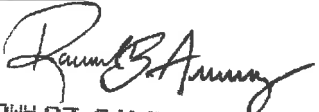


**2026 (FY2027) Annual Town Meeting and 2026 Election Warrant**

**COMMONWEALTH OF MASSACHUSETTS  
BERKSHIRE, SS.**

  
REC'D LEE TOWN CLERK  
APR 8 '26 4:52 PM

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

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify all of the inhabitants of the Town of Lee, qualified to vote in Town Affairs, to meet at the **Lee High School Auditorium on Thursday, May 14, 2026 at the hour of 7:00 p.m.** in the evening, for the purposes then and there, to take action upon the following Articles, namely:

**ANNUAL TOWN MEETING WARRANT ARTICLES**

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

**\*Article 1. Town Reports**

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

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

To see if the Town will vote to fix the salaries of all elected officials as required by law for the fiscal year beginning July 1, 2026, or to take any other action relative thereto.

**\*Article 3. Transfer of Proceeds (50%) from the Sale of Cemetery Lots to Perpetual Care Account -Finance Committee Recommends Approval**

To see if the Town will vote to authorize the transfer of the sum of \$1,100, or any other amount, from the Sale of Cemetery Lots receipts to the Fairmont Perpetual Care Trust Account, or to take other action relative thereto.

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

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

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

To see if the Town will vote to expend those sums from fiscal year 2027 "Chapter 90" funds as provided by the Commonwealth, or to take any other action relative thereto.

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

**Article 6. Omnibus Fiscal Year 2027 General Fund Operating Budgets  
Finance Committee Recommends Approval**

To see if the Town will vote to raise and appropriate \$25,570,872.91 or any other amount and transfer from overlay surplus \$200,000 or any sum or sums of money for the maintenance of the several departments of the Town including the salaries of the several elected and appointed officers of the Town, including cost items for collective bargaining agreements, and make appropriations for the same as listed below, and for any other necessary changes, or pass any vote or votes relative thereto.

<b>CODE</b>	<b>CATEGORY</b>	<b>FY2027 BUDGET</b>
<b>100</b>	<b>GENERAL GOVERNMENT</b>	
114	MODERATOR	150.00
122	SELECTMEN	95,550.00
123	TOWN ADMIN.	130,185.00
131	FINANCE COMMITTEE	430.00
132	RESERVE FUND	70,000.00
133	COMPENSATION RES	75,000.00
135	TOWN ACCT.	137,910.00
141	ASSESSORS	161,517.00
145	TREASURER/COLLECTOR	326,355.00
151	TOWN COUNSEL	55,064.25
155	INFORMATION TECH.	170,760.00
161	TOWN CLERK	89,842.00
163	ELECTIONS/REG.	22,600.00
170	LAND USE	144,785.00
195	TOWN REPORTS	3,600.00
196	OFFICE EQUIP MAINT	13,260.00
197	STAFF DEVELOPMENT	4,000.00
	<b>TOTAL GENERAL GOV'T</b>	<b>1,501,008.25</b>
		-
<b>200</b>	<b>PUBLIC SAFETY</b>	
210	POLICE	1,581,172.80
231	FIRE/EMS	1,382,783.35
241	BUILDING DEPT.	270,830.00
242	GAS INSPECTOR	6,681.00
243	PLUMBING INSPECTOR	8,548.00
244	WEIGHTS & MEASURES	11,426.00
245	ELECTRICAL INSPECTOR	9,110.00
291	EMERGENCY MGMT	2,250.00
292	ANIMAL CONTROL	157,500.00
	<b>TOTAL PUBLIC SAFETY</b>	<b>3,430,301.15</b>

