final decisions must be made in 30 days of the initial filing. This means that review by other boards is often curtailed.

This proposal would:

- Allow more time (90 days) to reach board decisions, thereby allowing more time for consideration by other town officials and boards.
- Establish simpler procedures for “minor” projects, while still requiring complete information from proponents of “major” projects.
- Authorize “Public Input Meetings” at which the Board can hear from town officials and neighbors regarding projects of major significance to the town.
- Require written decisions from the Planning Board.

### **B. Special permits**

Many uses are allowed only after a board approves that use. In Massachusetts this process is called a “special permit” review. In Lee, special permits can be required, depending on the circumstances, from the Zoning Board, the Planning Board, or the Selectmen. The special permit process is standardized. Formal notices are required, both in the newspaper and to neighbors. When a special permit is required from the Zoning Board or the Selectmen, the Planning Board conducts a prior site plan review, but the bylaw isn’t clear about the Planning Board’s role.

This proposal would:

- Authorize joint hearings if a project requires a special permit from 2 or more boards.

- Clarify how the site plan process works as a preliminary to a special permit review by a different board.
- Allow the board hearing the case to provide additional notices, beyond those required by statute.

## **Article 17. Overlay District**

The change would correct a clerical error that inadvertently omitted one numbered lot from the scope of the Smart Growth Overlay District at the Eagle Mill.

## **Article 18. Dimensional Requirements**

The current bylaw allows multiple dwellings in Commercial Business Corridor (CBC) zone, but only after obtaining a special permit from the Selectmen. Table 2 in the current bylaw lists frontage and setback requirements for multiple dwellings, but it incorrectly states that multiple dwellings are prohibited in the CBC zone.

This change would add dimensional requirements for multiple dwellings in CBC to match those which generally apply in this zone to other kinds of structures.