

March 24, 2022 Special Town Meeting 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 Middle/High School Auditorium on March 24, 2022 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

Article 1. Community Preservation Act Bylaws

To see if the town will vote to adopt the following Community Preservation Act bylaws, or take any other action relative thereto:

TOWN OF LEE
COMMUNITY PRESERVATION COMMITTEE BYLAW
PURSUANT TO MASSACHUSETTS GENERAL LAW 44B

Section 1: Establishment

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members, pursuant to Massachusetts General Law, Chapter 44B. The composition of the Committee, the appointment authority and the term limits of office for the Committee are as follows;

1. One member of the Historical Commission as designated by the Commission for a term of three years.
2. One member of the Planning Board as designated by the Board for a term of three years.
3. One member of the Conservation Commission as designated by the Commission for a term of three years.
4. One member of the Finance Committee as designated by the Committee for a term of three years.
5. One member of the Select Board as designated by the Board for a term of three years.
6. Two citizen members at-large, who do not hold elected or appointed office, nor serve as Town Employees or sit on any other Committees, as designated by the Select Board for a term of three years.

Each member of the Community Preservation Committee shall serve for a term of three years or until the person no longer serves in the position or on the Board or Committee as set forth above,

whichever is earlier. Any vacancy on the Committee shall be filled by the Commission, Authority or Board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

Should any Commission, Board, Authority or Committee, who have appointment authority under Chapter 44B, no longer be in existence for whatever reason, the appointment authority for that Commission, Board, Authority or Committee shall become the responsibility of the Select Board.

Section 2: Duties

The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing Municipal Boards, including the Select Board, Conservation Commission, Historical Commission, Planning Board, Board of Assessors, Housing Authority, Board of Public Works, Youth Commission and School Committee as appropriate. As part of its study the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources. Notice of hearings will be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town. The Committee may incur expenses as permitted by state law and use funds the community preservation fund has set up to pay such expenses.

The Community Preservation Committee shall make recommendations at Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; and for the acquisition, creation, preservation and support of open space and community housing.

The Community Preservation Committee may include in its recommendation at Town Meeting, to set aside for later spending, funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action.

Every Fiscal Year, the Community Preservation Committee must recommend, either that the legislative body spend or set aside for later spending, not less than ten percent (10%) of the annual revenues in the Community Preservation Fund for each of the following categories:

- A. Open Space and recreation;
- B. Historic Resources; and
- C. Community Housing.

Section 3: Requirement for a quorum

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its action by majority vote of the quorum. or take any other action relative thereto:

Section 4: Amendments

The Community Preservation Committee shall, from time to time, review the administration of this By-Law, making recommendations for changes in the By-Law and the Administrative practice. Any By-Law or Administrative recommendation(s) or amendment(s) must be made by a majority vote at Town Meeting, provided that the recommendation(s) or amendment(s) would not be in conflict with Chapter 44B of the Massachusetts General Law. or take any other action relative thereto:

Section 5: Severability

In case any section, paragraph or part of this Chapter is for any reason declared invalid or unconstitutional by any Court or last resort, every other section, paragraph or part shall continue in full force and effect. or take any other action relative thereto:

Article 2. Master Plan Update – Finance Committee Recommends Approval

To see if the town will appropriate a sum not to exceed \$75,000 from available funds for the purpose of completing a master plan update. or take any other action relative thereto.:

Article 3. General Bylaw Amendment Chapter 125 Section 1

To see if the town will amend Chapter 125 Section 1 by striking the words “for not less than a 12-month period” so that if 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 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.

Article 4. Special Act/Charter Review Commission

To see if the town will vote to petition the Massachusetts State Legislature to readopt the Town of Lee Special Act as shown below with additions underlined and sections with lines through text to be removed, or take any other action relative thereto.

Chapter 471. — ~~AN ACT ESTABLISHING A SELECTMEN ADMINISTRATION FORM OF GOVERNMENT IN THE TOWN OF LEE.~~

Be it enacted, etc., as follows:

SECTION 1. ~~The voters of the town of Lee shall, in accordance with any applicable general or special law or by-law or vote of the town, continue to elect the following: (a) town meeting members, (b) moderator, (c) board of selectmen, (d) school committee members, (e) housing authority, (f) assessors, (g) planning board members, (h) community development corporation members, (i) town clerk, (j) town treasurer, (k) tax collector, (l) board of health, (m) constables.~~

~~The acceptance of this act shall not affect the term of office of any such elected official or elected member of such board, committee, or authority. Every other elective office, board, committee, or commission of the town shall become appointive as hereinafter provided, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board, committee, or commission existing as an elected office at the time of the acceptance of this act and having become appointive hereunder, shall continue until the term for which that person was elected shall have expired, and until the appointment and qualification of his successor.~~

The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable provisions of any general law, special law, bylaw or vote of the town, except as otherwise expressly provided herein.

Notwithstanding the election by the voters of the town of the officers named in this section, such officers shall be available to the town administrator for consultation, conference and discussion on matters relating to their respective offices.

SECTION 2. ~~The board of selectmen~~ Select Board shall consist of three members elected by the voters of the town. ~~Selectmen~~ Board members in office at the time of the approval of this act shall serve until the term of which they were elected shall have expired.

SECTION 3. ~~The board of selectmen~~ Select Board shall appoint town counsel, members of all appointed multi-member boards, committees and commissions except those appointed by the moderator and the town administrator as herein provided.

The moderator shall appoint the finance committee, as provided by by-law, and such committees and officers as ~~he the moderator~~ may now or hereafter be directed to appoint by any applicable general law, special law, by-law or vote of the town meeting.

SECTION 4. ~~A member of the board of selectmen, or the finance committee shall during the term for which he was elected or appointed be ineligible either by election or appointment to hold any other~~

~~compensated town office, other than that of town meeting member. Nothing in this section shall preclude the members of the board of selectmen from serving on appointed ad hoc committees.~~

Any registered voter in the Town of Lee shall be eligible to hold any elective town office provided however, no person can simultaneously hold more than one elected town office, other than that of Town Representative (for as long as the Representative form of government is in place). No town employee in the Town of Lee meeting the guidelines of a full time employee (20 hours or more/benefits) shall hold any elective office in the town of Lee, other than that of Town Representative (for as long as the Representative form of government is in place).

SECTION 5. ~~The board of selectmen~~ Select Board shall, by unanimous vote, appoint, as soon as practicable, for an indefinite term, a town administrator who shall be qualified by education, training and previous full-time experience to perform the duties of the office. In its search for a town administrator, the ~~board of selectmen~~ Select Board shall advertise in the ~~International City Management Newsletter or similar professional publication~~ the Beacon and the website of the Massachusetts Municipal Association and in at least one newspaper having statewide or regional circulation. The town administrator shall be appointed without regard to ~~his~~ their political designation. ~~He~~ They need not be a resident of the town or the commonwealth when appointed, but shall become a resident of Berkshire county during the first year of ~~his~~ their appointment unless otherwise provided by the ~~board of selectmen~~ Selectboard. ~~He~~ They shall have a college degree at the bachelor level and shall have had five years of full-time paid experience in a supervisory administrative position in the public sector. A masters degree may be substituted for not more than two years of such paid experience. No person holding elective office in the town with the exception of town meeting members shall, within three years of holding such office, be eligible for appointment as town administrator. Before entering upon the duties of ~~his~~ the office, ~~he~~ the town administrator shall be sworn to the faithful and impartial performance thereof by town clerk or a notary public. ~~He~~ The Town Administrator shall execute a bond in favor of the town for the faithful performance of ~~his~~ their duties in such sum and with such sureties as may be fixed or approved by the ~~board of selectmen~~ Select Board, the cost of which shall be borne by the town.

SECTION 6. The town administrator shall receive such compensation for ~~his~~ their services as the ~~board of selectmen~~ Select Board shall determine but it shall not exceed the amount appropriated therefor by the town.

SECTION 7. Any vacancy in the office of town administrator shall be filled as soon as possible by the ~~board of selectmen~~ Select Board. Pending the appointment of a town administrator or the filling of any vacancy, the ~~board of selectmen~~ Select Board shall, within seven days, appoint an officer of the town or another suitable person to perform the duties of the office.

SECTION 8. The town administrator may designate, subject to the approval of the ~~board of selectmen~~ Select Board, by letter filed with the town clerk, an officer of the town, or another suitable person, to perform ~~his~~ their duties during ~~his~~ their temporary absence or disability. In the event of failure by the administrator to make such designation, the ~~board of selectmen~~ Select Board may, by resolution, designate an officer of the town or another suitable person to perform the duties of the administrator until ~~he~~ the Town Administrator shall return or ~~his~~ their disability shall cease.