<b>300</b>	<b>EDUCATION</b>	
300	SCHOOL DEPT.	12,253,051.00
	<b>TOTAL EDUCATION</b>	<b>12,253,051.00</b>
<b>400</b>	<b>PUBLIC WORKS</b>	
421	DPW ADMINISTRATOR	58,500.00
422	HIGHWAY CONST.&MAINT	521,830.00
423	SNOW & ICE	488,221.27
424	STREET LIGHTING	45,000.00
425	VEHICLE MAINTENANCE	98,100.00
294	FORESTRY	47,300.00
433	SANITARY LANDFILL	38,900.00
491	CEMETERY	113,500.00
654	PARKS & PLAYGROUNDS	25,500.00
193	PUB BLDG-MEMORIAL HL	65,150.00
	<b>TOTAL PUBLIC WORKS</b>	<b>1,502,001.27</b>
<b>500</b>	<b>HUMAN SERVICES</b>	
512	BOARD OF HEALTH	765.00
519	TRI-TOWN LEE	198,104.94
520	TRI TOWN LENOX	259,891.14
521	TRI TOWN STOCKBRIDGE	142,697.76
523	BRIEN CENTER	2,867.00
524	COMMUNITY HEALTH PG	1,250.00
540	CABLE ADVISORY COMM	150.00
541	COUNCIL ON AGING	90,292.00
542	LEE YOUTH ASSOC.	69,365.00
543	VETERAN'S SERVICES	59,736.00
545	YOUTH COMMISSION	24,320.00
	<b>TOTAL H. &amp; H.S.</b>	<b>849,438.84</b>
<b>600</b>	<b>CULTURE &amp; RECREATION</b>	
610	LEE LIBRARY	349,229.00
620	SANDY BEACH	72,953.00
650	PARKS AND REC COM.	18,700.00
691	HISTORIC COMM.	485.00
692	WAR MEMORIAL FLAGS	2,900.00
693	CULTURAL COUNCIL	5,200.00

	<b>TOTAL CULT. &amp; REC.</b>	<b>449,467.00</b>
<b>700</b>	<b>DEBT SERVICE</b>	
710	LONG TERM DEBT (P)	-
751	LONG TERM DEBT (I)	-
752	SHORT TERM DEBT (I)	3,100.00
	<b>TOTAL DEBT SVC.</b>	<b>3,100.00</b>
<b>800</b>	<b>INTERGOVERNMENTAL</b>	
830	BERK REG PLANNING	5,306.40
	<b>TOTAL INTERGOVT.</b>	<b>5,306.40</b>
<b>900</b>	<b>FIXED COSTS</b>	
	<b>EMPLOYEE BENEFITS</b>	
911	BERK. CTY RETIRMENT	1,100,000.00
912	WORKERS COMP	138,900.00
913	UNEMPLOYMENT BENEFITS	34,500.00
914	HEALTH INS	3,978,128.00
915	LIFE INS	21,000.00
916	MEDICARE	238,758.00
917	MEDICARE B PENALTY	-
919	POLICE MED	2,033.00
	<b>TOTAL EMPL. BEN.</b>	<b>5,513,319.00</b>
<b>940</b>	<b>INSURANCES</b>	
945	LIABILITY INS. GEN/PROP/LIAB SCHOOL BOARD	197,880.00
946	OTHER INSUR. POLICE AND FIRE ACCIDENT	66,000.00
	<b>TOTAL INSURANCES</b>	<b>263,880.00</b>
	<b>TOTAL FIXED COST</b>	<b>5,777,199.00</b>

**Article 7. Omnibus Fiscal Year 2027 General Fund Capital Budgets**

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

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

<b>DEPARTMENT</b>	<b>PROJECT DESCRIPTION</b>	<b>FY2026</b>
TOWN BUILDINGS	Improvement Contingency	\$12,500.00
POLICE	Cruiser Replacement	\$70,000.00
POLICE	Body Cameras	\$47,600.00
FIRE/EMS	Communications Equipment	\$22,000.00
SANDY BEACH	Safety/Maintenance Equipment	\$2,000.00
DPW HIGHWAY	Extraordinary Infrastructure Contingency	\$12,500.00
DPW HIGHWAY	Capital (Truck, Plows, Mowing Equip, Paving)	\$380,000.00
SEWER	Extraordinary Infrastructure Contingency	\$12,500.00
SEWER	Meter Radio Replacement	\$10,000.00
TOWN BUILDINGS	Kennel Improvements	\$70,000.00
IT	IT Upgrades	\$100,000.00
PARKS AND REC	Park/Forest Improvements	\$10,000.00
SCHOOL	General Fund Capital	\$50,000.00

And further, to provide for said appropriation, transfer the sum of **\$799,100** from available funds, or take any other action relative thereto.

