

March 20, 2025 Special Town Meeting

**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, March 20, 2025 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:

Article 1 – Lease of 170 Greylock Street to Lee Youth Association

To see if the town will vote authorize the Select Board to lease public lands namely 4.95 +/- Acres from the parcel known as 170 Greylock Street (shown in Exhibit A – portion along Maple Street) and parts thereof which are declared to be surplus for a period of up to 99 years to the Lee Youth Association.

Article 2 - 3 Off Landers Road Real Property Acquisition (2/3 VOTE) – Finance Committee Recommends Approval.

To see if the Town will vote to appropriate \$52,400 or any other amount for the purpose of acquiring by gift or purchase, the following parcels of real property for municipal purposes and described in a deed recorded at the Middle Berkshire Registry of Deeds namely 17.8 acres of land known as 3 off Lander Rd. (Map 9, Lot 4) and to transfer from general stabilization the sum of \$52,400 for said acquisition, or to take any other action relative thereto.

Article 3 - 35 Tamarack Real Property Acquisition (2/3 VOTE) – Finance Committee Recommends Approval.

To see if the Town will vote to appropriate \$200,000 or any other amount for the purpose of acquiring by gift or purchase, the following parcels of real property for municipal purposes and described in a deed recorded at the Middle Berkshire Registry of Deeds namely 27.2 acres of land known as 35 Tamarack (Book 5934 page 69) and to transfer from general stabilization the sum of \$200,000 for said acquisition, or to take any other action relative thereto.

Article 4. To accept the Provisions of M.G.L. Chapter 44, Section 55C and to Amend the Code of the Town of Lee to establish the Lee Affordable Housing Trust Fund

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44 Section 55C establishing a trust to be known as the Lee Affordable Housing Trust Fund whose purpose shall be to provide for the creation and preservation of affordable housing in Lee for the benefit of low- and moderate-income households. In implementation the Town will amend the Code of the Town of Lee by adding the following provisions:

Chapter ____

The Lee Affordable Housing Trust Fund

Section 1. Composition.

There shall be a five (5) member Board of Trustees (hereinafter the "Board"), one of whom shall be a member of the Select Board. The Select Board can appoint the Town Administrator as a member or chair of the Board with or without the power to vote. All trustees are to be appointed by the Select Board. They shall serve staggered terms of three (3) years. In the case of a vacancy, the appointment shall be made in the same manner as the original appointment.

Section 2. Organization

The Board shall annually elect one Trustee who shall serve as the Chairperson and a second who shall serve as the Clerk. Should the Select Board choose the Chairperson, the Board shall only appoint the Clerk.

Section 3. Meetings of Trustees.

Meetings of the Board shall be held on a regular basis. A quorum of the Board shall be the majority of the number of Trustees. Regular meetings shall be held in compliance with Open Meeting Law (M.G.L. Chapter 39, Sections 23A-C).

Section 4. Powers.

The Board shall have the following powers, all of which shall be carried on in furtherance of the purposes set forth in Massachusetts General Laws c. 44, 55C except that the purchase, sale, lease, exchange, transfer or conveyance of any interest in real property shall be subject to the approval of the Select Board, and except that the incurring of any debt, borrowing of any money, granting of mortgage or the pledging of trust assets shall be the subject to the approval of Town Meeting by a two-thirds majority vote:

- (1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with provisions of any zoning ordinance or bylaw;

- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to the trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, and other instruments sealed or unsealed, necessary, proper, or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- (7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation or depletion or otherwise;
- (8) to participate in any reorganization, recapitalization, merger, or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase, or sale of property, by or between any corporation or person;
- (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of the trust property, such portion of expenses and compensation as the board may deem necessary and appropriate.
- (10) to carry property for accounting purposes other than acquisition date values;
- (11) to make distributions or divisions of principal in kind;
- (12) to comprise, attribute, defend, enforce, release, settle otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate.
- (13) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;
- (14) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate;

(15) to extend the time for payment for any obligations to the trust; and

(16) to accept and receive money from Chapter 44B (Community Preservation Act) and from the Town of Lee.

Section 5. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all monies paid to the trust in accordance with any zoning by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All monies remaining in the trust at the end of the fiscal year, whether or not expended by the Board within 1 year of the date they were appropriated into the trust, remain trust property.

Section 6. Liability

Neither the Trustees nor any agent or officer of the trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The trust is a public employer, and the members of the Board are public employees for the purposes of MGL, Chapter 268A. The trust shall be deemed a municipal agency and the Trustees special municipal employees, for purposes of MGL, Chapter 268A.