SECTION 9. The ~~board of selectmen~~ Select Board may remove the town administrator. At least thirty days before such proposed removal shall become effective, the ~~board of selectmen~~ Select Board shall adopt at a public meeting and shall file with the town clerk a written preliminary resolution of removal, a copy of which resolution shall be delivered to the town administrator in person or at the administrator's last known

mailing address. The administrator may, within seven days of service of such resolution, reply in writing to the resolution and may request a public hearing. If the town administrator so requests, the board of selectmen shall hold a public hearing not earlier than fourteen days nor later than twenty-one days after the filing of such a request. At such a public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, the selectmen may adopt a final resolution of removal. In the preliminary resolution, the board of selectmen may suspend the administrator from duty, but in any case his salary shall continue to be paid during the period of consideration of the preliminary resolution and until thirty additional days after the vote of the final resolution.

SECTION 10. The town administrator shall appoint all town officials whose appointment or election is not specifically provided for herein. The town administrator shall appoint with majority approval of the board of selectmen Select Board, and may remove with the majority approval of the board of selectmen Select Board, subject to the provisions of chapter thirty-one of the General Laws where applicable, all department heads, all officers and all subordinates and employees for whom no other method of appointment is provided in this act, except persons serving under other appointments made by representatives of the commonwealth. Appointments to permanent positions made by the town administrator shall become effective on the ~~fifteenth~~ fifth day following the day the notice of appointment is filed with the board of selectmen Select Board, unless the board of selectmen ~~shall~~ Select Board, within that period, by a majority vote of the board, vote to reject any such appointment.

Any person appointed by the town administrator to any town office under the provisions of this act of any general or special law shall be eligible during the term of said office to hold any other town office except that the town accountant shall not be eligible to hold the position of town treasurer or town collector. The town administrator, subject to any applicable provision of the General Laws relating thereto, may, with the approval of the board of selectmen Select Board, assume the duties of any office which ~~he the Town Administrator~~ is authorized to fill by appointment, but shall receive no additional compensation for assuming the duties of any such additional office.

SECTION 11. In addition to specific powers and duties provided in this act, the town administrator shall have the general powers and duties enumerated in this section:

(a) The town administrator shall attend all regular meetings of the board of selectmen Select Board except meetings at which ~~his the Town Administrator's~~ removal is being considered, and shall attend all town meetings and shall be permitted to speak when recognized by the moderator.

(b) The town administrator shall be the chief ~~fiscal~~ financial officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with the provision of section fifty-six of chapter forty-one of the General Laws shall be submitted to the town administrator. The approval of any such warrant by the town administrator shall be sufficient authority to authorize payment by the town treasurer but the ~~selectmen~~ select board shall approve all warrants in the absence of the administrator or in the event of a vacancy in the office of town administrator.

(c) The town administrator shall be the chief budget officer of the town, and shall prepare and submit to the board of selectmen select board, an operating and capital improvement budget, as provided by by-law.

(d) Except as otherwise provided by this act, the town administrator shall appoint upon merit and fitness alone, and, subject to the provisions of chapter thirty-one of the General Laws where applicable, may remove all officers and employees of the town at will on 10-7 days notice in writing; ~~town officers and employees not subject to the provisions of said chapter thirty-one shall not be removed by him except on ten days notice in writing, setting forth the cause of such removal.~~

~~(e) The town administrator shall supervise and be responsible for the efficient administration of all departments, commissions, boards and officers, except the board of selectmen. He shall not, however, exercise any control over the discretionary power vested by statute in any such board, committee, commission or officer.~~

(Pe) The town administrator shall keep the ~~board of selectmen~~ Select Board fully advised as to the needs of the town and shall recommend to the ~~selectmen board~~ for adoption such measures requiring action by them or by the town meeting as ~~he the Town Administrator~~ may deem necessary or expedient.

(gf) ~~The town administrator~~ Select Board shall have jurisdiction over the rental and use of all town property.

(hg) The town administrator shall be responsible for the purchase of all supplies and materials and equipment, except those intended for the school department or for the library, and shall approve the award of all contracts for all departments of the town. He may make purchases for departments not under this supervision only upon and in accordance with requisitions duly signed by the heads of such departments.

~~(i) The town administrator shall administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to the town, all by-laws and votes of the town, and all regulations established by the board of selectmen.~~

(jh) The town administrator may, upon the request and with the approval of the ~~board of selectmen~~ Select Board, prosecute, defend, or compromise all litigation to which the town is party, and shall be the executive officer of a public employer in the town as defined in section one of chapter two hundred and fifty-eight of the General Laws pertaining to the processing of claims against the town.

(ki) The town administrator shall be the agent of the ~~board of selectmen~~ Select Board for collective bargaining.

0(j) The town administrator shall be responsible for the implementation of town meeting votes and shall report annually in writing to the town meeting on the implementation of prior town meeting votes.

~~Em~~(k) The town administrator shall be accessible and available for consultation to boards, committees and commissions of the town, whether appointed or elected, and shall be responsive to their request for assistance.

(nl) The town administrator shall keep full and complete records of ~~his the Town Administrators~~ office, and shall provide quarterly reports to the board of selectmen.

~~Co~~(m) The town administrator, with the unanimous approval of the members of the ~~board of selectmen~~ Select Board and in accordance with the provisions of this act and the General Laws, may reorganize, consolidate or abolish departments or offices under ~~his the Town Administrator's~~ direction and supervision, in whole or in part, may establish such new departments or offices as ~~he the Town Administrator~~ deems necessary, and may transfer the powers and duties of one department or office to another.

Cp) Notwithstanding the provisions of chapter four hundred and thirty-eight of the acts of nineteen hundred and seventy, the town administrator shall be an ex officio member of the board of public works established by said act with all the privileges of membership, except the power to vote.

~~Cq(n)~~ The town administrator shall perform such other duties as may be required of ~~him~~ the Town Administrator by by-law, by vote of the board of selectmen Select Board, or vote of the town meeting.

SECTION 12. The town administrator may without notice cause the affairs of any department under his the Town Administrator's supervision or the job-related conduct of any officer or employee thereof to be examined. The town administrator shall have access to all town books and papers for information necessary for the proper performance of his their duties.

SECTION 13. All laws, by-laws, votes, rules and regulations, whether enacted by authority of the town or any other authority, which are in force in the town of Lee on the effective date of this act, or any portion or portions thereof, not inconsistent with the provisions of this act, shall continue in full force and effect until otherwise provided by other laws, by-laws, votes, rules and regulations, respectively.

SECTION 14. No contract existing and no action at law or suit in equity, or other proceeding pending at the time this act is accepted, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation, except that under revocation any contract made by the town with the town administrator then in office shall be terminated upon such vote.

SECTION 15. No person in the permanent full-time service or employment of the town shall forfeit his pay, grade or time in service. Each person shall be retained in a capacity as similar to his former capacity as is practical.

SECTION 16. This act shall be submitted for acceptance to the voters of the town of Lee at the annual town elections to be held in the year nineteen hundred and ninety-one in the form of the following question, which shall be placed upon

the official ballot: "Shall an act passed by the General Court in the year nineteen hundred and ninety, entitled 'An Act Establishing a Selectmen-Administrator Form of Government in the Town of Lee' be accepted?"

If a majority of the votes in answer to said question is in the affirmative, said act shall take effect, but not otherwise.

If this act is not accepted in the year nineteen hundred and ninety-one, it shall again be submitted at the annual town election in the year nineteen hundred and ninety-two, and if accepted shall take full effect but not otherwise.

SECTION 17. The town may vote to establish a charter commission for the purpose of considering the appointment or election of persons to the positions of clerk, treasurer, and collector, along with any other matters it may deem necessary. Said vote shall include directions for notice of public meetings to be held by the charter commission, and shall set deadlines for the commission's findings and recommendations, and any other necessary directions to maximize public input in the charter commission's deliberations.

Approved December 29, 1990.

Article 5. Open Town Meeting Bylaw Amendments

To see if the town will vote to re-adopt Chapter 48 Articles II and I of the general bylaws as shown in the version below 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. Additions are underlined and sections with lines through text to be removed, or take any other action relative thereto.

Article I Town Meetings

[Adopted 5-6-1971 by Art. 10 as Ch. 2, Art. II, of the 1971 Code]

§ 48-1 Annual Town Meeting.

[Added 2-22-1973 STM by Art. 35]

- A. The Annual Town Meeting for the transaction of all business except the election of such officers and determination of such matters as are required to be elected or determined by ballot shall be held on the second Thursday of May of each year at 7:00 p.m., except that when said Thursday falls on a holiday, the meeting shall be held on the following day at 7:00 p.m. (Friday). [Amended 5-12-2016 STM by Art. 48]
- B. The Annual Town Meeting for the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot shall be held on the Monday next following the business meeting.

§ 48-2 Voting machines.

The Town may use voting machines for primaries and elections. The Selectmen may acquire the required number of voting machines as approved by the State Board of Voting Examiners.

§ 48-3 Hours of polls.

The polls shall be opened at 7:00 a.m. and shall remain open until ~~7:00 p.m.~~ 8:00pm

§ 48-4 Notice of Town Meeting.

Notice of every Town Meeting shall be given by posting attested copies of the warrant thereof in at least three public places in the Town not less than seven days before the day fixed for such meeting.

§ 48-5 Annual Report.

