



## **Town of Lee, Massachusetts**

*32 Main Street*

*Lee, MA 01238*

### **APPROVAL OF BYLAW CHANGE**

**POSTED: October 3, 2022**

The following articles passed at the March 24, 2022 Special Town Meeting and have been approved by the Attorney General of Massachusetts on September 26, 2022.

**POSTED: Lee Town Hall (board and binder), Town Website, Lee Post Office, South Lee Post Office**

For a complete description of all articles, motions, and redlines, please go to the Town Clerks office, or visit our website at [redline chapter 199 le1695.pdf \(lee.ma.us\)](#)

### **ARTICLE 1 Community Preservation Act Bylaws**

Bob Jones moved that the Town vote to adopt the following Community Preservation Act as published in the Special Town Meeting Warrant. Patty Carlino Second. Valerie Blum moved to amend. Peter Hofman second. See last page of minutes for handout on Article 1 amendment. Then Bob Jones read amendment and Sean Regnier second the vote of the amendment. Motion to Amend PASSED. 38-5. Main Motion PASSED unanimously 43-0.

### **ARTICLE 3 General Bylaw Amendment Chapter 125 Section 1**

Sean Regnier moved that the Town vote to amend Chapter 125 Section 1 by striking the words "For not less than a 12-month period" so if that approved the bylaw shall read:

Pursuant to the provisions of MGL c. 40, § 57, the Town Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Collector," shall annually furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed

REC'D LEE TOWN CLERK  
OCT 3 '22 AM 10:38

*RBA*

in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board. or take any other action relative thereto.  
Second by Bob Jones. Gordon Bailey moves to amend to 60 days. John Coty seconds. Motion to Amend FAILS 12-31. Main Motion PASSED 40-3.

### **ARTICLE 5 Open Town Meeting Bylaw Amendments**

Patty Carlino moved that the Town vote to re-adopt Chapter 48 Articles II and I of the general bylaws, as published in the special town meeting warrant, to be adopted only in the event of an affirmative referendum vote at the 2022 Annual Town Election to change to an Open Town Meeting form of government. Sean Rengier Second. Article PASSED 37-2-1.

### **ARTICLE 9 Zoning Re-Adoption (based on editorial and legal analysis)**

Sean Renier moved that the Town vote to re-adopt Chapter 199 (Zoning) as published in the special town meeting warrant/town website/clerk's office. Buck Donovan Second. Article 9 PASSED 40-0.

### **ARTICLE 10 Use Regulation Amendment**

Bob Jones moves that the Town vote to town amend the zoning bylaw section 4.1 relating to the establishment of use regulations as published in the special town meeting warrant. Patty Carlino Second. Article 10 PASSED 40-0.

### **ARTICLE 11 Elimination of Business Multiple Dwelling (BM) Zone**

Patty Carlino moved that the Town vote to amend the zoning bylaw in various places to eliminate obsolete references to the Business Multiple Dwelling (BM) Zone, as published in the special town meeting warrant. Sean Reniger Second. Article 11 PASSED 40-0.

### **ARTICLE 12 Parking lots and multistory structures**

Sean Regnier moved the Town shall amend the zoning bylaw, Section 4.2 and Subchapter 14, as follows, relating to parking lots and multistory parking structures. Additions are underlined and sections with lines through text to be removed, or take any other action relative thereto. Bob Jones Second. Article 12 PASSED 39-0.

### **ARTICLE 13 Animals**

Bob Jones moved that the Town vote to add a new section 4.5 to the Zoning Bylaw, relating to animals, and also make coordinating amendments to portions of section 4.2, as published in the special town meeting warrant. Second Sean Regnier. Article 13 PASSED by 2/3 Voice Vote. (2 Nays)

### **ARTICLE 14 Nonconforming uses and structures**

Patty Carlino moved that the Town vote to amend the zoning bylaw Section 6.1(B) and (E) as published in the special town meeting warrant, relating to special permits to extend nonconforming structures, signs and uses and abandonments. Sean Regnier Second. Article 14 PASSED 39-0.

### **ARTICLE 15 Nonconforming signs**

Sean Regnier moved that the Town vote to amend the zoning bylaw Section 7.5 as published in the special town meeting warrant relating to nonconforming signs. Patty Carlino Seconds. Article 15 PASSED with 2/3 Majority 36-2-2.

### **ARTICLE 16 Sign Permits**

Bob Jones moved that the Town vote to amend the zoning bylaw Sections 7.6 as published in the special town meeting warrant, relating to administration of sign permits. Second Patty Carlino. Article 16 PASSED 41-0.

### **ARTICLE 17 Site Plan Review**

Patty Carlino moved that the Town vote to repeal existing zoning bylaw subsections 13.3 (Site Plan Review) and 13.4 (Special Permits) and replace them with new subsections, as published in the special town meeting warrant. Sean Regnier Second. Article 17 PASSED 36-0.

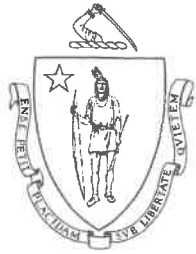
### **ARTICLE 18 Error Correction**

Sean Regnier moved that the Town vote to amend zoning bylaw Section 16.3, as published in the special town meeting warrant, correcting a typographical error made previously. Patty Carlino Second. Article 18 PASSED 41-0.

### **ARTICLE 19 Table of Dimensional Requirements**

Sean Regnier moved that the Town vote to amend the zoning bylaw, Appendix A, Table 2, as published in the special town meeting warrant, relating to dimensional requirements for multifamily housing in the CBC Zone. Second Patty Carlino. Article 19 PASSED 40-0.





MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

(508) 792-7600  
(508) 795-1991 fax  
[www.mass.gov/ago](http://www.mass.gov/ago)

September 26, 2022

Rachael Armstrong, Town Clerk  
Town of Lee  
32 Main Street  
Lee, MA 01238

**Re: Lee Special Town Meeting of March 24, 2022 -- Case # 10485**  
**Warrant Articles # 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 (Zoning)**  
**Warrant Articles # 1, 3, and 5 (General)**

Dear Ms. Armstrong:

**Articles 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19** - We approve Articles 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 voted at the Lee March 24, 2022 Special Town Meeting. <sup>1</sup>

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

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<sup>1</sup> In a decision issued on July 14, 2022, we approved Articles 1 and 3 and placed Article 5 on hold pending receipt of additional information. On August 14, 2022, we also elected to proceed under the defect waiver provisions of Chapter 299 of the Acts of 2000 for Articles 9 through 19. In a certification received September 15, 2022, the Town Clerk affirmed that the notice was posted and published in accordance with the provisions of Chapter 299, and that no claims were filed with the Office of the Town Clerk within 21 days of publication. For this reason, the Attorney General is authorized by Chapter 299 to waive (and does so waive) the defects.



Very truly yours,  
MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

By: Kelli E. Gunagan  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600

cc: Town Counsel Jeremia Pollard

