



2024 (FY2025) Annual Town Meeting and 2024 Election Warrant

**COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, SS.**

To any of the Constables of the Town of Lee, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify all of the inhabitants of the Town of Lee, qualified to vote in Town Affairs, to meet at the **Lee High School Auditorium on Thursday, May 9, 2024 at the hour of 7:00 p.m.** in the evening, for the purposes then and there, to take action upon the following Articles, namely:

ANNUAL TOWN MEETING WARRANT ARTICLES

*----*Articles 1-5 Consent Agenda (one vote) ----*

***Article 1. Town Reports**

To receive the reports of the Selectmen, Town Accountant, and the other officers, boards, commissions, and committees of the Town.

***Article 2. Salary of Elected Officials**

To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2024, or to take any other action relative thereto.

***Article 3. Transfer of Proceeds from the Sale of Cemetery Lots to Perpetual Care Account**

Finance Committee Recommends Approval

To see if the Town will vote to authorize the transfer of the sum of \$800, or any other amount, from the Sale of Cemetery Lots receipts to the Fairmont Perpetual Care Trust Account, or to take other action relative thereto.

***Article 4. Blanket Grant Application Authorization**

To see if the Town will vote to authorize the Select Board, or other Town Departments with the knowledge of the Select Board, to apply for and accept grants from the Federal Government, Commonwealth of Massachusetts or any other source, to execute any documents in connection with said applications and to expend grant funds for purposes received without further appropriation, or to take any other action relative thereto.

***Article 5. Road Repair and Paving (Chapter 90)**

To see if the Town will vote to expend those sums from fiscal year 2025 "Chapter 90" funds as provided by the Commonwealth, or to take any other action relative thereto.

-----END Consent Agenda-----

Article 6. Previous Fiscal Year Expenditures (4/5 VOTE)

Finance Committee Recommends Approval

To see if the town will appropriate the following sum or sums or any other amount for the purpose paying previous fiscal years invoices to raise and appropriate or transfer from available funds, or take any other action relative thereto.

Highway Department			
Auto Plus	5/16/2022		\$61.98
Lee Supply Co.	5/08/2023		\$257.69
Water Department			
USA Blue Book	5/30/2023		\$258.51
Waste Water			
USA Blue Book	5/30/2023		\$641.99
Fire/EMS Department			
Mass Fire Tech	2/28/2023		\$152.50
TOTAL			\$1,372.67

Article 7. Omnibus Fiscal Year 2025 General Fund Operating Budgets

Finance Committee Recommends Approval

To see if the Town will vote to raise and appropriate or transfer from available funds any sum or sums of money for the maintenance of the several departments of the Town and for any other necessary changes, or pass any vote or votes relative thereto.

CODE	CATEGORY	FY24 BUDGET	FY25 REQUESTS
100	GENERAL GOVERNMENT		
114	MODERATOR	150.00	150.00
122	SELECTMEN	62,717.97	75,133.53
123	TOWN ADMINISTRATOR	107,395.00	109,234.00
131	FINANCE COMMITTEE	500.00	500.00
132	RESERVE FUND	70,000.00	70,000.00
133	COMPENSATION RESERVE	75,000.00	75,000.00
135	TOWN ACCOUNTANT	118,340.00	121,381.00
141	ASSESSOR	115,305.00	126,675.00
145	TREASURER/COLLECTOR	211,860.00	286,915.00
151	TOWN COUNSEL	41,000.00	50,000.00
155	INFORMATION TECH	109,318.00	109,318.00
161	TOWN CLERK	67,241.13	70,741.00
163	ELECTIONS/REGISTRARS	15,500.00	20,300.00
170	LAND USE	51,162.00	75,000.00