[Amended 9-26-1991 STM by Art. 9]

At least seven days before the day fixed in the warrant for the Annual Town Meeting, the Selectmen shall cause to be placed in three convenient locations within the Town copies of the Annual Town Report to be picked up by residents desiring to do so.

§ 48-6 Notice of adjourned meeting.

As soon as practicable after adjournment of any Town Meeting on a vote to adjourn to another day, the Clerk shall cause a brief statement of the day and hour to which the adjournment was voted, and of the business remaining to come before the meeting, to be posted in three public places. If the period of adjournment will permit, the Clerk shall cause a similar notice to be published ~~in the Berkshire Eagle~~ on the town website.

§ 48-7 Quorum.

~~A majority of the members of the Representative Town Meeting~~ 50 Registered voters of the Town of Lee shall constitute a quorum for the transaction of business.

§ 48-8 Order of warrant articles.

The articles of the warrant of any Town Meeting shall be acted upon in the order in which they appear, unless otherwise determined by vote of the meeting.

§ 48-9 Motions made in writing.

Motions shall be in writing if so directed by the Moderator.

§ 48-10 Division of motions.

If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if four representatives so request.

§ 48-11 Precedence of motions; motions decided without debate.

A. When a question is before the meeting, the following motions shall be received and shall have precedence in the following order:

(1) To fix time to adjourn

(2) To adjourn.

(~~23~~) To lay on the table or to pass over.

(~~24~~) For the previous question.

(~~45~~) To postpone to a time certain.

(~~56~~) To commit, recommit or refer.

(~~67~~) To amend.

(~~78~~) To postpone indefinitely.

B. The first ~~three~~ four shall be decided without debate.

§ 48-12 Proposed amendments involving sums of money.

On proposed amendments involving sums of money, the last amendment shall be put to the question first, and an affirmative vote thereon shall be a negative vote on any preceding amendment and/or motion. No monetary amendment may increase the total amount by more than 5%

§ 48-13 Disclosure of interest.

Any person who is employed as an attorney or agent by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his or her employment before speaking thereon.

§ 48-14 Determination of vote.

When a question is put, the sense of the meeting shall be determined by the voices of the voters (or through electronic means), and the Moderator shall declare the vote as it appears to him or her. If the Moderator is unable to decide the vote by the sound of the voices or if his or her decision is immediately questioned, he or she shall determine the vote by ordering a show of hands or Anonymous Electronic Voting, and he or she may appoint tellers to make and return the count through a ballot vote.

§ 48-14.1 Votes requiring two-thirds vote.

[Added 5-12-2005 ATM by Art. 46]

The Moderator may take votes requiring a two-thirds vote in the same manner in which he/she conducts the taking of a vote when a majority is required. If the Moderator declares that there is a two-thirds majority, it shall be recorded as such, unless his or her decision is immediately questioned.

§ 48-15 Voting ballot.

The meeting may order that the vote of any motion shall be taken by a "yes" or "no" ballot. Or Anonymous Electronic Voting.

§ 48-16 Votes on appropriation or transfer of funds.

All votes on the appropriation or transfer of funds shall be taken by ~~written ballot~~ electronic voting, unless such appropriation or transfer shall be recommended or approved by the Finance Committee.

§ 48-17 Number of times person may speak.

No person shall speak more than once on any question to the exclusion of any other person who may desire to speak thereon, nor more than twice per article without first obtaining leave of the meeting, except, in either case, for the brief correction of an error or misunderstanding of his or her previous statement.

§ 48-18 Time limit on speaking.

No person shall speak for more than ~~10 minutes on any question~~ 5 minutes per debate on any question, unless his or her time shall be extended by vote of the meeting.

§ 48-19 Motion to dissolve meeting.

No motion, the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefor has been duly considered and acted upon, but this requirement shall not preclude the postponement of consideration of any article to an adjournment of the meeting at a stated time and place.

§ 48-20 Election of officers.

All boards and committees shall, without delay after the Town Meeting, elect a Chairperson and Secretary and give notice, in writing, of such election to the Town Clerk.

§ 48-21 Committee reports.

All committees shall report as directed. If no report is made within a year after its appointment, a committee shall be discharged, unless granted an extension of time.

§ 48-22 Motion to Reconsider.

The motion to reconsider shall only be made by a voter on the prevailing side and shall require a 2/3 vote. A motion to reconsider can only be made once on any main motion/article.

Article II
~~Representative Town Government~~

~~[Acts 1968, c. 665, adopted at 3-4-1969 election]~~

~~Sec. 1 Representative town government established.~~

~~There is hereby established in the town of Lee a form of representative town government by limited town meetings hereinafter set forth.~~

~~Sec. 2 Division of town into districts.~~

~~The by laws of the town shall determine the number of voting districts or a minimum and maximum number into which the town shall be divided for the election of members of the representative town meeting. Upon the adoption of such by laws, the selectmen shall divide the town into districts for the purposes of this act.~~

~~Sec. 3 Membership of representative town meeting.~~

~~The by laws of the town shall determine a percentage of the population which is to constitute the membership of the representative town meeting in each district. The number of members elected in each district shall be approximately in the same ratio to the number of members elected in the town as the population of the district is to the population of the town. The membership in each district shall consist of a number divisible by three (3) which is not in excess of the required percentage of population. Each district shall have not less than six nor more than fifteen (15) members, with no more than one member for each one hundred (100) of population or major fraction thereof as nearly as may be, and the total elected membership in the town shall not exceed eighty (80).~~

~~Sec. 4 Proposed number of districts; proposed number of members.~~

~~Prior to the adoption of by laws providing for the number of districts and the membership of the representative town meeting, the selectmen and registrars of voters acting jointly shall recommend to the town meeting for its consideration a proposed number of districts and a proposed number of members or percentage of population for the membership in each district which in their opinion would be suitable for the town.~~

~~Sec. 5 Members at large.~~

~~The membership of the representative town meeting also shall include the following members at large: The moderator, town clerk, board of selectmen, chairman of the finance committee and any member of the General Court who is a registered voter of the town.~~

Sec. 6 Duty of board Chairman and heads of departments to attend meetings.

It shall be the duty of the chairman of each board or committee of the town and the head of each town department to attend that part of every representative town meeting at which matters, other than those to be

acted upon or determined by ballot, are to be considered.

~~Sec. 7 Designation, establishment of districts; separate districts.~~

~~The districts shall be plainly designated and so established as to consist of compact and contiguous territory, and shall be bounded so far as possible by the center line of highways or by other well defined limits.~~

~~Any homogeneous neighborhood or any area consisting of similar parts or having like characteristics shall be constituted as a separate district so far as practicable.~~

~~Sec. 8 Review, revision of district boundaries.~~

~~The boundaries of districts shall be reviewed and may be wholly or partly revised by the selectmen in December of any year after the expiration of five years following their establishment or revision, or in December of any other year when so directed by vote of a representative town meeting held not later than the twentieth day of October of such year.~~

~~Sec. 9 Report on districts; posting description of same.~~

~~The selectmen within ten (10) days after the establishment or revision of districts shall file a report of their action, with the town clerk, the registrars of voters and the assessors, with a map or description of the districts and the names and addresses of the registered voters in each. They also shall cause to be posted in the town hall a map or description and a list of the registered voters in the district as established or revised, and similar information for each district shall be posted in at least one public place in the district unless a description of districts shall be published in a newspaper having a general circulation in the town.~~

~~Sec. 10 Effective date of district establishment; revision; filing report of same; notice to Secretary of Commonwealth.~~

~~The division of the town into districts and any revision of districts shall take effect upon the date of filing of the report by the selectmen and the town clerk, such date to be not later than January fifteenth following the time established for review or revision referred to in section eight. Whenever districts are established or revised, the town clerk shall give written notice to the secretary of the commonwealth, stating the number and designation of the districts.~~

~~Sec. 11 Referendum; time and place.~~

~~Meetings of the registered voters of the several districts for elections and primaries or for voting upon a question to be submitted to all the voters of the town shall be held at the same time and at such place or places as the selectmen shall direct in the warrant for the meeting.~~

~~Sec. 12 Nomination of candidates for town meeting membership.~~

~~The nomination of candidates for town meeting members shall be made by nomination papers which shall bear no political designation. Such papers shall be signed by not less than ten (10) registered voters of the district in which the candidate resides and shall be filed with the town clerk not later than the last day on which the nomination papers of candidates for other town offices must be filed. They shall be submitted to the registrars of voters and shall be certified in the manner provided by law for the certification of the nomination papers of candidates for town offices. Nomination papers shall not be valid for any candidate whose written acceptance is not endorsed thereon or attached thereto when filed.~~

~~Sec. 13 Becoming candidate for reelection, for town meeting.~~

~~A town meeting member may become a candidate for reelection by giving written notice to the town clerk not later than fourteen (14) days prior to the last day on which the nomination papers of the candidates for other town office must be filed.~~

~~Sec. 14 Registered voters to elect town meeting members.~~

~~The registered voters in each district, at the first annual town election held after the establishment of the~~