**Article 8. Water Enterprise Fund Operating/Capital Budget  
Capital Outlay, Board of Public Works and Finance Committee Recommends Approval**

To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2027 budget for the Water Department:

Water Operations	\$1,186,409
<u>Capital Expenditures</u>	<u>\$95,500</u>
<b>TOTAL</b>	<b>\$1,281,909</b>

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

User Operations	\$1,186,409
<u>Retained Earnings</u>	<u>\$95,500</u>
<b>TOTAL</b>	<b>\$1,281,909</b>

**Article 9. Wastewater Enterprise Fund Operating/Capital Budget  
Capital Outlay and Finance Committee Recommends Approval**

To see if the Town will vote to make the following appropriations, or any other sum, to fund the Fiscal Year 2027 budget for the Wastewater Department:

Wastewater Operations      \$2,513,046

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

User Charges	\$2,152,046
<u>Retained Earnings</u>	<u>\$361,000</u>
TOTAL	\$2,513,046

**Article 10. Omnibus Fiscal Year 2027 Non-Departmental Appropriations-- Finance Committee Recommends Approval**

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

Fire/EMS Bond Payment	\$128,685.00
DPW Lights/Truck Telp	\$102,202.00
Paving Bond Payment	\$150,390.00
Chamber of Commerce Advertising	\$78,633.00
Chamber of Commerce Gateway/Downtown	\$14,500.00
Laurel Lake Preservation Association	\$2,500.00
Fireworks - Founders Day	\$1,000.00
Laurel Lake Invasive Species Control (50% with Lenox)	\$44,000.00
Bike Paths Matching Grants	\$75,000.00
250th Anniversary Celebrations	\$50,000.00
Lee Food Pantry	\$22,000.00

And to meet that appropriation transfer the sum of **\$668,910**, or any other amount, from available funds, or take any other action relative thereto.

**Article 11. CPA Appropriation FY 2027**

To see if the town will vote to act on the report of the Community Preservation Committee (CPC) on the fiscal 2027 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund Annual Revenues or available funds for the administrative expenses of the CPC, the payment of debt service, the undertaking of CPC projects and all other necessary and proper expenses for the year(s), or take any other action relative thereto.

**Proposed Fiscal Year 2027 Community Preservation Budget**

The Community Preservation Committee recommends that the following amounts be appropriated or reserved from fiscal year 2027 Community Preservation Fund revenues, unless otherwise specified, for fiscal year 2027 Community Preservation purposes with each item considered a separate appropriation:

Balance Held in CPA Reserve Funds (less encumbrances) \$153,949.69

FY27 Estimated Revenue

Town of Lee Surcharge	\$165,000
State Matching Funds	<u>\$27,575</u>
<b>TOTAL FY27 Estimated Revenues</b>	<b>\$192,575</b>

**Project Appropriations**

CDC South Berkshire (Housing)	\$30,000	Housing
Wildcat Sports Group (Soccer Goals – Rte 102)	\$7,000	Recreation/Open Space
Lee Affordable Housing Trust Production Plan	\$28,000	Housing
First Congregational Church Steeple Repair	\$60,000	Historical
East Lee Park Improvements/Soccer Goals	\$35,000	Recreation/Open Space
Cornhill Farm Park Trail	\$46,000	Recreation/Open Space
Ferncliff Arboretum	\$10,000	Recreation/Open Space
Historical Commission Inventory	\$16,000	Historical

TOTAL Project Appropriations \$232,000.00

Administrative Funds (5%) \$9628.75

Anticipated New Balance Held in Reserve Funds \$104,895.25

**Article 12. Public Safety Building Bond Payment from General Stabilization Fund - Finance Committee and Capital Outlay Recommends Approval (2/3 VOTE)**

To see if the Town will vote to transfer the sum of \$1,285,145 or any other amount, to pay the FY27 Public Safety Bond Payments from the General Stabilization Fund, or take any other action relative thereto.