171	CONSERVATION COM.	5,350.00	11,850.00
175	PLANNING BOARD	8,081.00	8,081.00
176	ZONING BOARD	2,575.00	2,575.00
188	HUMAN RESOURCES	48,125.00	-
195	TOWN REPORTS	3,600.00	3,600.00
196	OFFICE EQUIP MAINT	13,260.00	13,260.00
197	STAFF DEVELOPMENT	4,000.00	4,000.00
	TOTAL GENERAL GOVT	1,130,480.10	1,233,713.53
200	PUBLIC SAFETY		
210	POLICE	1,361,850.44	1,430,520.70
231	FIRE/EMS	1,099,498.55	1,196,545.58
241	BUILDING DEPT	120,713.00	138,742.00
242	GAS INSPECTOR	6,348.01	6,512.94
243	PLUMBING INSPECTOR	8,110.10	8,326.30
244	WEIGHTS & MEASURES	7,790.00	8,000.00
245	ELECTRICAL INSPECTOR	8,661.87	8,883.05
291	EMERGENCY MGMT	2,250.00	2,250.00
292	ANIMAL CONTROL	14,808.43	14,203.31
	TOTAL PUBLIC SAFETY	2,630,030.40	2,813,983.88
300	EDUCATION		
300	SCHOOL DEPT	10,647,478.00	11,179,867.00
	TOTAL EDUCATION	10,647,478.00	11,179,867.00
400	PUBLIC WORKS		
421	DPW ADMINISTRATOR	48,976.75	52,795.28
422	HIGHWAY CONST&MAINT	649,014.88	458,724.30
423	SNOW & ICE	456,654.25	473,115.58
424	STREET LIGHTING	76,500.00	46,881.00
425	FORESTRY	47,400.00	47,400.00
433	SANITARY LANDFILL	21,730.00	21,700.00
491	CEMETERY	92,355.63	94,518.24
654	PARKS & PLAYGROUNDS	24,448.72	24,727.90
192	PUB BLDG-AIROLDI BLDG	32,984.72	37,497.67
193	PUB BLDG-MEMORIAL HL	56,194.72	63,295.19
	TOTAL PUBLIC WORKS	1,506,259.67	1,320,655.16
500	HUMAN SERVICES		
512	BOARD OF HEALTH	3,265.00	765.00
519	TRI-TOWN LEE	156,129.85	190,460.00

520	TRI TOWN LENOX	207,827.92	253,537.89
521	TRI TOWN STOCKBRIDGE	115,996.98	141,509.52
523	BRIEN CENTER	2,867.00	2,867.00
524	COMMUNITY HEALTH PRG	1,250.00	1,250.00
540	CABLE ADVISORY COMM	150.00	150.00
541	COUNCIL ON AGING	72,410.97	74,901.82
542	LEE YOUTH ASSOCIATION	59,920.00	62,916.00
543	VETERAN'S SERVICES	76,627.40	58,863.72
545	YOUTH COMMISSION	-	12,000.00
	TOTAL HUMAN SERVICES	696,445.12	799,220.95
600	CULTURE & RECREATION		
610	LEE LIBRARY	318,439.59	326,998.68
620	SANDY BEACH	61,103.00	61,103.00
691	HISTORIC COMMISSION	485.00	485.00
692	WAR MEMORIAL FLAGS	2,900.00	2,900.00
693	CULTURAL COUNCIL	4,800.00	4,800.00
	TOTAL CULT. & REC.	387,727.59	396,286.68
700	DEBT SERVICE		
710	LONG TERM DEBT (P)	-	111,797.26
751	LONG TERM DEBT (I)	-	-
752	SHORT TERM DEBT (I)	3,100.00	3,100.00
	TOTAL DEBT SERVICE	3,100.00	114,897.26
800	INTERGOVERNMENTAL		
830	BERK REG PLANNING	4,927.52	5,050.71
	TOTAL INTERGOVT.	4,927.52	5,050.71
900	FIXED COSTS		
	EMPLOYEE BENEFITS		
911	BERK CTY RETIRMENT	1,054,999.00	1,128,848.00
912	WORKERS COMPENSATION	128,658.00	128,658.00
913	UNEMPLOYMENT BENEFITS	-	-
914	HEALTH INSURANCE	3,133,786.00	3,319,051.67
915	LIFE INSURANCE	18,000.00	21,410.00
916	MEDICARE	178,130.67	185,255.90
917	MEDICARE B PENALTY	-	-
919	POLICE MEDICAL	2,033.00	2,033.00
	TOTAL EMPLOYEE BEN.	4,515,606.67	4,785,256.57