~~district, and those in any district affected by a revision of districts at the first annual town election following such revision, shall elect by ballot the number of registered voters in the district, determined as herein provided, to be town meeting members of the town.~~

~~Sec. 15 Term of initial members; resolution of equal vote.~~

~~The first third of the members elected in the order of votes received shall serve for three years, the second third for two years and the remaining third for one year from the day of the annual town meeting. In case of an equal vote affecting the division into thirds, the members from the district shall determine the same by ballot.~~

~~Sec. 16 Elections at annual town meeting.~~

~~Thereafter, except as otherwise provided herein, the registered voters of each district at each annual town election shall elect for the term of three (3) years in like manner one third (1/3) of the number to which the district is entitled, and also shall fill for the unexpired term any vacancy then existing in the number of elected town meeting members in the district.~~

~~Sec. 17 Breaking election tie; when members' terms to cease; notification of election.~~

~~If two or more candidates for town meeting member receive an equal number of votes for last place or places, other than for the division into thirds for deciding their term of office, the remaining members elected in such district at the same election shall determine by ballot which of the candidates shall serve as a town meeting member. The terms of office of the town meeting members from any district whose boundaries are revised shall cease upon the election of their successors. The town clerk, after every election of town meeting members, shall notify each member by mail of his election.~~

~~Sec. 18 New election to follow boundary revision or establishment of new district.~~

~~If the boundaries of any district are revised or any new district established, there shall be a new election of town meeting members in such district at the first annual town election following such a revision.~~

~~Sec. 19 Election of members to be in conformance with state law; certain use of districts.~~

~~The representative town meeting members shall be elected in conformity with the laws relative to elections, and the provisions of law relating to district voting at elections shall apply to all elections and primaries in the town so far as such laws are not inconsistent herewith. The provisions of this act pertaining to establishment of districts shall not authorize any action contrary to the provisions of any law relative to the use of districts in the formation of representative districts.~~

~~Sec. 20 Resignation of members; members who move out of town, out of a district.~~

~~A town meeting member may resign by filing a written resignation with the town clerk, effective upon the date of filing. A member who removes from the town shall cease to be a member, and a member who removes from one district to another may serve only until the next annual town meeting.~~

~~Sec. 21 Filling vacancy in membership — election; petition; call of meeting.~~

~~A vacancy in the number of town meeting members from any district arising from any cause may be filled until the next election by vote of the remaining members from the district. Upon petition signed by not less than one third (1/3) of the town meeting members of the district, the town clerk shall call a meeting of the remaining members from the district, for the purpose of filling the vacancy, notice of which shall be mailed to such members not less than seven days before the time of the meeting.~~

~~Sec. 22 Same — Quorum; Chairman; balloting; counting ballots; certificate of choice; written acceptance.~~

~~A majority of the members from the district attending such a meeting [called pursuant to section 21] shall constitute a quorum and shall elect one of their number as chairman and one as clerk, or they may designate the town clerk to act as clerk of the meeting. The vote shall be by ballot and a plurality of votes cast shall be~~

~~necessary for a choice. The chairman and clerk shall count the ballots and the chairman shall make a certificate of the choice which shall be filed with the town clerk together with a written acceptance of the person so chosen, who thereupon shall be deemed to be elected as a town meeting member.~~

Sec. 23 Moderator; election; term; vacancy in office; pro tempore.

A moderator shall be elected by ballot at the annual town meeting when the term of office of a moderator expires, and he shall serve at all town meetings, except as otherwise provided by law, until a successor is elected and qualified. The nomination and election of a moderator shall be the same as for other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for the purpose. If the moderator is absent, a moderator pro tempore may be elected ~~by the town meeting members at the town meeting.~~

Sec. 24 Acting on articles in warrant of town meeting.

The articles in the warrant for every town meeting which relate to the election of a moderator, town officers, ~~and town meeting members~~ and to referenda and all matters to be acted upon and determined by ballot shall be acted upon and determined by the registered voters of the town in their respective districts. All other articles shall be acted upon and determined exclusively by the town meeting members at a meeting held at a time and place specified by the selectmen in the warrant for the meeting, subject to a referendum as herein provided.

~~**Sec. 25 Representative meetings limited to members of representative meeting.**~~

~~Any representative town meeting held in the town shall be limited to the members of the representative town meeting, constituted in the manner provided by this act.~~

Sec. 26 Notice of meetings; when to be sent.

The town clerk shall notify ~~the members of the time and place at which meetings are to be held, the notices to be sent by mail at least seven days before the meetings. Notice of an adjourned meeting shall be sent by mail as soon as practicable following the dissolution of the meeting from which adjournment is taken.~~ the residents by posting meeting notices/warrants on the town website, town hall, library and post office.

~~**Sec. 27 Members judge election and qualifications of members; compensation; quorum; organization; adjournment of lesser number.**~~

~~The members of the representative town meeting shall be the judge of the election and qualifications of their own members. The members shall receive no compensation for serving as members of the representative town meeting. A majority of the members shall constitute a quorum for the transaction of business. A lesser number may organize temporarily and may adjourn from time to time.~~

Sec. 28 Rules for conducting representative town meetings.

The ~~representative town meeting~~ may make such rules consistent with law as it may consider necessary for conducting its meetings.

Sec. 29 Appointment of committees; powers.

The ~~representative town meeting~~ may appoint such committees as it may consider necessary to investigate and report on any matters referred to them and to make a recommendation thereon, but no such committee shall have any executive or legislative powers and all matters shall be determined by the town meeting members.

Sec. 30 Meetings to be open to public; speaking, voting by nonmember registered voters at meetings.

All ~~representative town meetings~~ shall be open to the public. Any ~~registered voter of the town who is not a town meeting member, subject to such conditions as the town meeting members may determine, may speak at least once upon any matter at such a meeting, but he shall have no vote.~~ Only registered voters of the Town of Lee will be eligible to vote. Resident Voters will be required to check in with a valid state issued

identification. The identification shall be verified through the Massachusetts Voter Registration Information System (VRIS). Once the voter status is confirmed the resident will receive a town meeting voter card and/or electronic voting device. A person that is not a registered voter of the town of Lee shall require a majority vote of town meeting to speak. A town employee that is not a registered voter may speak with out permission of the assembly in order to address questions related to their respective department.

Sec. 31 Effective date of articles passed on a warrant.

A vote of the ~~representative town meeting~~ under any article in the warrant shall not be operative until the expiration of ten (10) days, exclusive of Sundays and holidays, from the dissolution of the meeting other than the following: (a) to adjourn; (b) to authorize the expenditure of less than twenty thousand dollars (\$20,000); (c) to appropriate money for the payment of principal and interest of bonds and notes of the town; (d) to authorize the temporary borrowing of money in anticipation of revenue; (e) to enact an emergency measure required for the immediate preservation of the public peace, health or safety and so declared by a preamble and adopted by a two-thirds (2/3) vote of the town meeting members present and voting thereon.

~~Sec. 32 Public referendum on action of representative meeting; petition; special meeting. If within such period of ten (10) days a petition signed by not less than thirty (30) registered voters in each district, the aggregate number so signing being not less than five percent (5%) of the registered voters in the town, is filed with the selectmen asking that any question involved in such a vote be submitted to the voters of the town at large, then the selectmen within seven days thereafter shall call a special meeting to be held within fourteen (14) days following such a call for the sole purpose of presenting the question to the voters at large.~~

Sec. 33 Form of questions on official ballot when special meeting is held for referendum on town meeting action.

Each question submitted shall be placed on the official ballot in the following form: "Shall the town vote to approve the action of the representative town meeting whereby it was voted (insert brief description of the substance of the vote)?"

~~Sec. 34 Balloting at referendum on action of town meeting; hours polls are open; percentage of votes necessary for passage.~~

~~The polls for voting upon such a question shall be opened at two o'clock in the afternoon and closed not earlier than eight o'clock in the evening. The vote shall be taken by ballot and the check list used in the several districts in the same manner as for the election to town office. A question submitted shall be determined by the same proportion of votes as would be required if the question were determined by a representative town meeting, but the action of the representative town meeting shall not be reversed unless at least twenty percent (20%) of all the registered voters shall so vote.~~

~~Sec. 35 Action of town meeting operative if petition not timely filed.~~

~~If such a petition for a referendum is not filed within ten (10) days, the vote of the representative town meeting shall be operative and effective upon the expiration of that period.~~

~~Sec. 36 Town may act through representative meeting; powers of representative meeting.~~

~~The town shall have the capacity to act through and to be bound by the action of its town meeting members, who when convened from time to time shall constitute a representative town meeting. The representative town meeting shall have and may exercise all powers vested in the municipal corporation so far as is consistent with the provisions of this act.~~

~~Sec. 37 Action by representative meeting to have same effect as if passed by town previous to adoption of this act.~~

~~Action by a representative town meeting in conformity with the laws now or hereafter applicable to the~~

~~transaction of town affairs in town meeting shall have the same force and effect as if taken in a town meeting open to all voters of the town, as organized and conducted before the establishment of representative town government.~~

§ 7-17 Action of Representative Town Meeting.