Section 7. Taxes

The trust is exempt from MGL Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

Section 8. Board of the Town

The Trust is a board of the Town of Lee for the purposes of Chapter 30B and Section 15A of Chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments, and public instrumentalities of the town shall be exempt from said Chapter 30B.

Section 9. Treasurer as Custodian

The Treasurer shall be the custodian of the Trust Fund's funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with M.G.L. Chapter 44, 55C, the books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

Article 5 – Parks and Recreation Commission General Bylaws

To see if the Town will vote to accept the proposed Parks and Recreation bylaws or take any other action relative thereto:

Bylaws of the Parks and Recreation Commission for Lee, Massachusetts

Article I: Name

The name of this Commission shall be the Parks and Recreation Commission of Lee, Massachusetts (hereafter referred to as "the Commission").

Article II: Purpose and duties

The purpose of the Parks and Recreation Commission is to oversee the planning, development, maintenance, and operation of recreational facilities and programs within the Town of Lee. This includes, but is not limited to, managing athletic fields, sports complexes, trails, and recreational programs that benefit the general public. The Commission's role is distinct from that of the Youth Commission and the Conservation Commission, which are focused on youth-related initiatives and the conservation of natural resources, respectively.

Article III: Membership

- A. The Commission shall consist of five members appointed by the Select Board of Lee. Each member must be a resident of the Town of Lee.
- B. Commission members should have an interest in parks, recreation and open spaces. No member may hold office on the Youth Commission or Conservation Commission during their term on the Parks and Recreation Commission to maintain clear distinctions between the roles of commissions.

Article IV: Terms

Each member shall serve a term of three (3) years, with a preference of no member serving more than two consecutive terms if new members are available.

Article V: Vacancies

In the event of a vacancy, the Select Board shall appoint a new member to serve the remainder of the term.

Article VI: Officers

- 1. Chair: The Commission shall elect a Chair who shall preside over all meetings, represent the Commission at official functions, and ensure the proper functioning of the Commission in accordance with these Bylaws.
- 2. Vice-Chair: The Commission shall elect a Vice-Chair who shall assume the duties of the Chair in their absence and assist with the general operations of the Commission.
- 3. Secretary: The Commission shall designate a Secretary (either a member or an administrative assistant) to keep minutes of the meetings and handle all correspondence of the Commission.
- 4. Election of Officers: Officers shall be elected annually by a majority vote of the Commission members during the first meeting of the calendar year.

Article VII: Meetings

1. Frequency: The Commission shall meet regularly, at least once per month. Additional meetings may be called as necessary.
2. Quorum: A quorum for conducting official business shall consist of a majority of the members (at least three members).
3. Public Meetings: All meetings of the Commission shall be open to the public, and notice shall be given in accordance with the Massachusetts Open Meeting Law.
4. Agenda: The agenda for each meeting shall be prepared by the Chair and distributed to all members at least 48 hours before the meeting.
5. Minutes: The minutes of each meeting shall be recorded and made available to the public.

Article VIII: Powers and Responsibilities

1. Planning and Development: The Commission shall oversee the planning, development, and expansion of recreational facilities, including sports complexes, athletic fields, trails, and other recreational spaces. This responsibility includes conducting community surveys, needs assessments, and long-term planning for recreational spaces.
2. Maintenance and Operations: The Commission shall oversee the maintenance and repair of existing recreational facilities and related infrastructure. The Commission is responsible for ensuring that these facilities are safe, accessible, and well-maintained.
3. Recreational Programs: The Commission shall create, promote, and coordinate recreational programs for all ages and abilities, including sports leagues, fitness classes, arts programs, and special events.
4. Budgeting and Fundraising: The Commission shall work with the Town's finance department to develop and propose an annual budget for parks and recreation activities. The Commission may also pursue external funding through grants, donations, or other fundraising efforts to support its mission.
5. Collaboration: The Commission may collaborate with other commissions, such as the Youth Commission and Conservation Commission, to ensure that their objectives are complementary. However, the Parks and Recreation Commission's specific responsibility lies in providing recreational spaces and programs for athletic, fitness, and other active uses, distinct from the roles of the Youth and Conservation Commissions. The Youth Commission is responsible for the oversight and management of playgrounds and child-specific recreational facilities.

Article IX: Policies and Procedures

The Commission may adopt policies and procedures to guide its activities, including but not limited to policies regarding the use of recreational facilities, fee structures for programs, and safety protocols for recreational activities. These policies must be consistent with the goals of the Commission and approved by a majority vote.

Article X: Annual Reports

The Commission shall submit an annual report to the Select Board and the residents of Lee detailing its activities, accomplishments, financial status, and plans for the upcoming year.