940	INSURANCES		
945	LIABILITY INSURANCE	127,770.00	134,770.00
	GEN/PROP/LIAB		
	SCHOOL BOARD		
946	OTHER INSURANCE	60,990.00	64,000.00
	POLICE AND		
	FIRE ACCIDENT		
	TOTAL INSURANCES	188,760.00	198,770.00
	TOTAL FIXED COST	4,704,366.67	4,984,026.57
	TOTAL BUDGET	21,710,815.07	22,847,701.74

Article 8. Omnibus Fiscal Year 2025 General Fund Capital Budgets

Capital Outlay Committee, Board of Public Works and Finance Committee Recommends Approval

To see if the Town will vote to raise and appropriate or transfer from available funds any sum or sums of money for capital expenditures of the several departments of the Town as follows:

TOWN BUILDINGS	Improvement Contingency	\$12,500
POLICE	Ballistic Vests/Tasers	\$45,000
FIRE/EMS	Communications Equipment	\$39,600
SCHOOL	General Fund Capital (HVAC)	\$100,000
SANDY BEACH	Safety/Maintenance Equipment	\$2,000
DPW HIGHWAY	Paving/Roads	\$284,542
DPW HIGHWAY	Extraordinary Infrastructure Contingency	\$12,500
DPW HIGHWAY	Asphalt Hot Box	\$35,000
SEWER	Extraordinary Infrastructure Contingency	\$12,500
SEWER	Meter Radio Replacement	\$10,000
ATHLETIC FIELD	Tennis court Repairs	\$5,000
TOWN BUILDINGS	Memorial Hall	\$10,000
TOWN BUILDINGS	Library - Windows	\$24,320

And further, to provide for said appropriation, transfer the sum of **\$592,962** from available funds, or take any other action relative thereto.

Article 9. Water Enterprise Fund Operating/Capital Budget

Capital Outlay and Finance Committee Recommends Approval

To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2025 budget for the Water Department:

Water Operations	\$1,162,444.03
Capital Expenditures	30,500
<u>Grant Match</u>	<u>28,405</u>
TOTAL	\$1,221,349.03

And further, to provide for said appropriations from the following sources of revenue and available funds, or take any other action relative thereto.

User Charges	\$1,162,444.03
<u>Retained Earnings</u>	<u>58,905</u>
TOTAL	\$1,221,349.03

Article 10. Wastewater Enterprise Fund Operating/Capital Budget

Capital Outlay and Finance Committee Recommends Approval

To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2025 budget for the Wastewater Department:

Wastewater Operations	\$2,507,221.10
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And further, to provide for said appropriations from the following sources of revenue and available funds; or take any other action relative thereto.

User Charges	\$2,100,221.10
<u>Retained Earnings</u>	<u>407,000</u>
TOTAL	\$2,507,221.10

Article 11. Omnibus Fiscal Year 2024 Non-Departmental Appropriations

Finance Committee Recommends Approval

To see if the Town will vote to raise and appropriate or transfer from available funds any sum or sums of money for the following purposes:

Fire/EMS Bond Payment	\$128,685
Paving Bond Payment	\$150,390
Chamber of Commerce Advertising	\$72,900
Chamber of Commerce Gateway/Downtown	\$14,500
Laurel Lake Preservation Association	\$2,500
Berkshire Brownfields	\$2,000
Downtown Lights (grant match)	\$79,500
Fireworks - Founders Day	\$1,000
BCAC – Energy Readiness	\$5,000
Greenagers (Longcope Park phase 2)	\$5,000
VFW Main Street Flags	\$6,000
Housatonic PCB Legal/Technical (from settlement funds free cash)	\$250,000

And to meet that appropriation transfer the sum of \$717,475, or any other amount, from available funds, or take any other action relative thereto.

Article 12. CPA Appropriation FY 2025

To see if the town will vote to act on the report of the Community Preservation Committee (CPC) on the fiscal 2025 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund Annual Revenues or available funds for the administrative expenses of the CPC, the payment of debt service, the undertaking of CPC projects and all other necessary and proper expenses for the year(s), or take any other action relative thereto.