The Representative Town Meeting shall act on the Capital Improvements Plan and budget.

Article 6. Previous Fiscal Year Invoice (4/5 vote) – Finance Committee Recommends Approval

To see if the town will vote to appropriate from available funds the sum of \$9135.81 for the purpose of paying a public works invoice from fiscal year 2021, or take any other action relative thereto:

Article 7 – Rest of River

To see if the Town will vote to appropriate the sum of \$28,592.97, or any other amount, from available funds, to pay the town's share of expenses for the Rest of River legal defense for the years encompassing FY 20, FY 21 and FY 22 to date, or to take any other action relative thereto.

Article 8 – Cemetery

To see if the town will vote to transfer the sum of \$14,669 from the Fairmont Perpetual Care Account and \$433 from the Fairmont Gravestone Repair account for a total appropriation of \$15,302 for repair of fallen cemetery stones, or take any other action relative thereto.

Article 9. Zoning Re-Adoption (based on editorial and legal analysis)

To see if the town will vote to re-adopt Chapter 199 (Zoning) according to the red line version with additions underlined and sections with lines through text to be removed as available online at lee.ma.us or in the Town Clerks office, or take any other action relative thereto.

Article 10. Shall the town amend the zoning bylaw section 4.1 relating to the establishment of use regulations as follows. Additions are underlined and sections with lines through text to be removed, or take any other action relative thereto.

§ 4.1 Use Regulations Established.

All buildings or structures erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning Bylaw. No building or structure or land or part thereof shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth in the List of Permitted Uses as as expressly permitted in the district in which such building, structure or land is located or set forth in the List of Permitted Uses as permissible as allowed by special permit in said that district and so authorized after that a special permit has been granted and recorded. Nothing in this bylaw supersedes the provisions of the State Building Code or General Laws c. 40A.

Article 11. Shall the town amend the zoning bylaw in various places to eliminate obsolete references to the Business Multiple Dwelling (BM) Zone, as follows, or take any other action relative thereto:

1. Section 2.1(B)(1) is repealed, relating to creating the BM district.
2. Section 4.2(F) is repealed, relating to the uses allowed in the BM District.
3. Section 9.2(K)(6) is repealed, relating to certain yard requirements in the BM district.
4. Section 7.7(O) is amended to delete reference to the “BM” zoning district.
5. Section 7.9(A) is amended to delete reference to the “BM” zoning district.
6. Section 9.2(K) is amended to delete reference to the “BM” zoning district.
7. Each of the two tables of Dimensional Requirements appended to the bylaw are amended to delete reference to the “BM” zoning district.

Article 12. Shall the town 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.

4.2. LIST OF PERMITTED USES

(A) Residential Districts (R-20 & R-30)

* * *

(4) Uses requiring a special permit from the Planning Board in accordance with Section 13.4 of this chapter, shall be as follows:

* * *

(a) Parking lot.

* * *

(B) Residential-Agricultural District (RA)

* * *

~~(4) Uses requiring a special permit from the Planning Board in accordance with the regulations appearing in Section 13.4 of this chapter, and in compliance with all applicable provisions of this chapter, shall be as follows:~~

(b) Parking lot.

* * *

(C) Residential-Multiple Dwelling Districts (RM)

* * *

(4) Uses requiring a special permit from the Planning Board in accordance with Section 13.4 of this chapter, shall be as follows:

(a) Parking lot.

(D) Conservation-Residential Districts (CR)

* * *

(4) Uses requiring a special permit from the Planning Board in accordance with Section 13.4 of this chapter, shall be as follows:

(a) Parking lot.

(E) Rural Business District (RB)

* * *

(4) Uses requiring a special permit from the Planning Board in accordance with Section 13.4 of this chapter, shall be as follows:

(a) Parking lot.

(G) Commercial Business Corridor (CBC)

(1) Uses allowed by-right:

* * *

(g) Parking lot.

* * *

(5) **Uses requiring a special permit from the Planning Board** in accordance with Section 13.4 of this chapter, ~~and in compliance with all other applicable provisions of this chapter,~~ shall be as follows:

* * *

(k) Multistory parking.

(H) Downtown Commercial Business Corridor District (DCBC)

(1) **Uses allowed under site plan review** by the Planning Board in accordance with Section 13.3 of this chapter, shall be as follows:

* * *

(l) Parking lot.

* * *

(4) **Uses requiring a special permit from the Planning Board** in accordance with Section 13.4 of this chapter, shall be as follows:

(a) Multistory parking.

(I) Planned Commercial Village Center District (PCVC)

(2) **Uses requiring a special permit from the Planning Board** in accordance with the regulations ~~appearing in~~ Section 13.4 and Section 10.2 of this chapter ~~and in compliance with all other applicable provisions of this chapter~~ shall be as follows:

* * *

(c) Multistory parking.

* * *

(J) Industrial District (I)

(2) **Uses allowed under site plan review by the Planning Board** in accordance with Section 13.3 of this chapter, shall be as follows:

* * *

(h) Parking lot.

(3) **Uses requiring a special permit from the Planning Board** in accordance with Section 13.4 of this chapter, ~~and in compliance with all other applicable provisions of this chapter,~~ shall be as follows:

* * *

(j) Multistory parking.

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

(1) **Uses allowed under site plan review** by the Planning Board in accordance with Section 13.3 of this chapter, shall be as follows:

* * *

(j) Parking lot.

(2) Uses requiring a special permit from the Planning Board in accordance with Section 13.4 of this chapter, and in compliance with all other applicable provisions of this chapter, shall be as follows:

* * *

(g) Multistory parking.

And to further amend the Zoning Bylaw by adding a definition to Subchapter 14 as follows:

(64) Parking Lot. Any lot, available to the public, whether operated for gain or not, which is used principally for the short-term parking of motor vehicles, which is not used for the repair of motor vehicles.

Article 13. Shall the town 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 follows, or take any other action relative thereto.

§ 4.5 Animals

A) Dogs, cats and other small and traditional domestic pets are allowed by right in all zones as an accessory use to any occupied residence. Breeding such pets is also allowed, provided the breeding meets the requirements of a home occupation.

B) The following are allowed by right as an accessory use to any occupied residence in zones (RA-20), (RA-30), (RA), (CR) and (RB).

(1) Up to ten poultry, but no roosters.

(2) Beekeeping.

C) Commercial kennels (in which more than 3 dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold) and commercial animal day care services (serving 3 or more animals) are allowed by right in zone (I), and allowed after obtaining a site plan review from the Planning Board in zones (RA), (CR), and (RB).

D) The raising of horses, hogs, pigs, poultry or fur bearing animals (not otherwise allowed as an agricultural use under the preceding subsection) is allowed after obtaining a special permit from the Planning Board in zones (R-20), (R-30), (RA), (CR) and (RB).

E) Commercial agriculture, aquaculture, silviculture, horticulture, floriculture and viticulture shall not be unreasonably regulated in a way that violates Chapter 40A Section 3 of state law, and no special permit shall be required for those uses in any zone.

In addition, the following coordinating changes are made to portions of § 4.2

§ 4.2 LIST OF PERMITTED USES

F) Residential-Agricultural District (RA)

(3) Uses allowed by right:

(g) Farm, forestry or nursery, including the display and sale of natural products raised in Town town ~~and the raising of stock as limited in § 199-4.2B(3)(f) below.~~ The raising of horses for personal use is permitted, provided that such action is carried on at least 300 feet from any property line.

D) Conservation-Residential Districts (CR)

(1) Uses allowed by right:

(g) Farm, forestry or nursery, including the display and sale of natural products raised in town ~~and the raising of stock as limited in Section 4.2(D)(3)(f).~~

E. Rural Business District (RB).

(1) Uses allowed by right:

(h) Farm, forestry or nursery, including the display and sale of natural products raised in Town town ~~and the raising of stock as limited in § 199-4.2E(3)(f).~~ The raising of horses for personal use is permitted, provided that such action is carried on at least 300 feet from any property line.

In further addition, the following coordinating repeals are made to § 4.2:

- (1) Subdivision (B)(3)(f), relating to raising livestock in the RA zone is repealed.
- (2) Subdivision (D)(3)(f), relating to raising livestock in the CR zone is repealed.
- (3) Subdivision (E)(3)(f), relating to raising livestock in the RB zone is repealed.

Article 14. Shall the town amend the zoning bylaw Section 6.1(B) and (E) as follows, relating to special permits to extend nonconforming structures, signs and uses and abandonments? Additions are underlined and sections with lines through text to be removed or take any other action relative thereto.

§ 6.1 NON-CONFORMING STRUCTURES, USES AND LOTS.

* * * *

B) Requirements for Extension, Reconstruction or Change in Use or Structure.