Article XI: Conflict of Interest

All members of the Commission shall adhere to the Massachusetts conflict of interest laws, including disclosing any potential conflicts of interest related to the Commission's activities.

Article XII: Amendments

These Bylaws may be amended by a two-thirds (2/3) vote of the Commission members. Any proposed amendments must be submitted in writing and made available to the public at least two weeks prior to the meeting where the vote will take place.

Article 6. ZONING Amend Chapter 199-13.2-A (2/3 Vote)

To see if the town will Amend Zoning Bylaw Chapter 199-13.2-A by adding underlined text or take any other action relative thereto.

§ 199-13.2 Board of Appeals.

A.

Membership and authority. There shall be a Zoning Board of Appeals consisting of five members and two associate members to be appointed by the Board of Selectmen as provided in MGL c. 40A, § 12. The Board shall act within the statutory powers as provided in MGL c. 40A, § 14, and on matters within its jurisdiction under this chapter in a manner prescribed in MGL c. 40A, § 15. The Zoning Board of Appeals, hereafter referred to as the "Board" or the "Board of Appeals" in this or any other section of this chapter, shall also serve as the Board of Appeals under the Subdivision Control Law as provided in MGL c. 41, § 81Z.

In accordance with MGL 40A Section 13, the Board may appoint a Zoning Administrator (administrator) to be confirmed by the select board. The administrator may rule on any appeals, permits or variances listed in Lee Code 199-13.2 that are delegated to the administrator by a four-fifths vote of the board of appeals.

Any person aggrieved by a decision or order of the zoning administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the board of appeals, within thirty days after the decision of the zoning administrator has been filed in the office of the town clerk.

Any appeal, application or petition filed with said zoning administrator as to which no decision has issued within thirty-five days from the date of filing shall be deemed denied and shall be subject to appeal to the board of appeals

Article 7 – Reappropriate 2016, 2017, 2018, 2019 Bridge Capital (Carryover). Finance Committee Recommends Approval

To see if the Town will vote to reappropriate the unused sum of \$323,502 or any other amount from FY 2016, 2017, 2018, 2019 Bridge Capital to Road Paving Capital and DPW Equipment Capital (Guardrail Mower/Tractor) for FY 2025/FY 2026, or take any other action relative thereto.

Article 8 - Previous Fiscal Year (9/10 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.

FY2021/2022	Fire/EMS	Stryker	\$3677.18
FY2023/2024	DPW	VanZandt	\$2550
FY2024	DPW	Otis Services	\$95
FY2024	DPW	Ampstun	\$250
FY2023	DPW	Ingersoll	\$1742
FY2023	DPW	Foresight	\$1174
FY2024	DPW	Joe's Diner	\$96
FY2024	DPW	Heamon Williams	\$1591.39

Article 9 - Table of Dimensional Requirements (2/3 VOTE)

To see if the town will Amend the Zoning Bylaw Chapter 199-5.1 (Dimensional Requirements) by adding underlined text, removing strike out text and replacing the Table of Dimensional Requirements as posted below or take any other action relative thereto.

§ 199-5.1. Dimensional requirements.

- A. No building or structure hereafter erected shall be located on a lot having less than the minimum requirements set forth in the following Table of Dimensional Requirements located at the end of this chapter in Appendix A.1:

<u>Zoning District</u>	<u>Min. Frontage (ft.)</u>	<u>Min. Lot Size (sq.ft.)</u>		<u>Min. Building Set-Back (ft.)</u>			<u>Max. Building Coverage</u>	<u>Max Imper-vious Coverage</u>
		<u>Single-Family</u>	<u>Other Uses</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>		
<u>R-20</u>	<u>100</u>	<u>20,000</u>	<u>25,000</u>	<u>25</u>	<u>15</u>	<u>30</u>	<u>50%</u>	<u>66%</u>
<u>R-30</u>	<u>125</u>	<u>30,000</u>	<u>35,000</u>	<u>35</u>	<u>25</u>	<u>30</u>	<u>40%</u>	<u>66%</u>
<u>RA-40</u>	<u>125</u>	<u>40,000</u>	<u>40,000</u>	<u>35</u>	<u>25</u>	<u>30</u>	<u>30%</u>	<u>66%</u>
<u>RM</u>	<u>75</u>	<u>10,000</u>	<u>15,000</u>	<u>25</u>	<u>15</u>	<u>30</u>	<u>50%</u>	<u>75%</u>
<u>CR</u>	<u>200</u>	<u>2 acres</u>	<u>2 acres</u>	<u>35</u>	<u>25</u>	<u>30</u>	<u>25%</u>	<u>66%</u>
<u>RB</u>	<u>200</u>	<u>30,000</u>	<u>30,000</u>	<u>35</u>	<u>15</u>	<u>30</u>	<u>40%</u>	<u>66%</u>
<u>I</u>	<u>125</u>	<u>40,000</u>	<u>NA</u>	<u>40</u>	<u>25</u>	<u>40</u>	<u>50%</u>	<u>75%</u>
<u>DCBC</u>	<u>60</u>	<u>2,000</u>	<u>8,000</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>90%</u>	<u>NR</u>
<u>CBC</u>	<u>60</u>	<u>8,000</u>	<u>8,000</u>	<u>25</u>	<u>10</u>	<u>20</u>	<u>80%</u>	<u>NR</u>
<u>OPLI</u>	<u>125</u>	<u>(see ¶ (B)(10))</u>	<u>(see ¶ (B)(10))</u>	<u>40</u>	<u>25</u>	<u>30</u>	<u>50%</u>	<u>66%</u>
<u>PCVC</u>	<u>1,000</u>	<u>50 acres</u>	<u>50 acres</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>20%</u>	<u>50%</u>