Proposed Fiscal Year 2025 Community Preservation Budget

The Community Preservation Committee recommends that the following amounts be appropriated or reserved from fiscal year 2024 Community Preservation Fund revenues, unless otherwise specified, for fiscal year 2025 Community Preservation purposes with each item considered a separate appropriation:

Balance Held in CPA Reserve Funds	\$394,946.97
FY25 Estimated Revenue	
Town of Lee Surcharge	\$160,930.91
State Matching Funds	<u>\$32,186</u>
TOTAL FY25 Estimated Revenues	\$193,116.91

Project Appropriations		
Lee Community Gardens (pollinator gardens)	\$14,000	Open Space/Recreation
Kiwanis (ADA Ramp)	\$12,000	Affordable Housing
Historical Society (Cemetery Survey)	\$36,000	Historical
Historical Society (Exhibit System)	\$ 8,000	Historical
Historical Commission (Historical Records)	\$16,000	Historical
Historical Commission (History of Lee)	\$14,000	\$12,318.99 from Historical & \$1,681.01 from Undesignated
Lee Sportsman's Club (ADA Access to Range)	\$26,000	Open Space/Recreation
Lee Bike Path (Design Matching Grant)	\$30,000	\$7,322.99 Open Space/Rec & \$22,677.01 Undesignated
Youth Commission (Athletic Field Improvements)	\$80,000	Undesignated
Construct (Housing/Rental Assistance)	<u>\$50,000</u>	Affordable Housing
TOTAL Project Appropriations	\$286,000	
Administrative Funds (5%)	\$9,655.85	
Anticipated New Balance Held in Reserve Funds	\$292,408.03	

Article 13. DPW Trucks/Plowing Equipment TELP Authorization (Two-Thirds Vote Required)

Finance Committee, Board of Public Works and Capital Outlay Recommends Approval

To see if the Town will authorize, under General Laws Chapter 44, Section 21C, upon the recommendation of the select board a lease purchase financing agreement not to exceed \$433,000 for the acquisition of one Ford F-600 (diesel with plow accessories and hook lift beds), one Ford F-250 (gas with plow accessories) and one Holder Sidewalk Machine that may be acquired through the issuance of debt under G.L. c. 44 (improvement of infrastructure, a capital asset the improvement of which may be financed by the issuance of debt under G.L. c. 44), the term of such agreement not to exceed 7 years, the useful life of the (equipment/improvement) as determined by the select board shall be authorized to enter into such agreement on behalf of the city/town, subject to approval of an appropriation for the first-year payments (Debt Service), or to take any other action relative thereto.

Article 14. Fire/EMS Stabilization Fund

Finance Committee and Capital Outlay Recommends Approval

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$125,000, or any other amount, to a Fire/EMS Apparatus Replacement Special Stabilization Fund, or take any other action relative thereto. Capital Outlay and Finance Committees recommend approval.

Article 15. Home Rule Petition – Firefighter

To see if the town will vote to petition the state legislature to adopt the following act:

An act of the Town of Lee to continue employment of Assistant Chief Glenn M. Wilcox

SECTION 1. Notwithstanding any general or special law to the contrary, Glenn M. Wilcox, Assistant Chief of the Town of Lee, may continue to serve in that position until reaching the age 70, the date of his retirement or the date he is relieved of duties by the Town Administrator of the Town of Lee at his discretion, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The Town Administrator may, at the Town's own expense, require that Glenn M. Wilcox be examined by a physician designated by the Town Administrator, to determine such physical and mental capability to perform the duties of his office.

No further deductions shall be made from the regular compensation of Glenn M. Wilcox pursuant to Chapter 32 of the General laws for service subsequent to his reaching age 65; and upon retirement for superannuation, he shall receive a superannuation retirement allowance equal to the allowance that he would have been entitled had he retired upon reaching age 65.

SECTION 2. This act shall take effect upon its passage.

Or take any other action relative thereto.

Article 16. General Stabilization Account – RoR Settlement Funds (2/3 Vote)

Finance Committee Recommends Approval

To see if the Town will vote to create a General Stabilization Fund in accordance with Massachusetts General Laws, Section 5B of Chapter 40, and to appropriate the sum of \$25,000,000 to such fund; this appropriation shall be from free cash, or take any other action in relation thereto.