The Planning Board may authorize by special permit any extension, alteration or reconstruction of a nonconforming structure or to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, provided that no such extension, alteration, reconstruction or change in use shall be permitted unless the Planning Board finds that:

- (1) ~~Sueh~~ For a change in use, the change, extension or alteration shall will not be substantially more detrimental than the existing nonconforming use to the neighborhood.
- (2) ~~Sueh~~ The extended, altered or reconstructed structure or changed use shall will not be in greater nonconformity with open space, yard and off-street parking requirements of this chapter.
- (3) The use or structure complies with other findings under § 13.4 that the board deems relevant.

* * * *

E) Abandonment. Any nonconforming use or structure which has been abandoned or not used for two years or more shall not be reestablished except by special permit from the Planning Board; otherwise, any future use of such premises shall conform to the provisions of this chapter.

* * * *

Article 15. Shall the town amend the zoning bylaw Section 7.5 as follows, relating to nonconforming signs. Additions are underlined and sections with lines through text to be removed, or take any other action relative thereto.

§ 7.5 NONCONFORMING SIGNS

A) Maintenance and Replacement. Any lawfully existing nonconforming sign cannot be enlarged, reworded, redesigned or altered in any way, except to conform to the requirements of this section, may be reworded or repainted. and provided, further, that any such sign which has deteriorated to such an extent that Any lawfully existing nonconforming sign may be repaired or restored; however, where the cost of repair or restoration of a free standing sign would exceed 35% of the replacement cost, then the sign shall not be repaired, rebuilt or altered except to conform to the requirements of this section bylaw.

~~**B) Replacement.** Any sign replacing a nonconforming sign shall conform to the provisions of this section, and the nonconforming sign shall no longer be displayed.~~

C) ~~**Abandonment**~~ If a nonconforming sign associated with a permitted use or structure that has been abandoned for six months or more, then the nonconforming sign shall be removed and its nonconformity shall not continue.

B) The rules for the replacement of, abandonment of and special permits for nonconforming structures also apply to nonconforming signs.

Article 16. Shall the town amend the zoning bylaw Sections 7.6 as follows, relating to administration of sign permits. Additions are underlined and sections with lines through text to be removed, or take any other action relative thereto.

§ 7.6 ADMINISTRATION AND ENFORCEMENT.

B) Permits

(1) ~~A permit for a permanent sign shall be reviewed and acted upon with 30 days of filing a complete application, together with the fee. A permit may be issued only after the following:~~

(a) ~~— The Planning Board examines the request for a permanent sign permit and finds it in compliance with this chapter.~~

(b) ~~— The Building Commissioner determines that the sign complies or will comply with the State Building Code pertaining to signs.~~

(c) ~~— A permanent sign permit shall be valid only when signed and dated by the Planning Board and the Sign Enforcement Official.~~

A permit for a permanent sign shall be issued by the Building Commissioner after determining that the sign complies or will comply with this bylaw. The Building Commissioner shall take action within 30 days on all complete applications that were filed with the proper fee. After issuing a permanent sign permit, the Building Commissioner shall send a copy to the Planning Board with notes sufficient to demonstrate compliance with this chapter.

(2) ~~A permit for a temporary sign shall be issued only after the following:~~

(a) Temporary sign permits are issued only after the Building Commissioner determines the sign complies or will comply with the State Building Code as per the section pertaining to signs and sends the permit on to the Selectmen.

(b) ~~—~~ The Board of Selectmen shall be the issuing authority for temporary sign permits.

Article 17. Shall the town repeal existing zoning bylaw subsections 13.3 (Site Plan Review) and 13.4 (Special Permits) and replace them with new subsections as follows, or take any other action relative thereto:

§ 13.3. SITE PLAN REVIEW.

A) Purposes and Scope

- (1) Site plan review provides oversight of uses and structures that have the potential for substantial impact on the town. It examines primarily the details of site and building design.
- (2) The review aims to protect the natural, environmental, scenic and aesthetic qualities of the town and the health, safety and general welfare of its residents. The review assesses the functioning and design of the lot or site and the likely impacts on nearby properties and the town at large.
- (3) This section describes procedures used by the Planning Board during site plan review. It does not apply to reviews under the town's subdivision regulations, which prescribe separate review procedures.

B) When Required

- (1) A site plan review is required whenever another provision of this bylaw so states.
- (2) In addition, a site plan review is also required for any nonresidential use in the R-20, R-30, RA, RM, CR, RB, OPLI, I or PCVC Zoning Districts that involves any of the following:
 - (a) Has at least 10,000 aggregate square feet of new construction or expansion of existing construction.
 - (b) A use that generates at least 500 vehicle trips per day, calculated in accordance with the Institute of Traffic Engineers traffic standards.
 - (c) A use that generates at least 2,000 gallons of sewer flow per day, calculated in accordance with the standards established by Title V of the State Sanitary Code.
 - (d) The direct alteration of 25 or more acres of land for new nonresidential construction (other than utility lines).
- (3) In addition, in the CBC and DCBC Districts, a site plan review is required for any new nonresidential business creating a change of use requiring a new certificate of occupancy or building permit.

C) Applications

- (1) An applicant for site plan review shall file either a Minor Site Plan Review Application (Minor Site Plan) or a Major Site Plan Review Application (Major Site Plan).
- (2) A Major Site Plan is required if, in the judgment of the Planning Board, the project has the potential for substantial effect on nearby uses. An example of a Minor Site Plan is a plan that proposes to transfer ownership of an existing restaurant or retail store with no outside changes to the building or lot. An example of a Major Site Plan is a proposal to build a structure with 10,000 aggregate square feet.
- (3) A Minor Site Plan shall include the following information:
 - (a) The applicant's name, contact information and signature.
 - (b) The property owner's name, contact information and signature.
 - (c) The current and intended uses.
 - (d) The zoning district.
 - (e) A brief narrative explanation or summary of the project including recent uses and proposed uses.
 - (f) A plan or statement describing existing and proposed exterior lighting.
 - (g) A plan or statement describing proposed ongoing waste disposal and refuse removal.
 - (h) A plan or drawing approximately to scale showing the location and dimensions of the following:
 - (i) Site boundaries.
 - (ii) Existing and proposed buildings, structures, parking spaces, pedestrian walks, driveways, and natural areas.
 - (iii) Existing and proposed easements (or other use restrictions), watercourses and wetlands, if any.
- (4) A Major Site Plan shall include all the information required for a Minor Site Plan application and the following additional information.
 - (i) The name, signature and contact information of any licensed professional architect, landscape architect, registered professional engineer or registered professional land surveyor who has certified the site plan information.
 - (j) A site plan drawn to scale on one or more sheets that show the location and dimensions of the following:
 - (i) Site boundaries and natural features.
 - (ii) Topography, with elevation lines at no more than ten-foot intervals, as measured using the nearest United States Coast and Geodetic Survey bench mark [National Geodetic Vertical Datum (NGVD)].
 - (iii) Existing and proposed buildings and structures, parking spaces, pedestrian walks, driveways, internal roads, access and egress points,

loading areas, external storage areas, dumpsters, service areas and natural areas.

(iv) Existing and proposed landscaping, including fencing, walls, planting areas, screening, surface treatments and other vegetation.

(v) Existing and proposed drainage and utility systems, including water and sewer, natural gas, electric, street lighting and entertainment and telecommunications systems.

(vi) Existing and proposed freestanding signs.

(vii) Existing and proposed exterior lighting, indicating height, size, design, LUX (lumens per square meter) of lit areas, and materials.

(viii) Existing and proposed easements (or other use restrictions), watercourses and wetlands, if any.

(ix) Existing and proposed open spaces, common areas, pedestrian amenities available to the public, other recreational uses and land to be left in or restored to its natural state.

(x) Any unusual historical considerations affecting the area.

(k) Facade elevations of any new construction and/or alteration to any existing building or structure.

(l) The existing and proposed floor area of all structures and the number of residential units proposed

(m) The number and location of proposed parking areas, including those reserved for handicapped individuals.

(n) Whether existing buildings will be reused.

(o) A table indicating, for each zoning classification, the applicable required and proposed front, side and rear yard setback distances.

(p) A description of the use, ownership and zoning of adjacent land within 200 feet of the site boundaries and the use of any buildings thereon.

(q) Photographs of the site, identifying any existing structures to be altered and the relationships to adjacent properties.

(r) Proposed covenants, deed restrictions or similar land use restrictions, if any.

(s) Plans for drainage and dust and erosion control.

(t) Where gravel or loam removal or filling is proposed, the location of extraction or filled areas and the approximate volume in cubic yards.

(u) Whether the project affects significant visual corridors.

(v) Where a site will generate more than 500 vehicle trips per day, a study showing projected pedestrian movement and vehicular traffic flow within the

site and in relation to adjacent areas or roads and an estimation of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

(w) Other information that the Planning Board deems necessary in order to perform a complete analysis.

(5) Application Waivers. On request of an applicant, the Planning Board may waive some or all content required in a Site Plan application.

D) Filing Procedure, Copies

(1) A Site Plan application shall be filed with a paper original, with seven paper copies plus an electronic copy in a commonly used format.

(2) Before filing, an applicant for a building permit which might require a prior site plan review may discuss the application and all plans and supplemental documents with a designee of the Planning Board.