**Article 13 – Mill Street Bridge Land Acquisition – Finance and Capital Outlay Recommends Approval**

To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, fee takings and permanent and temporary easements in certain parcels of land within, adjacent to and/or contiguous with Mill Street in the locations more or less depicted on a plan entitled “Massachusetts Department of Transportation Highway Division Plan and Profile of Mill Street over Washington Mountain Brook (Bridge No. L-05-0013) in the Town of Lee, Berkshire County, Preliminary Right-of-Way,” dated 3/2/2026, as it may be amended, a copy of which has been placed on file with the Town Clerk, and fee takings and permanent and temporary easements in parcels of land located within 200 feet of said parcels, as such additional areas may be shown on said plan, for public way purposes, including without limitation, drainage, utility, slope, grading and construction of improvements and structures, and other related purposes, to enable the Town to undertake the Mill Street bridge replacement project, and further, to raise and appropriate, transfer from available funds, borrow or otherwise provide funds for the purposes of providing for such acquisition and paying all costs and expenses associated therewith, or take any other action relative thereto.

**Article 14 – MSBA Accelerated Repair Project – Lee Elementary and Middle/High Schools – Finance and Capital Outlay Recommend Approval**

To see if the Town of Lee hereby appropriates the amount of Two Hundred and Thirty Five Thousand (\$235,000) Dollars for the purpose of paying feasibility study and schematic design costs related to a potential Accelerated Repair Project involving a full roof replacement of the Lee Elementary School and a partial roof replacement (all except the gymnasium) of the Lee Middle/High School located at Greylock Street in Lee, Massachusetts, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town of Lee has applied for a grant from the Massachusetts School Building Authority (the “MSBA”), said amount to be expended under the direction of the Lee School Committee. To meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to transfer from FY26 School Capital Funds (approved under Article 7 of the FY26 Town Meeting Warrant) appropriated for said amount under M.G.L. Chapter 44, or any other enabling authority. The Town of Lee acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA’s Board of Directors votes to invite the Town of Lee to collaborate with the MSBA on this proposed repair project, any project costs the Town of Lee incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town of Lee provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town of Lee to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½)]; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement, or Feasibility Study Agreement if applicable, that may be executed between the Town of Lee and the MSBA.

## Article 15 – General Bylaw: Tax Title Payment Plans

To see if the Town will vote to accept the proposed bylaw for Tax Title or take any other action relative thereto:

### Chapter 27.5-C

#### Tax title payment plans

- A. Pursuant to the provisions of MGL c. 60, § 62A, the Town Treasurer shall have the authority to enter into written payment agreements with every person entitled to redeem ownership of parcels in tax title which have been taken by the Town because of nonpayment of real estate taxes. The payment agreement shall be executed on such terms and conditions for payment of the delinquent taxes, interest and any other costs, fees or charges associated with same, in accordance with MGL c. 60, § 62A and this bylaw. The Town Treasurer shall not refuse to enter into agreements with any eligible taxpayers.
- B. This bylaw shall apply to all taxpayers with parcels in the following assessment categories of tax title in the Town:
  - (1) Commercial property;
  - (2) Residential property;
  - (3) Industrial;
  - (4) Open space; and
  - (5) Multi-use.
- C. The following conditions must be met prior to the Town entering into all payment agreements:
  - (1) The recording date of the Instrument of Taking recorded in the Middle Berkshire County Registry of Deeds must be no more than 10 years prior to the date of the proposed agreement; and
  - (2) The taxpayer agrees to abide by the requirements of the payment agreement as outlined below.
- D. All payment agreements shall comply with the following minimum requirements:
  - (1) The payment agreement shall have a term of 10 years; provided, however, that nothing herein shall preclude the taxpayer from completing payments of the amount owed within a shorter period.
  - (2) The payment agreement shall state the amount required to redeem the parcel as of the date of inception of the agreement and will require an initial payment which must be 10% of that amount upon the execution of the agreement.
  - (3) The payment agreement will then require the taxpayer to pay the remaining balances and accruing interest due to the Town in equal monthly installments while also remaining timely with the real estate bill installments of the current fiscal year as they become due.
- E. At the conclusion of the agreement, if the Town has received 100% of the total amount due at the inception of the payment agreement, and the taxpayer has complied with the terms of the agreement, the taxpayer shall be entitled to a credit of 100% of the accrued interest on the tax title account. No taxes or collection costs may be waived. This credit shall be applied against the final installment payment(s) due under the payment agreement.
- F. During the term of the agreement, the Town Treasurer may not bring an action to foreclose the tax title unless payments are not made in accordance with the schedule set out in the payment agreement or timely payments are not made on other amounts due to the Town that constitute a lien on the same parcel.
- G. Pending cases will not be withdrawn until the balance is paid in full. The Town will not request a final judgement if the payments have been made under the terms of the agreement.