Article 17. Reappropriate 2019 Reconstruction Design Capital (Carryover)

Finance Committee Recommends Approval

To see if the Town will vote to reappropriate the unused sum of \$100,000 or any other amount from FY2019 Reconstruction Design Capital to Road Paving Capital for FY 2025, or take any other action relative thereto.

Article 18. Sewer Asset Management Grant

Finance Committee Recommends Approval

To see if the Town will vote to appropriate the sum of \$325,542 for the FY2025 Sewer Asset Management Planning Project which was submitted to the Massachusetts Clean Water State Revolving Fund (SRF) Asset Management Planning Project List and Awarded. The total project cost of \$325,542 is comprised of a \$150,000 grant which the Town will be reimbursed for throughout the Project by MassDEP and the Massachusetts Clean Water Trust. The balance of the Project will be comprised of in-kind services provided by the Town valued at \$88,516 and a cash contribution from the Town valued at \$87,026 (Waste Water Retained Earnings Capital).

Article 19. ZONING – Marijuana Permits (2/3 Vote)

To see if the town will Amend Zoning Bylaw Section 199-9.11 by removing “strike out text” and adding underlined text or take any other action relative thereto.

I. § 199-9.11 Marijuana establishments.

A. Purpose. The purpose of this section is to provide for the placement of marijuana establishments (MEs) in suitable locations in the Town of Lee (the "Town") in recognition of and in accordance with "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed," MGL c. 94G. The specific purpose of this section is to safeguard the built environment by permitting compliance with state law in a manner consistent with community and neighborhood concerns, while also ensuring that those entities permitted to operate a licensed ME, as defined herein, comply with the relevant provisions of Chapter 334 of the Acts of 2016, Chapter 351 of the Acts of 2016, Chapter 55 of the Acts of 2017, and the regulations promulgated by the Cannabis Control Commission (CCC) found at 935 CMR 500.000 et seq.

B. Definitions.

CRAFT MARIJUANA COOPERATIVE

A marijuana cultivator comprised of residents of the commonwealth organized as a limited-liability company or limited-liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the CCC, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to MEs but not to consumers.

INDEPENDENT TESTING LABORATORY

A laboratory that is licensed by the CCC and is:

- (1) Accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- (2) Independent financially from any medical marijuana treatment center or any licensee or ME for which it conducts a test; and
- (3) Qualified to test marijuana in compliance with 935 CMR 500.160 and MGL c. 94C, § 34.

LICENSE

The certificate issued by the CCC that confirms that an ME has met all applicable requirements of state law and this chapter. An ME may be eligible for a provisional or final license.

MARIJUANA CULTIVATION FACILITIES

Facilities that a marijuana cultivator may be licensed to operate.

MARIJUANA CULTIVATOR

An entity licensed to cultivate, process, and package marijuana; to deliver marijuana to MEs; and to transfer marijuana to other MEs but not consumers.

MARIJUANA ESTABLISHMENT (ME)

A marijuana cultivator, craft marijuana cooperative, marijuana product manufacturer, marijuana retailer, independent testing laboratory, marijuana research facility, marijuana transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

MARIJUANA PRODUCT MANUFACTURER

An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products; to deliver marijuana and marijuana products to other MEs, and to transfer marijuana and marijuana products to other MEs but not consumers.

MARIJUANA PRODUCTS

Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA RETAILER

An entity licensed to purchase and deliver marijuana and marijuana products from MEs and to deliver, sell, or otherwise transfer marijuana and marijuana products to other MEs and to consumers.

MARIJUANA TRANSPORTER

An entity, not otherwise licensed by the CCC, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to MEs, but not to consumers.

RESEARCH FACILITY

An entity licensed to engage in research projects by the CCC.