(3) Thereafter, the applicant shall file the application and all plans and supplemental documents with the Town Clerk, who shall stamp the date and time of submission. The Town Clerk shall then forward the filing to the Planning Board or its designee.

E) Fees and Costs

(1) The Planning Board shall adopt and may amend a fee schedule sufficient to cover the routine cost of site plan reviews, including the costs associated with public input meetings. Before accepting the filing of an application for a site plan review, the Planning Board or its designee shall require the applicant to pay the fee prescribed.

(2) The Planning Board may require an additional deposit sufficient to cover any extraordinary expenses connected with review of the application, such as for consultant services, which it deems necessary for a thorough review.

F) Acceptance for Review

(1) The Planning Board or its designee shall determine whether each application complies with the requirements of this section and is sufficient for review.

(2) If the Planning Board determines that a project has the potential for substantial effect on nearby uses, and if the applicant has filed a Minor Site Plan, then the Planning Board may determine that the application is not sufficient for review. Thereafter, the applicant may file a Major Site Plan for the same project.

G) Review by Other Town Boards and Agencies

(1) When it accepts an application for site plan review as sufficient for review, the Planning Board may seek comment from some or all of the following town boards and officers:

- (a) Conservation Commission;
- (b) Board of Health;
- (c) Department/Board of Public Works;
- (d) Board of Selectmen;
- (e) Police Department;
- (f) Building Commissioner
- (g) Town Clerk.
- (h) Agricultural Commission

(2) Whenever the Planning Board seeks comment from other town boards and officers, it shall request comment by a specified date. For a Major Site Plan, the other boards shall normally be allowed at least 35 days for comment.

(3) Any town board or officer may submit written recommendations to the Planning Board, whether or not the Planning Board has requested that comment.

(4) If an officer or board fails to provide a timely response, the Planning Board shall deem that the application is unopposed by that officer or board.

H) Public Input Meeting.

(1) The Planning Board, in its discretion, may hold a public input meeting regarding any site plan review. Any public input meeting will, as required by state law, be conducted as a public meeting and with the primary purpose of accepting comments and answering questions from the public regarding the site plan.

(2) Notice of Public Input Meeting.

(a) Required notice. The Planning Board shall give notice of any Public Input Meeting as follows:

- (i) By posting notice in a conspicuous place in the town hall.
- (ii) By posting notice on the town's internet website.

(3) Additional notice. The Planning Board, in its discretion, may give or require additional notice as follows:

- (iii) Where a proposal affects a property on or near a town boundary, by mailing notice to the Planning Board of the adjacent municipality.
- (iv) By mailing written notice to other neighboring landowners.

I) Approval, Conditions, Disapproval

(1) Before approving a site plan, the Planning Board may require modifications or impose conditions and safeguards that are reasonable in relation to the interests of the town and public health, safety and welfare and for the protection of neighboring uses or otherwise serving the purposes of this chapter. Any conditions, safeguards or limitations shall be in writing and shall become a zoning requirement.

- (2) Conditions may be imposed for the following purposes:
- (a) To ensure adequate parking.
 - (b) To ensure adequate interior circulation and minimal conflict between vehicles and pedestrians.
 - (c) To ensure safe and adequate access to and from public rights of way.
 - (d) To ensure adequate access, travel and on-site movement for fire, and police equipment and other emergency services.
 - (e) To ensure reasonably adequate underground electric, telephone, cable television, internet, and other communications and other such utilities.
 - (f) To ensure compliance with the sign bylaw.
 - (g) To provide landscaping and screening sufficient to establish buffers between incompatible land uses, including measures to reduce the visual impact of potentially unsightly uses such as storage areas, machinery, service areas, truck loading areas, dumpsters, and utility buildings.
 - (h) To ensure that exterior and site lighting will be compatible with the neighborhood, will not inconvenience neighbors, and will not add unreasonably to overall light pollution in the town.
 - (i) To make adequate provisions for storage, refuse storage and removal, drainage, dust and erosion control, water supply, wastewater disposal and power supply.
 - (j) To ensure that the project is reasonably compatible with abutting properties or any special features in the area.
 - (k) To protect significant visual corridors.
 - (l) To make reasonable accommodations to any significant historical considerations affecting the area.
 - (m) If the project is in the Industrial (I), Commercial Business Corridor (CBC) or Downtown Commercial Business Corridor District (DCBC) zones, to encourage reasonable reuse of existing buildings.
- (3) Conditions may also be imposed for the following purposes when a site plan involves construction or substantial expansion of a structure:
- (n) To better match the architectural style of the proposed building(s) to the prevailing character of and scale of buildings in the neighborhood and the town.
 - (o) To make the height of any proposed alteration compatible with the style and character of the surrounding buildings.
 - (p) To make the proportions and relationships between windows and doors compatible with the architectural style and character of the surrounding area.

- (q) To improve the compatibility of the structure to the open space between it and adjoining structures.
- (r) To improve the compatibility of the design of the roof with the architectural style and character of the surrounding area.
- (s) To improve the compatibility of the landscaping with the character and appearance of the surrounding area.
- (t) To improve the compatibility of the scale of the structure with its architectural style and the character of the surrounding buildings.
- (u) To better blend the facades with other structures in the surrounding area with regard to the dominant vertical or horizontal expression.
- (v) To improve the compatibility of architectural details, including signs, materials, colors and textures with the original architectural style and to preserve and enhance the character of the surrounding area.

J) Written Decision

- (1) The Planning Board shall cause to be made a detailed record of its proceedings. The record of proceedings shall state the planning board's decision and the authority for and reasons for that decision. It shall also indicate the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The record shall also include written recommendations received from other town officers and boards. Copies of the record shall be filed in the office of the Town Clerk and shall be a public record.
- (2) After approving a site plan, or any extension, modification or renewal thereof, the Planning Board shall issue a written decision memorandum stating its official actions, including any conditions imposed.
- (3) A copy of decision memorandum shall be mailed to the owner (and to the applicant if other than the owner), containing the name and address of the owner, identifying the land affected, and stating that copies of the decision and all plans referred to in the decision have been filed with the Town Clerk. Copies of the decision shall also be mailed to every person who was present at the public input meeting and who requested that notice be sent to him or her and who provided a mailing address. A copy shall also be filed in the town's records of land use decisions.

K) Time Limits for Town Actions

- (1) Once accepted for review by the Planning Board, an application for site plan review shall be deemed approved without condition if the Planning Board has neither scheduled a public input meeting nor taken final action within 90 days of the original filing with the Town Clerk.

(2) Time limits for Planning Board actions may be extended with written or verbal recorded consent of the applicant.

L) Post-Decision Events

(1) Site plan approval shall lapse two years following the issuance of the associated building permit if a substantial use or construction has not occurred.

(2) A Site Plan that is disapproved may be revised and resubmitted without prejudice.

(3) Any approved site plan may be revised by following the same procedure as required for original approval. Nevertheless, the Planning Board may accept minor revisions to an approved site plan without collecting fees, notifying other boards or officers or conducting a public input meeting.

§ 13.4 SPECIAL PERMITS

A) Purpose and Scope

(1) Special permit review provides detailed oversight of uses and structures which have the potential for substantial impact on the town or are likely to create conflicts with surrounding uses. Special permits are also required for other land regulation purposes, such as construction in flood hazard areas and expansion of nonconforming uses.

(2) Special permit review aims to protect the natural, environmental, scenic and aesthetic qualities of the town and the health, safety and general welfare of its residents. The review assesses the impacts on abutting and nearby properties, and also on traffic, town services and the general environment.

(3) This section describes procedures used by the “special permit granting authority” in reviewing special permit applications. Depending on the case, that may be the Planning Board, the Zoning Board of Appeals or the Board of Selectmen.

B) Applications. An applicant for a special permit shall file an application that includes:

(1) All the information required for a Major Site Plan Review application under section 13.3. Nevertheless, the Planning Board may waive one or more of those requirements and accept a site plan for review if, considering the scale and impact of the project, meeting the requirement would be unduly burdensome.

(2) A statement describing any conditions, easements or limitations which the applicant is willing to accept to mitigate possibly harmful impacts on the neighborhood or town.

(3) A narrative statement explaining facts which the applicant believes can assist the special permit granting authority in making the findings required below to approve the special permit.

(4) Application Waivers. On request, the special permit granting authority may waive some or all content required in a Special Permit application.

C) Filing Procedure, Copies

- (1) A Special Permit application shall be filed with a paper original, seven paper copies, and an electronic copy in a commonly used format.
- (2) Before filing, an applicant may discuss the application and all plans and supplemental documents with a designee of the Planning Board.
- (3) Thereafter, the applicant shall file the application, including all plans and supplemental documents, with the Town Clerk, who shall stamp the date and time. The Town Clerk shall then forward the site plan portion of the filing to the Planning Board or its designee and the remainder of the filing to the special permit granting authority or its designee.
- (4) If a project requires two or more special permits from different boards, on request of the applicant, the boards may hear the project in a joint hearing, collect a single fee, and provide a single notice to the public.