## Article 16 – Wildlife Bylaw

**To see if the Town will vote to accept the proposed general bylaw related to wildlife or take any other action relative thereto:**

### Section 1. Purpose and Intent

The Town of Lee recognizes that its location in the Berkshire Mountains brings residents into regular contact with wildlife. While most wildlife coexistence is safe and beneficial, problems arise when human behavior—whether intentional or unintentional—provides food sources that attract wildlife into neighborhoods.

Of particular concern is the feeding of black bears, which poses risks to public safety, pets, livestock, property, and the welfare of the bears themselves. Other nuisance wildlife, including deer, coyotes, foxes, raccoons, skunks, squirrels, and woodchucks, can also cause property damage, health concerns, and vehicle collisions when drawn into residential areas.

The purpose of this bylaw is to prohibit the feeding of wildlife, reduce wildlife attractants, and establish reasonable standards for residents in order to protect the health, safety, and welfare of both the public and wildlife.

### Section 2. Definitions

- **Wildlife:** Any undomesticated, free-ranging animal native to Massachusetts, including but not limited to bears, deer, coyotes, foxes, raccoons, skunks, squirrels, chipmunks, woodchucks, and birds.
- **Attractant:** Any substance that could reasonably be expected to attract wildlife, including but not limited to pet food, bird seed, garbage, compost, grease, salt, and food waste.
- **Feeding:** The intentional act of providing food or attractants to wildlife. Feeding also includes maintaining conditions in which food waste or attractants are accessible to wildlife.
- **Nuisance Wildlife:** Wildlife that, due to human-related attractants, poses a risk to public health, safety, property, or to the welfare of the animal itself.

### Section 3. Prohibited Acts

1. **Intentional Feeding Prohibited**
  - No person shall intentionally feed, bait, or provide food to wildlife in the Town of Lee.
  - This specifically prohibits the feeding of black bears under all circumstances.
2. **Unintentional Feeding**
  - Residents shall take reasonable steps to prevent attracting nuisance wildlife by:
    - Securing trash in wildlife-resistant containers.
    - Storing compost, grease, grain, and livestock feed in a manner not accessible to wildlife.
    - Not leaving pet food outdoors overnight.

### 3. Bird and Squirrel Feeders

- Bird and squirrel feeders are permitted, provided they are maintained in a manner that does not attract nuisance wildlife such as bears.
- If an Investigative Authority determines that a feeder has become an attractant to nuisance wildlife, the owner shall remove it within **48 hours** of receiving notice.

### Section 4. Garbage and Waste

- All garbage, food waste, or refuse that could attract wildlife must be stored in a manner not accessible to wildlife.
- If a garbage container is identified as an attractant, the property owner shall replace or repair it with a wildlife-resistant container within **7 days** of receiving notice.

### Section 5. Exemptions

This bylaw shall not apply to:

- Agricultural operations conducted in accordance with Massachusetts General Laws and best management practices.
- Activities conducted by the Town of Lee, the Commonwealth of Massachusetts, or licensed wildlife rehabilitators, wildlife biologists, or similar professionals for the purpose of wildlife management, research, or rehabilitation.

### Section 6. Enforcement

- This bylaw shall be enforced by the Lee Police Department.
- Enforcement shall include inspection, investigation, issuance of written warnings, and citations.
- A written notice shall provide the resident with **7 calendar days** to correct violations before penalties are imposed.

### Section 7. Penalties

Violations of this bylaw shall be punishable by non-criminal disposition under M.G.L. c. 40, § 21D as follows:

- First Offense: Written warning and education on proper practices.
- Second Offense: Fine of \$100.
- Third Offense: Fine of \$200.
- Subsequent Offenses: Fine of \$300 per violation. Each day a violation continues shall constitute a separate offense.

### Section 8. Appeals

Any person issued a Notice of Violation may file a written appeal with the Lee Police Department within 7 days of receipt of the notice. The Select Board shall hold a hearing and issue a decision within 30 days of written appeal.