C. Designated locations for MEs. The locations ~~designated by the Town of Lee~~ where an ME may be sited are as follows:

- (1) Any ME, ~~as defined in this section, except for Marijuana retailers,~~ may be sited in the Industrial (I) Zone District, ~~as shown on the Zoning Map pursuant to MGL c. 40A, § 4,~~ upon the approval of a site plan and special permit, in accordance with §§ 199-13.3 and 199-13.4 of this chapter.
- (2) Marijuana retailers, as defined in this section, may be sited in the Central Business Corridor (CBC) and the Rural Business (RB) Zone Districts ~~as shown on the Zoning Map pursuant to MGL c. 40A, § 4,~~ upon the approval of a site plan and special permit, in accordance with §§ 199-13.3 and 199-13.4 of this chapter.
- (3) Marijuana independent testing laboratories and research facilities, as defined in this section, may also be sited in the Downtown Commercial Business Corridor (DCBC), Central Business Corridor (CBC), Rural Business (RB) and the Office Park Light Industrial (OPLI) Zone Districts ~~as shown on the Zoning Map pursuant to MGL c. 40A, § 4,~~ upon the approval of a site plan and special permit, in accordance with §§ 199-13.3 and 199-13.4 of this chapter.
- (4) Marijuana cultivation facilities, marijuana product manufacturers and marijuana transporters, as defined in this section, may be sited in the Rural Business (RB) and Office Park Light Industrial (OPLI) Zone Districts ~~as shown on the Zoning Map pursuant to MGL c. 40A, § 4,~~ upon the approval of a site plan and special permit, in accordance with §§ 199-13.3 and 199-13.4 of this chapter. Outdoor cultivation is prohibited in all districts.

- (5) No marijuana retailer may be located closer than 500 feet from any school, place of worship, any type of child-care facility as referenced in 606 CMR 7.02, or other similar facility where minors commonly congregate and are the primary population served by the facility. The setback distance shall be measured in a straight line from the nearest point of the property line of the proposed marijuana retailer and the nearest point of the property line of said facilities. There shall be no setback for all other MEs.
- (6) As part of the special permit process, the special permit granting authority may reduce the required setback distance as referenced in Subsection C(5) if it finds site-specific circumstances or barriers adequately separate the proposed marijuana retailer and the protected uses. The burden shall be on the applicant to demonstrate that reducing the minimum setback will serve the purpose of this section and address the concerns of the special permit granting authority.
- (7) No ME, except for marijuana transporters, shall be permitted to operate from a movable, mobile or transitory location.

D. Designated number of MEs.

- (1) The total number of marijuana retailers shall not exceed 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises. Fractions of retailers shall be rounded up to the nearest whole number.
- (2) The total number of marijuana cultivators shall not exceed 1.
- ~~(2)~~ (3) The total number of nonretail and non-cultivator MEs shall not exceed ~~14~~ 11.
- ~~(3)~~ (4) In the event that the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises decreases, any ME, if then exceeding the limits as noted in Subsection D(1), may remain in operation.

E. General requirements. The following general requirements are established for all proposed operations of MEs.

- (1) Outside storage. No outside storage of marijuana, marijuana products, related supplies, or educational materials is permitted. ~~except for outdoor, open-air cultivation facilities.~~
- (2) Hours of operation. A marijuana retailer may open no earlier than 8:00 a.m. and shall close no later than 8:00 p.m. the same day, Monday through Saturday, and from 10:00 a.m. until 8:00 p.m. on Sunday unless other hours of operation are set by the special permit granting authority as part of site plan approval. Hours of operation shall apply to all sales, delivery, and dispensing activities for the business. There shall be no hourly restrictions on nonretail marijuana facilities, unless imposed by the special permit granting authority as part of site plan approval.
- (3) Signage. All signage and advertising for MEs shall comply with all applicable state laws, as well as the provisions of Article VII of this chapter and all other applicable provisions of this Code. Advertisements, signs, displays or other promotional material depicting retail marijuana uses or symbols shall not be shown or exhibited off the premises, or in any manner which is visible to the public from roadways, pedestrian sidewalks or walkways, or from other public areas. No signage associated with a marijuana retailer shall use the word "marijuana," "cannabis," or any other word or phrase commonly understood to refer to marijuana, unless such word or phrase is immediately preceded by the word "retail," provided that no signage shall contain words such as "reefer," "ganja," "weed" or other similar slang references to marijuana or cannabis.