D) Fees and Costs

- (1) The Planning Board shall adopt (and from time to time amend) a fee schedule sufficient to cover the routine cost of special permit reviews, including the costs associated with public hearings. Before accepting the filing of an application for a special permit, the special permit granting authority or its designee shall require the applicant to pay the fee prescribed.
- (2) The special permit granting authority may require an additional deposit sufficient to cover any extraordinary expenses connected with review of the application, such as for consultant services, which it deems necessary for a thorough review.
- (3) On request, the special permit granting authority may waive some or all fees and costs in cases of demonstrated hardship or in cases where an applicant makes a minor revision to a special permit within one year of its effective date.

E) Acceptance for Review. The special permit granting authority (or its designee) shall determine whether each application complies with all appropriate requirements of this section and is sufficient for review. An application that is not sufficient for review shall be deemed rejected, without prejudice to refileing.

F) Review by Other Town Boards and Agencies

- (1) When it accepts a Special Permit application as sufficient for review, the special permit granting authority may seek comment from some or all the following town boards and officers:
 - (a) Conservation Commission;

- (b) Board of Health;
- (c) Department/Board of Public Works
- (d) Board of Selectmen;
- (e) Police Department;
- (f) Building Commissioner;
- (g) Town Clerk;
- (h) School Committee;
- (i) Planning Board;
- (j) Agricultural Commission

(2) Whenever the special permit granting authority seeks comment from other town boards and officers, it shall request comment by a specified date, which shall normally be at least 35 days hence.

(3) Any town board or officer may submit written recommendations to the special permit granting authority that it deems appropriate, whether or not the special permit granting authority has requested that comment.

(4) If an officer or board fails to provide a timely response, the special permit granting authority may deem that the application is unopposed by that officer or board.

G) Coordination with Site Plan Review

(1) When the special permit granting authority is the Planning Board, that board shall conduct a consolidated proceeding to decide both the site plan review and the special permit.

(2) When the special permit granting authority is the Zoning Board of Appeals or the Selectmen, the Planning Board shall conduct an advisory site plan review. The special permit granting authority shall give the Planning Board at least 30 days to conduct that review before granting or denying the special permit. Thereafter, the special permit granting authority may approve, approve with conditions or disapprove the special permit.

H) Public Hearing

(1) The special permit granting authority shall hold a public hearing on each special permit application that has been found sufficient for review.

(2) The special permit granting authority shall give notice of the public hearing as follows:

- (a) By posting notice in a conspicuous place in the Town Hall for at least 14 days in advance.
- (b) By posting on the town's internet website.

(c) By publication in a newspaper of general circulation in the town once in each of two successive weeks, the first time at least fourteen days in advance.

(d) By first class mail to all parties in interest as defined in state law.

(3) Additional notice. The special permit granting authority, in its discretion, may give additional notice by mailing written notice to other neighboring landowners.

I) **Mandatory Findings.** Before granting a special permit, with or without conditions, the special permit granting authority shall find that the proposed structure or use satisfies all of the following standards:

(1) The structure and/or use is in compliance with all provisions and requirements of this chapter and in harmony with its general intent and purpose.

(2) The structure and/or use is essential or desirable to the public convenience or welfare at the proposed location.

(3) The structure and/or use will not be detrimental to adjacent uses or to the established or future character of the neighborhood.

(4) There will not be undue traffic congestion or undue impairment to pedestrian safety.

(5) The structure and/or use will not overload any public water, drainage or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting public health, safety or general welfare.

J) **Approval, Conditions, Disapproval**

(1) Before approving a special permit, the special permit granting authority may impose conditions and safeguards.

(2) Any conditions shall be reasonable in relation to the interests of the town and public health, safety and welfare, for the protection of neighboring uses or otherwise serving the purposes of this chapter. Any conditions, safeguards or limitations shall be in writing and shall be made part of the special permit. The special permit granting authority may impose the following conditions, safeguards or limitations:

(a) Conditions recommended by the Planning Board after consideration of the site plan.

(b) Front, side and rear yards greater than the minimum required by this chapter and screening buffers or planting strips, fences or walls as specified by the special permit granting authority.

(c) Limitations upon the dimensions of buildings, lot coverage, method and time of operation, time duration of the permit or extent of facilities.

- (d) Regulation of the number and location of driveways or other traffic features and off-street parking or loading or other special features beyond the minimum required by this chapter.

K) **Voting Requirements**

- (1) **Supermajority.** Approval of a special permit, with or without conditions, requires a vote of at least four members of any five-member board and a unanimous vote of any three-member board. Where a motion to grant a special permit fails to obtain the required majority, the special permit is denied.
- (2) **Associate Members.** The Board of Selectmen may appoint an associate member of the Planning Board. The associate member may participate in all meetings of the Planning Board. The associate member may vote only on questions regarding a special permit and only when the board has either a vacancy, an absent regular member, or a regular member disqualified due to conflict of interest.

L) **Written Decision**

- (1) **Record.** The special permit granting authority shall cause to be made a detailed record of its proceedings. The record of proceedings shall state the special permit granting authority's decision and the authority and reasons for that decision. It shall also indicate the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The record shall also include written recommendations received from other town officers and boards, including any recommended decision from the Planning Board after a site plan review.
- (2) **Written Decision.** After granting a special permit, or any extension, modification or renewal thereof, the special permit granting authority shall issue a written decision memorandum stating its official actions, including any conditions imposed. The decision memorandum shall also specify which appeals, if any, may be made under state law and this bylaw.
- (3) **Mailing and Copies.** A copy of the record shall be filed within fourteen days in the office of the Town Clerk. A certified copy of the decision memorandum shall be mailed to the owner (and to the applicant if other than the owner), containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of that special permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and the Town Clerk. Copies shall also be mailed to other parties in interest. Copies of the decision shall also be mailed to every person who was present at the public hearing and who requested that notice be sent to him or her and who provided a mailing address. A copy shall also be filed in the town's records of land use decisions.

M) **Recording.** A special permit shall not take effect until a copy of the decision by the special permit granting authority, to which is attached a certification of the Town Clerk that no appeal has been filed, is recorded by the applicant in the Registry of Deeds.

N) **Time Limits for Town Actions**

(1) Public hearings on special permit applications shall be held within 65 days of the original filing of the application with the Town Clerk.

(2) An application for special permit shall be deemed approved without condition if the special permit granting authority has not taken final action within 90 days of concluding the public hearing.

(3) In accord with state law, time limits for board actions prescribed in this section may be extended by written agreement between the applicant and the special permit granting authority.

O) **Post-Decision Events**

(1) Special permits shall lapse two years following the issuance of the special permit if a substantial use or construction has not begun.

(2) A special permit application that has been unfavorably and finally acted upon by the special permit granting authority shall not be resubmitted within the following two years unless:

(a) After notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

(b) The special permit granting authority finds, by the same majority required to have granted the special permit, that specific and material changes have occurred to the conditions leading to the previous unfavorable action, and so describes those changes in the record of its proceedings, and

(c) All but one of the members of the planning board consents.

(3) A special permit may be revised by following the same procedure as required for original approval. Nevertheless, the special permit granting authority may accept minor revisions to any special permit without public hearing.

Article 18. Shall the town amend zoning bylaw Section 16.3 as follows, correcting a typographical error made previously, or take any other action relative thereto:

§ 16.3 OVERLAY DISTRICT

A) **Establishment.** The Smart Growth Overlay District, hereinafter referred to as the “SGOD,” is an overlay district having a land area of approximately 9.9 acres in size that

is superimposed over the underlying zoning district (s) and consists of land shown in the 2017 Town of Lee Assessor's map 12A, Parcel 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72 and shown on the Zoning Map as set forth on the map entitled "Smart Growth Overlay District", dated September 13, 2017, and on file in the Town Clerk.

Article 19. Shall the town amend the zoning bylaw, Appendix A, Table 2, as follows, relating to dimensional requirements for multifamily housing in the CBC Zone, or take any other action relative thereto:

Table of Dimensional Requirements for Multiple Dwellings - Table 2 of 2

Zoning District	Area:	Maximum Number of Dwelling Units (per acre)	Additional Square Feet per Dwelling Unit	Minimum Frontage (feet)	Minimum Yard Dimensions			Maximum Lot Coverage
					Front (feet)	Side (feet)	Rear (feet)	

Commercial Business Corridor (CBC)	<u>8,000 sq.ft</u>	<u>NR</u>	<u>NR</u>	<u>60</u>	<u>25⁴</u>	<u>10</u>	<u>20</u>	<u>35%</u>

NOTES TO TABLE 2:

* * * *

4. A landscaped buffer strip, continuous except for approved driveways, shall be established adjacent to any public road. A coordinated landscape design for the entire project shall be reviewed by the Planning Board and incorporated into site plan review and approval.

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.

Given under our hands at Lee, this 8 day of March, 2022.


Patricia D. Carlino, Chair


Robert H. Jones Jr.


Sean J. Regnier

As per instruction in this Warrant, I have posted same,
this 9th day of March, 2022 in five public places.


Constable