### Section 9. Severability

If any section or provision of this bylaw is deemed invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections of the bylaw.

### **Article 17 – Amend CPA to include Affordable Housing Trust**

To see if the Town will vote to amend Article IX Section 7-33 of the Town of Lee General Bylaws by adding the words “(7) A member of the Affordable Housing Trust as designated by the trust”

### **Article 18 – General Bylaw Amendments – Fines**

To see if the Town will vote to amend the following general bylaws relating to fines:

*Chapter 81 Section 2 Alcoholic Beverages: Replace “not less than \$50” with “set by the Select Board”*

*Chapter 84 Section 13 Animals: Replace “not less than \$50 nor more than \$100” with “set by the Select Board”*

*Chapter 90 Section 6 Boats: Replace “\$50 for each offense” with “set by the Select Board”*

*Chapter 111 Section 10 Forest Lands: Replace “not less than \$25 nor more than \$100” with “set by the Select Board”*

*Chapter 164 Section 7 Scenic Road: Replace “not less than \$300” with “set by the Select Board”*

Or take any other action relative thereto.

### **Article 19 – Purchase of Land abutting the Town of Lee Upper Reservoir – Finance and Capital Outlay Recommend Approval**

To see if the Town will vote to appropriate \$100,000 or any other amount for the purpose of acquiring by gift or purchase, the following parcels of real property for municipal purposes and described in a deed recorded at the Middle Berkshire Registry of Deeds namely approximately 25 acres of land known as 200 Reservoir Rd. **(Book 400, Page 154)** and to transfer from available funds the sum of \$100,000 for said acquisition, or to take any other action relative thereto.

### **Article 20 – Borrowing/Appropriation for Central Fire Station Re Use (2/3 VOTE) – Finance and Capital Outlay Recommend Approval**

To see if the Town will vote to appropriate \$2,500,000 or any other amount for the purpose of re-designing, engineering, renovating and equipping the Central Fire Station and EMS Buildings for an adaptive re-use, performing related demolition of a portion of the EMS building, and for the payment of all other costs incidental and related thereto, and to determine whether this amount shall be raised by borrowing or otherwise or to take any other action relative thereto.

**Article 21 – Fire Special Stabilization Appropriation – Chief Vehicle (Majority Vote) Finance Committee Recommends Approval**

To see if the Town will vote to transfer the sum of \$89,000 or any other amount, to pay for a new Fire Chief Vehicle from the Special Fire Stabilization Fund, or take any other action relative thereto.

**Article 22 - Acceptance of MGL Chapter 59, Section 5, Clause 22G**

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 22G, to provide that statutory exemption for real estate that is the domicile of a person but is owned by a trustee, conservator, or fiduciary for the person’s benefit, if the real estate would be eligible for exemption under Clause 22, 22A through 22F, if the person owned the real estate, or take any other action in relation thereto.

**Article 23 – Acceptance of MGL Chapter 90 Section 17C (Speed Limit in Thickly Settled Districts)**

To see if the Town will vote to accept MGL Chapter 90 Section 17C (Section 193 of the Acts of 2016 to reduce the statutory speed limit from 30mph to 25mph on town owned roads within a thickly settled, or business district or take any other action relative thereto.

**Article 24. (4/5 VOTE) – Previous Fiscal Year Invoices – Finance Committee Recommends Approval**

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

Treasurer Department		
MA Interlocal Insurance Assoc	FY25	\$4766.08
Public Works		
Ampstun	FY24	\$250

**Article 25 - ZONING: Amendment to Adaptive Reuse Overlay District (199-3.1)  
(2/3 VOTE)**

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

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

A. Purpose of district. The purpose of the Adaptive Reuse Overlay District (AROD) is to:

(1) Provide specific regulations allowing for the reuse of previously developed land containing privately owned buildings, municipal buildings, and public and private school buildings and as defined in § 199-3.1B below.

(2) Allow for the reuse, redevelopment, and expansion of existing buildings as defined above throughout the Town to increase the Town's overall tax base, create employment opportunities and ensure efficient use of municipal services so as to not create an undue burden on them.

(3) Ensure that such uses are compatible with their surroundings.