(Legend: "NR" means no requirement in this district.)

B. Additional Requirements and Limitations

- (1) Not more than one dwelling shall be located upon any such lot, except ~~in the case of for accessory buildings~~, multiple dwellings as provided in § 199-9.2 of this chapter, and accessory dwelling units.
- (2) In the case of public, institutional, commercial or industrial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.
- (3) No existing lot shall be changed as to size or shape so as to result in a violation of the requirements set forth in the Table of Dimensional Requirements.
- (4) ~~It will be understood that no lot will be considered adequate until it is first ascertained by the Board of Health through its proper agent by percolation tests, etc., that proper drainage and sewage disposal can be installed and maintained.~~ In all zones, where a lot is serviced by both town sewer and water, the minimum lot size is reduced by 50%, and where a lot is serviced by town sewer or town water, but not both, minimum lot size is reduced by 25%.
- (5) ~~No height maximums will be given for buildings in industrial districts. However, these heights will be decided by the administrators of this chapter after consultation with the parties concerned.~~ Where a lot is located on the outside of a curved street with a radius of 300 feet or less, the required lot frontage is reduced by 20 percent.
- (6) An existing lot or parcel of land having an area or a frontage of lesser amount than are required by ~~this the table above~~ may be considered as coming within complying with the area and frontage requirements of this section if it complies with the provision of MGL c. 40A, § 6, as amended Article 6 of this bylaw, relating to preexisting uses and buildings.
- (7) All measurements for depth of front yards will be from the right-of-way line where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line 25 feet from and parallel to the center line of the traveled way.
- (8) The limitation on the height of a building shall not apply in any districts to chimneys, ventilators, towers, spires, air-conditioning equipment or any ornamental features customarily attached to a roof and accessory to the use of the building.

- (9) ~~If a building which is to be used for industry is to be built adjacent to a residence or a lot located in a residential area, the front and side yard dimensions will be a minimum of 50 feet, with the first 20 feet made up of lawn, shrubbery and evergreen trees to form a continuous natural screen. The same will apply to the rear yard dimensions when it is adjacent to a residence or lot in a residential district. If any part of the residence or residential area is being used as a business, the side and rear yard dimensions necessary for the above mentioned building will not be less than 15 feet. In all zones, building height shall not exceed 35 feet or three stories. Nevertheless, in the DCBC, CBC, or OPLI zones, structures may extend to any height approved by a special permit granting authority but not exceeding 50 feet and four stories. In the I zone, structures may extend to 50 feet and four stories or to any greater height approved by a special permit granting authority.~~

If a building which is to be used for business is to be built on a lot adjacent to a residence or a lot located in a residential area, the side yard dimensions will be not less than 15 feet. The same will apply to the rear yard dimensions when the building to be built is adjacent to a residence or a lot in a residential area. In the OPLI zone, minimum lot size for an office park is 10 acres, with a minimum of 2 acres for individual lots

Article 10 - § 199-9.2. Multiple-dwelling developments. (2/3 VOTE)

To see if the town will Amend the Zoning Bylaw Chapter 199-9.2 (Multiple Dwellings) by adding underlined text and removing strike out text or take any other action relative thereto.

§ 199-9.2. Multiple-dwelling developments.