- (4) On-site consumption of marijuana. The use, consumption, ingestion or inhalation of marijuana or marijuana products on or within the premises of any ME is prohibited, except for research facilities.
- (5) Visibility of activities. All activities of any ME, ~~except for outdoor, open-air cultivation facilities~~, shall be conducted indoors.
- (6) Paraphernalia. Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers, may lawfully be sold at a marijuana retailer. No retail marijuana, marijuana products, or paraphernalia shall be displayed or kept in a retail marijuana store so as to be visible from outside the licensed premises.
- (7) Control of emissions. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting an ME must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit an ME, the owner of the subject premises and the licensee shall be jointly and severally liable for ~~such conditions and shall be responsible for immediate, full cleanup and correction of such condition violations of this bylaw~~. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.
- (8) The proposed ME shall provide appropriate landscaping and urban design features to harmonize the proposed project with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding neighborhood. This requirement may be modified or waived by the special permit granting authority.
- (9) Any violation will be corrected within 30 days, and if not corrected within the required time, all operations of the ME shall be suspended until the violation is corrected.

F. Special permit required. No ME shall be operated or expanded without first obtaining a special permit from the special permit granting authority in accordance with this section and § 199-13.4, Special permits.

- (1) The special permit granting authority for any ME shall be the Board of Selectmen.
- (2) A special permit shall only be valid for use by the applicant and will become null and void upon the sale or transfer of the license of an ME or change in the location of the business.
- (3) In the event that the commonwealth's licensing authority suspends the license or registration of an ME, the special permit shall be so suspended by the Town until the matter is resolved to the satisfaction of said licensing authority.

G. Filing requirements. Applications to permit an ME must be submitted to the Select Board. Such applications for MEs shall include the following:

- (1) Site plan. A site plan shall be submitted that includes all information required as per § 199-13.3 and must also include the following:
 - (a) The names, mailing addresses, phone numbers, email addresses and signatures of the applicant, owner and operator.
 - (b) Physical address (if one exists), and the map, lot and block number of the proposed site.
 - (2) Security plan. A security plan shall be submitted to ensure the safety of employees, patrons and the public and to protect the premises from theft or criminal activity. The Police Chief, or their designee, shall offer comments

to the special permit granting authority regarding the security plan. The security plan shall include, but not be limited to, the following:

- (a) An interior floor plan (including secured areas, windows, doors, etc.).
- (b) Exterior lighting.
- (c) Exterior fencing (if any).
- (d) Exterior gates (if any).
- (e) Alarms.
- (3) Evidence that the applicant has site control and the right to use the site for an ME in the form of a deed, valid lease, or purchase and sale agreement or a notarized statement from the property owner, certifying the applicant has firm site control.
- (4) The special permit granting authority may require a traffic study that includes an analysis of on-site circulation and parking demand to justify the number of proposed parking spaces and the optimum configuration for site ingress and egress.

H. Discontinuance of use. Any ME under this section shall be required to remove all material, marijuana products, equipment, signs, and other paraphernalia in compliance with regulations established by the CCC prior to expiration of its license or immediately following revocation or voiding of its licensure and/or registration. If the license holder discontinues use, the ME shall immediately notify the Lee Board of Selectmen, the Lee Police Chief and the Building Commissioner.

I. No town liability; indemnification.

- (1) The applicant and all licensees waive and release the Town, its elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of the ME owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.
- (2) The applicant, in receiving approvals issued pursuant to this chapter, and all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Town, its elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the ME that is the subject of the approval/license.

J. Other laws remain applicable.

- (1) To the extent that the state has adopted or adopts in the future any additional or stricter law or regulation governing the cultivation, manufacturing, testing, research or retail of marijuana or marijuana products, the additional or stricter regulation shall control the ME in the Town. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

- (2) Any ME may be required to demonstrate, upon demand by law enforcement officers of the Lee Police Department and/or the local licensing authority, that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.
- (3) The issuance of any license pursuant to this chapter shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.
- (4) Prior to the issuance of a special permit or site plan approval, the ME must have entered into a host community agreement with the Town. If, upon review by the Board of Selectmen, the ME is found to not be fully in compliance with the host community agreement, the special permit may be suspended or rescinded.

