

Minutes of the Town of Lee Planning Board
March 28, 2022
6:00pm Via Zoom

A regular meeting of the Lee Planning board was held virtually in accordance with Governor Baker's Order suspending certain provisions of the Open Meeting Law (MGL Chapter 30A, Section 20) on Monday, March 28, 2022 at 6:00pm on Zoom.

Present: Buck Donovan (Chair), Peter Bluhm, Peg Biron, Matt Carlino, David Forrest, and Gordon Bailey (alternate).

Others Present: Kathy Hall, Jeremia Pollard, Bob Jones, and Sean Regnier.

Call to Order

Chairperson Donovan called the meeting to order at 6:00 p.m. For the record he informed those in attendance that the meeting was being recorded.

Public Hearing – Zoning Bylaw Amendment

Chairperson Donovan opened up the Public Hearing.

Chairperson Donovan stated the Board has created a draft, the ACLU has looked at it, Town Counsel has looked at it and the topic is open for discussion.

Member Bluhm stated he put together a small presentation consisting of three parts.

Member Bluhm stated the Board is trying to comply with constitutional requirements and thought it would be useful to learn what the pre 2015 Law was. It was a case that took place in Virginia and the particular ordinance in question was a limit of two temporary signs that could be posted on a single property. The Fourth Circuit Court of Appeals had to decide whether the ordinance violates the first amendment guarantee of freedom of speech. The Court must determine whether sign limit of municipal ordinance burdens any speech, whether two sign limit imposes content neutral or content-based restriction, whether limit serves any substantial interest of county, and whether two-sign limit leaves open ample alternative means for communicating the desired message. The Fourth Circuit Court of Appeals invalidated the bylaw and said that it violated the first amendment.

Member Bluhm stated in 2015 they had a case at the Supreme Court vs. Town of Gilbert. The town had a very complicated bylaw that had different classifications for different kinds of signs that were all subject to different regulations. The Supreme Court invalidated it and came out with a broad decision.

Meeting ends in progress due to technical difficulties

Member Bluhm asked Town Counsel what his thoughts were on exempting political signs.

Town Counsel stated if the bylaw exempted political signs there could be boundaries such as they would not be placed or constructed in a manner so as to create a safety risk for human health and safety. He stated a billboard on a barn or permanent message inlaid on a roof would most likely be protected speech.

Member Bluhm asked Town Counsel his opinion on the proposal he put forth in which people would be able to get a first amendment sign, if they have a house in a commercial area, get a sign permit for whatever size sign is allowed for business in that area.

Town Counsel stated that you can't ever require a permit for a first amendment sign.

Member Biron stated Massachusetts is very strict about personal and political freedoms. Private property is private property. She stated the ACLU in Massachusetts is pretty liberal as far as political signs go and that should be respected.

Alternate Member Bailey stated more in favor of Member Bluhm's proposal where in the bylaw political signs, with a permit, can be as large as whatever the largest sign is in that zone. He also stated that the standards for home occupation signs are not big enough.

Chairperson Donovan stated concerns with signs on town property.

Alternate Member Bailey stated no signage should be allowed on town property without a permit and the Select Board would decide to allow things that happen on town property. He also stated that the bylaw should not limit the number of non-permit required signs.

Member Carlino stated the Board should be loose with the bylaw. He stated people can place their signs up to the edge of the curb or edge of the sidewalk on the house side only.

Member Forrest stated the Board should not limit the number of signs allowed on a property as long as there is no public safety issue or hazard.

Brief discussed occurred regarding the size regulations. Specifically, six square feet versus twelve square feet. Board members agreed to stay with six square feet.

Select Board Member Jones thanked the Board for their hard work and stated the most important thing is to make sure the First Amendment issues have to be met.

Member Biron moved to continue the Public Hearing to next meeting April 11, 2022 at 6:00 pm;

Member Bluhm seconded. Planning Board voted (5-0). (Bluhm – aye; Biron – aye; Carlino – aye; Forrest – aye; Donovan – aye).

Member Bluhm moved to adjourn meeting; Member Carlino seconded. Planning Board voted (5-0) Chairperson Donovan declared the meeting adjourned at 7:21 pm.

Respectfully Submitted,

Elizabeth Mead
Administrative Assistant