A. Special permit required.

- (1) ~~The Board of Selectmen Select Board may grant, after a public hearing, under the provisions of MGL c. 40A, § 5, a special permit for the construction of multiple dwellings in the districts as so specified in § 199-9.2K, subject to all applicable provisions of this chapter and the following special requirements zoning districts where that use is allowed under this section.~~
- (2) ~~Any application for a permit under this article shall be accompanied by such plans and information as are required herein or as may be reasonably required by the Board of Selectmen, Planning Board or Board of Health in order that the proposal of the applicant may be clearly understood and compliance with the provisions, intent and purposes of this chapter can be established.~~

~~B. Location. An applicant shall provide such maps, plans, drawings or reports as are necessary to indicate that the proposed development shall be so located as not to create traffic hazards and that essential community services shall be available and adequate for the development or that suitable provisions will be made assuring these services.~~

~~C. Site plan required. Any application for a special permit under this article shall be accompanied by a site plan as outlined in § 199-13.3, Site plan review.~~

D. Impact statement.

- (1) ~~Any application for a special permit under this section must be accompanied by an impact statement which details the probable effects of the proposed development on~~

the following aspects of concern to the Town:

- a. ~~Load on municipal utilities or future demand for them.~~
- b. ~~Increases in vehicular traffic and public safety.~~
- c. ~~Attendance at public schools.~~
- d. ~~Provision of housing for Town residents and for persons of low and moderate income.~~
- e. ~~Increases in municipal service costs.~~
- f. ~~Land erosion, loss of tree cover and pollution of water.~~
- g. ~~Disturbance of other aspects of the natural ecology.~~
- h. ~~Harmony with the character of surrounding developments.~~

(2) ~~The developer will conduct a housing survey within 1/2 mile of the locus of the property to determine the number of multiple family and single family living units within said area. The addresses and number of multiple family units at each location will be left with the application for a building permit. This data may be reviewed and verified by the Town Clerk and Building Commissioner.~~

- E. ~~Waiver of requirements. Strict compliance with any of the foregoing requirements may be waived upon written request by the applicant to the Board of Selectmen, or the Board may waive strict compliance when, in the judgment of the Selectmen, such waiver is not contrary to the public interests and not inconsistent with the provisions, intent and purposes of this chapter.~~
- F. ~~Accessways and internal ways. Large developments.~~
 - (1) ~~A multiple-dwelling development consisting of more than 40 dwelling units on the a single lot shall have a minimum of two access roadways from a public way. No accessway shall be located within 30-15-feet of any property line in residential use or in a residential zone.~~
 - (2) ~~Within the any multiple dwelling development with multiple residential buildings, vehicular and pedestrian circulation facilities shall be provided for safe and convenient use in accordance with reasonable site planning standards. All streets throughout the development shall conform to the standards as set forth in Chapter 241, Subdivision of Land, of the Code of the Town of Lee, except as waived by the Planning Board.~~
- G. ~~Off-street parking. Off-street parking shall be provided in accordance with the provisions of Article VIII of this chapter, except that the minimum parking area per dwelling unit, if provided in a garage on the lot, may be reduced by 25%. No space shall be considered available for parking which reduces the effective width of a driveway providing access to more than one dwelling unit to less than 16 feet. Parking and play areas shall be so designated and located as to be safely and conveniently accessible from the buildings which they are intended to serve.~~
- H. ~~Site plan review and approval.~~
 - (1) ~~Any multiple dwelling development authorized under this section shall be subject to~~

~~site plan review by the Board of Health, the Conservation Commission and the Planning Board. The Board of Selectmen Select Board~~ shall not render any decision on the application for a special permit ~~unless and until~~:

- a. The Board of Health has approved those aspects of the development which come under its jurisdiction, or until 30 days have elapsed without such report;
 - b. The Planning Board has reviewed the site plan and has submitted its report with recommendations to the Selectmen, or until 30 days have elapsed without such report; and
 - c. The Conservation Commission has made its report, or until 30 days have elapsed without such report.
- (2) ~~In considering the application for a special permit under this article, the~~ The Board of Selectmen Select Board ~~will~~ shall give serious consideration to the facts and information contained in the site plan ~~and impact statement~~ and to the reports and recommendations from the involved Town boards and agencies.
- (3) The Planning Board and Conservation Commission may recommend, and the ~~Board of Selectmen Select Board~~ may impose, such additional reasonable conditions ~~on any such development as they find necessary in the interests of the Town and public health, safety and welfare, including fencing, screening and greater setback requirements for the protection of abutting residential uses or residential zones.~~
- (4) Any site plan may be revised by following the same procedure as required for the original approval of the special permit.
- (5) A site plan, once approved by the ~~Board of Selectmen Select Board~~, shall become a part of the permit.
- I. Certificate of occupancy. No certificate of occupancy shall be issued for use of any building or structure or use of land under this section unless the building or structure is constructed or used or the land is developed or used in conformity with an approved site plan or any amendment of such plan. A certified copy of an as-built site plan from a licensed surveyor or engineer must be filed prior to issuance of the certificate of occupancy.
- J. Bond required. ~~Unless Where~~ the installation of public services and construction of common facilities, such as internal streets, walkways, parking and play areas, drainage, landscaping and screening, has not been completed, no certificate of occupancy shall be issued ~~by the Building Commissioner~~ for any part of the development until the applicant shall have filed in the office of the Town Clerk a bond with surety satisfactory in form and amount to the ~~Selectmen and approved as to form and legality by the Town Counsel Select Board~~. Such bond shall be in an amount sufficient, in the judgment of the ~~Department of Public Works Select Board~~, to secure the completion of such work in compliance with all applicable ~~statutes, ordinances and regulations and in accordance~~ laws and with the approved site plan.
- K. Modified Development and additional standards for multiple dwellings.
- (1) ~~See the Table of Dimensional Requirements for Multiple Dwellings.~~ Section 5.1 dimensional requirements shall apply to multiple dwellings. except as modified in the

remainder of this subsection.

- (2) No more than 12 dwelling units shall be provided for in any one building. Not more than 8 multiple dwelling units (including accessory dwelling units) may be located on any lot in the R-20, R-30, RA-40, CR, RB, or CBC zones. Multiple dwellings are prohibited in the I zone and the OPLI zone. In the DCBC zone and the PCVC zone, the maximum number of dwelling units per lot and per acre may be established by the special permit granting authority.
- (3) Multiple dwellings structures containing multiple dwellings on the same lot shall be spaced at least 35 feet apart in the RM District except in the DCBC district.
- (4) No dwelling unit in a multiple dwelling shall contain more than two bedrooms. In the PCVC district, the special permit granting authority may approve multiple dwelling rental or condominium dwellings only upon finding that ownership of the underlying land cannot be divided.
- (5) The minimum side yard requirements for any proposed multiple dwelling located on a lot which abuts a lot in residential use shall be increased by an additional 10 feet.
(Reserved)
- (6) (Reserved)
- (7) The For multiple dwellings consisting of more than four units per lot, the minimum area of developed playgrounds, recreational areas or other usable, suitably landscaped open space shall be at the rate of 500 300 square feet per bedroom. The special permit granting authority may waive or reduce this requirement.
- (8) Front yards and all open areas containing multiple dwellings shall be suitably landscaped and maintained with grass, trees, shrubs or walks.
- (9) Every multiple dwelling must be connected to town sanitary sewer and water systems.
- (10) Standards and requirements set forth under § 199-9.2K(7) in this section may be modified or waived by the Board of Selectmen in the case of rehabilitation for multiple dwelling use of buildings which existed at the effective date of this chapter.

Article 11 - § 199-3.1. Adaptive Reuse Overlay District (AROD). (2/3 VOTE)

To see if the town will Amend the Zoning Bylaw Chapter 199-3.1 (Adaptive Reuse Overlay District) by adding underlined text or and removing strike out text or take any other action relative thereto.

§ 199-3.1. Adaptive Reuse Overlay District (AROD).

B. Eligibility for conversion.

- (1) Privately owned buildings, municipal buildings or public or private school buildings as defined in Subsection B(1)(a) and (b) below and located in any zoning district are eligible for conversion to those uses listed in § 199-3.1D of this chapter, but only if they meet all of the following tests:

- (a) They were used for not less than ~~15~~ 10-years.
- (b) They contain not less than ~~10,000~~ 5,000 square feet in total gross floor area.

C. Scope of authority.

- (1) The AROD is superimposed over rather than replacing the underlying zoning districts. The regulations of this overlay district shall govern all reconstruction or expansion of privately owned buildings, municipal buildings and public and private school buildings as defined in § 199-3.1B above. Provisions of § 199-3.1 shall supersede those of Article IV, Use Regulations, and Article V, Intensity Regulations, in this chapter. On all other matters, the provisions of the underlying districts shall continue.
- (2) The special permit granting authority for this section shall be the ~~Board of Selectmen~~ Select Board. ~~The Board of Selectmen shall require that any~~ Any application for a special permit under this section shall be accompanied by a site plan ~~in accordance with § 199-13.3 of this chapter and the Select Board shall not render any decision on the application for a special permit until the Planning Board has reviewed the site plan and has submitted its report with recommendations to the Selectmen, or 30 days have elapsed without such report.~~

Article 12 – § 199-4.2. List of permitted uses. (2/3 VOTE)

To see if the town will Amend the Zoning Bylaw Chapter 199-4.2 (List of Permitted Uses) by adding underlined text and removing strike out text or take any other action relative thereto.