Sec. 2. Amend Zoning Bylaw Section 199-12.6 as follows:

II. § 199-12.6 Toxic of noxious matter; odors.

There shall be no emissions of toxic or noxious matter or objectionable odors of any kind ~~in such quantity as to be readily detectable at the property line of the lot on which the use emitting the toxic or noxious material or odor is located.~~ For the purposes of this section, "toxic or noxious matter or objectionable odor" is any solid, liquid or gaseous matter, including but not limited to gases, vapors, dusts, fumes and mists, which:

- (1) containing is readily detectable at the property line of the lot on which the use emitting the toxic or noxious material or odor is located and contains properties which, by chemical or other means, are inherently harmful to destroy life or impair health or capable of causing injury to the well-being of persons or damage to property; or
- (2) as judged by a person of ordinary sensibility, repeatedly creates an offensive smell of a strength and frequency that interferes with the quiet enjoyment or valuation of one or more neighboring properties.

Article 20. ZONING – Amend Accessory Dwelling Units (2/3 Vote)

To see if the town will Amend Zoning Bylaw Section 199-4.5 by adding underlined text or take any other action relative thereto.

§ 199-4.5 Accessory Dwelling Units

C. ADU Requirements

7. Short-Term Rentals. No dwelling unit on a lot with a detached ADU shall be offered or utilized for short-term rental, as illustrated in the following table.

ADU and STR situation		By law
ADU is part of the main building	STR rental of ADU is	Allowed
	STR rental of main house is	Allowed
ADU is in separate building	STR rental of ADU is	Not allowed
	STR rental of main house is	Not allowed

Article 21. ZONING – Split Zones (2/3 VOTE)

To see if the town will amend Appendix A (Tables of Dimensional Requirements) - Table 1 of 2 as follows or take any other action relative thereto,

In the cell defining the required front yard setback requirement for the Rural Business Zone by striking the number “75” and inserting in lieu thereof the number “40.”

AND...

Add a new section §199.2.5 as follows...

§199.2.5 - Lots in Two or More Zones

- A.** Where portions of a lot are contained in two or more zoning districts, the Planning Board by special permit may allow a frontage use to be extended to an additional rear portion of not more than 50 feet, subject to the dimensional and use regulations of the frontage parcel.
- B.** Definitions:
 - 1. “Lot” means any parcel in town, but excludes any parcel created by merger of two or more parcels after 2022.
 - 2. “Frontage use” means a use allowed by right or by special permit on that portion of a lot that has the required road frontage.
- C.** The procedures for special permits in section 199-13.4 shall apply, including notice and voting. The Planning Board may grant such a special permit only after:
 - 1. It finds that the frontage use is allowed by right or by special permit for the portion of the lot with all the required road frontage; and
 - 2. It makes the five findings otherwise required for a special permit under subdivision 199-13.4(I).

You are hereby directed to notify and warn the Inhabitants of the Town of Lee qualified to vote in Town Affairs to meet at the Crossway Village gymnasium, 21 Crossway Street in Lee on Monday, May 13, 2024 at 7:00 a.m. to 8:00 p.m. to cast their votes for the following:

- Moderator **One for the term of one year**
- Select Board **One for the term of three years**
- Lee School Committee **Two for a term of three years**
- Planning Board **One for the term of five years**
- One for the term of three years**
- Constables **Four for the term of three years**
- Ballott Question **Public Safety Facility Debt Exclusion**

You Are hereby directed to serve this Warrant by posting true and attested copies thereof, in five public places within the Town of Lee, seven (7) days at least, before the day and hour of holding said meeting.


Therefore, Fail Not and make due return of said Warrant with your doing thereon to the Town Clerk of the Town of Lee, at or before the day and hour of holding said meeting.

The Town of Lee does not discriminate based on disability and is committed to hosting accessible meetings. To request a reasonable accommodation to attend Town Meeting, please contact the municipal ADA Coordinator, Chris Brittain at 413-243-5500.

Given under our hands at Lee, this 16th day of April, 2024.



Bob Jones, Chair



Gordon D. Bailey



Sean Regnier

As per instruction in this Warrant, I have posted same, this 19th day of April, 2024 in five public places.



Constable