§ 199-4.2. List of permitted uses.

A. Residential districts (R-20 and R-30).

- (3) Uses requiring a special permit from the ~~Board of Selectmen~~ Select Board in accordance with ~~§ 199-13.4 of this chapter, and in compliance with all other applicable provisions of this chapter,~~ shall be as follows:
 - (a) Multiple dwelling, ~~subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2, provided that no more than four dwelling units shall be built on a lot.~~

B. Residential-Agricultural District (RA-40).

- (2) Uses requiring a special permit from the ~~Board of Selectmen~~ Select Board in accordance with ~~§ 199-13.4 of this chapter, and in compliance with all other applicable~~

~~provisions of this chapter,~~ shall be as follows:

- (a) Multiple dwelling, ~~subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2, provided that no more than four dwelling units shall be built on a lot.~~
- (b) Resort, subject to the special requirements in § 199-9.8.

C. Residential-Multiple Dwelling District (RM).

- (2) Uses requiring a special permit from the ~~Board of Selectmen~~ Select Board in accordance with ~~§ 199-13.4 of this chapter, and in compliance with all other applicable provisions of this chapter,~~ shall be as follows:

- (a) A multiple dwelling, ~~subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2 herein, provided that no more than four dwelling units shall be built on a lot.~~
- (b) ~~A multiple dwelling with more than four dwelling units, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2 of this chapter.~~

D. Conservation-Residential District (CR).

- (2) Uses requiring a special permit from the ~~Board of Selectmen~~ Select Board in accordance with ~~§ 199-13.4 of this chapter, and in compliance with all other applicable provisions of this chapter,~~ shall be as follows:

- (b) Multiple dwelling, in compliance with the requirements set forth in § 199-9.2.

E. Rural Business District (RB).

- (2) Uses requiring a special permit from the ~~Board of Selectmen~~ Select Board in accordance with ~~§ 199-13.4 of this chapter, and in compliance with all other applicable provisions of this chapter,~~ shall be as follows:

- (a) Multiple dwelling, ~~subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2, provided that no more than four dwelling units shall be built on a lot.~~

F. (Reserved)

G. Commercial Business Corridor (CBC).

- (2) ~~Uses requiring a special permit from the Board of Selectmen Select Board in accordance with § 199-13.4 of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows:~~
- (a) ~~Multiple dwelling, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2, provided that no more than four dwelling units shall be built on a lot.~~
 - (b) ~~A multiple dwelling with more than four dwelling units, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2 of this chapter.~~

H. Downtown Commercial Business Corridor District (DCBC).

- (2) ~~Uses requiring a special permit from the Board of Selectmen Select Board in accordance with § 199-13.4 of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows:~~
- (a) ~~Multiple dwelling, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2, provided that no more than four dwelling units shall be built on a lot.~~
 - (b) ~~Conversion of existing buildings that are at least 10 years old to mixed use for business, professional offices and multiple-family housing with more than four~~ eight ~~units, subject to all the applicable provisions of this chapter, provided the special permit granting authority finds, in addition to the other findings required by this chapter, that the proposed conversion maintains the existing architectural character of the corridor.~~
 - (c) ~~Multiple dwelling with more than four dwelling units, subject to all applicable provisions of this chapter and in compliance with the special requirements set forth in § 199-9.2 of this chapter, provided the special permit granting authority finds, in addition to the other findings required by this chapter, that the proposed conversion maintains the existing architectural character of the corridor.~~

I. Planned Commercial Village Center District (PCVC).

- (3) Uses requiring a special permit from the Select Board shall be as follows:
- (a) One-family rental or condominium dwellings, two-family rental or condominium dwellings, and multiple dwelling rental or condominium dwellings, provided that ownership of the underlying land is not divided.

J. Industrial District (I).

K. Office Park and Light Industrial District (OPLI).

Article 13 – § 199-10.6 Smart Growth Overlay District (2/3 VOTE)

To see if the town will Amend the Zoning Bylaw Chapter 199-10.6 (Smart Growth Overlay District) by adding underlined text and removing strike out text or take any other action relative thereto.

§ 199-10.6 Smart Growth Overlay District

B. Dimensional and density requirements.

(1) Table of requirements. Notwithstanding anything to the contrary in this chapter, the dimensional requirements applicable in the SGOD are as follows:

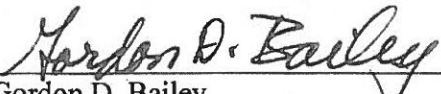
- (a) Residential density. Multifamily residential (four or more dwelling units) and mixed-use projects in the SGOD may be developed as-of-right at a minimum density of 20 dwelling units per acre of developable land. The maximum number of residential units allowed within the SGOD is ~~122~~ 150.

You Are hereby directed to serve this Warrant by posting true and attested copies thereof, in five public places within the Town of Lee, fourteen (14) 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 4th day of March, 2025.



Gordon D. Bailey



Sean J. Regnier



Bob Jones

As per instruction in this Warrant, I have posted same, this 5th day of March 2025 in five public places.



Constable

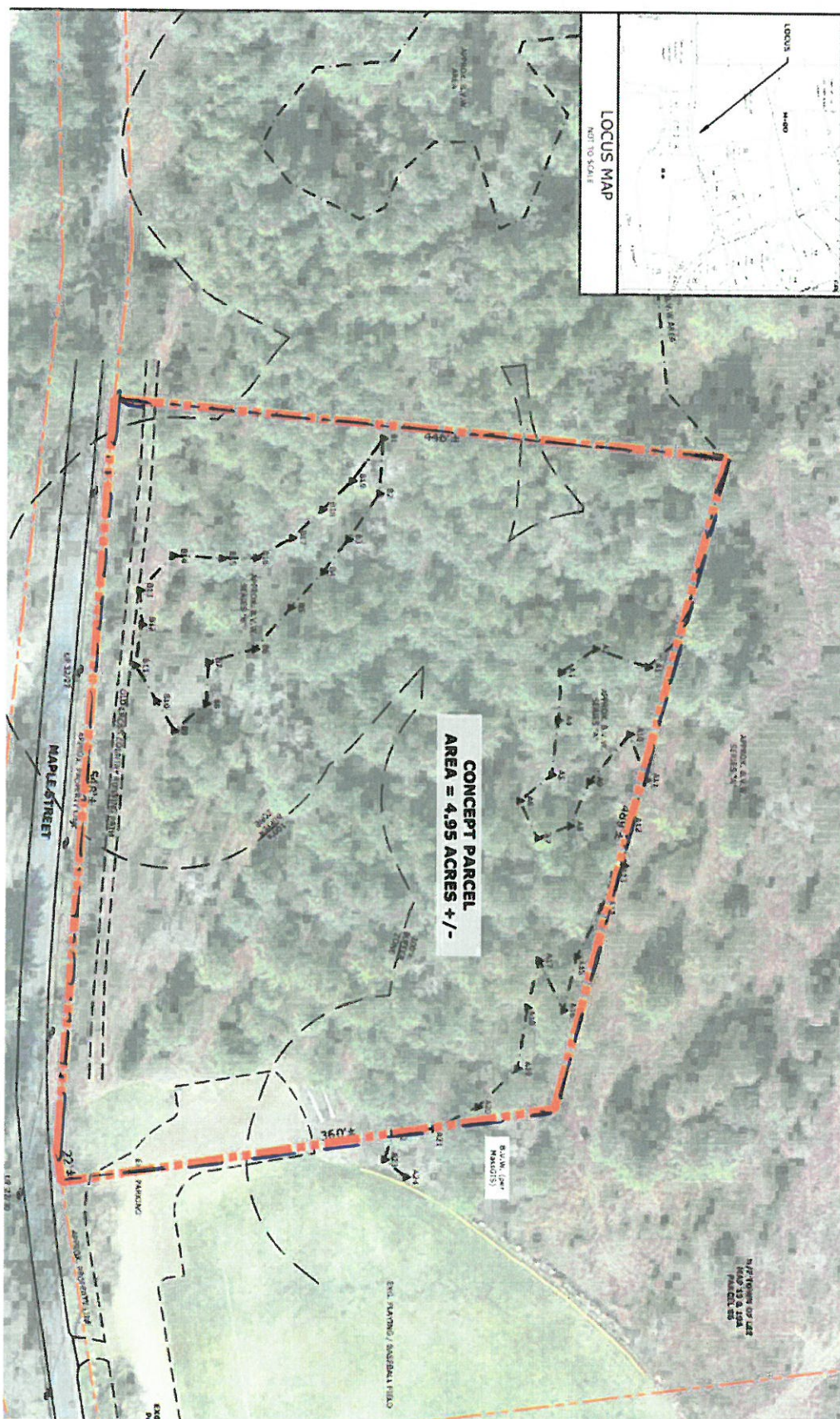


EXHIBIT A