(4) Maximize the use of the site's natural characteristics. B. Eligibility ~~for~~ conversion.

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

(a) They were used for not less than 5 years.

(b) They contain not less than 5,000 square feet in total gross

floor area. C. Scope of authority.

(1) The AROD is superimposed over rather than replacing the underlying zoning districts. The regulations of this overlay shall govern all reconstruction, redevelopment or expansion of privately owned buildings, municipal buildings and public and private school buildings as defined in §199-3.1B above. Provisions of §199-3.1 shall supersede that of Article IV, Use Regulations, and Article V, Intensity Regulations, in this chapter. On all other matters, the provisions of the underlying districts shall continue.

The expansion of existing buildings, demolition of existing buildings and/or construction of new, standalone buildings, may be considered through the issuance of a special permit.

~~(1)~~(2) The special permit granting authority for this section shall be the Select Board. Any application for a special permit under this section shall be accompanied by a site plan and the Select Board shall not render any decision on the application for a special permit until the Planning Board has reviewed the site plan and has submitted its report with

recommendations to the Selectmen, or 30 days have elapsed without such report. D. Uses permitted.

- (1) Uses allowed by right. Any uses permitted by right in the underlying zoning district in which the structure is located shall be permitted by right.
- (2) Uses allowed by special permit. If not allowable by-right in the underlying zoning district, the following uses are allowed by special permit and subject to site plan review:
  - (a) Assisted living.
  - (b) Senior housing.
  - (c) Nursing home.
  - (d) Multiple dwelling.
  - (e) Professional or administrative offices.
  - (f) Elder care facility.
  - (g) Community recreational center or personal training centers.
  - (h) Medical clinic, medical office, dental office, veterinarian office, and ancillary offices and facilities.
  - (i) Senior center, community center or conference center with meeting rooms.
  - (j) Studios for art, drama, speech or dance.
  - (k) Retail sales where the sales area is not more than 10% of the total floor space of primary use and such sales are incidental to the primary use.
  - (l) Research and development uses, including ancillary office use and electronic and computer laboratories, but not including ancillary manufacturing, assembly, sale or resale or storage for sale or resale of any goods, items, or material.
  - (m) Municipal use.
  - ~~(n)~~ (n) Other uses not listed that are similar to a listed individual use in character or impact. A use under this category is subject to a special permit. The special permit decision under this section shall include an evaluation and determination of consistency with the purpose of this section and the findings under Section 13.4.
- (3) Multiple or mixed uses. Any combination of uses allowed by right in § 199-3.1D(1) and uses allowed by special permit in § 199-3.1D(2) may be allowed, provided they are compatible with each other and maintain the public health, safety and welfare of the community.
- (4) Uses required by MGL c. 40A, § 3, such as public and private nonprofit religious and educational institutions, are allowed in the AROD by right subject to site plan review.

(Refer to § 199-9.6, Land or structures for certain religious or educational purposes.)

E. Development standards.

- (1) The lot area, lot frontage, coverage and setback requirements of the underlying districts shall govern development in the AROD. The SPGA may waive these requirements if the building meets the eligibility requirements in § 199-3.1B and the reuse of the building necessitates enhancements, which are not designed to increase the building capacity, but are required to make the building functional for the intended new use (i.e., lighting, elevator, railings, heating and cooling ducts, etc.) and the converted premises will be adequately landscaped in a way that promotes harmony with the neighborhood.
- (2) Off-street parking spaces and loading and unloading spaces shall conform to the provisions of Article VIII. The SPGA may grant waivers if existing parking does not meet current parking requirements and additional space would be a detriment to the compatibility of the use with neighborhood character.
- (3) All proposed signs shall comply with Article VII of this chapter, excepting that if the building and land on which situated are located in a single-family district, the special permit granting authority may permit a sign of no larger than six square feet which identifies only the building and its occupants.

F. Additional conditions.

- (1) The SPGA may attach such additional conditions and limitations to a special permit granted under this section as may be necessary to protect the neighborhood surrounding the property, and as may be necessary to encourage the most appropriate use of the land and building to be converted.

**Article 26 – ZONING: Temporary Moratorium on Large Scale Battery Energy Storage Systems**

**To see if the Town of Lee will vote to amend the Town’s Zoning Bylaws by inserting a new section, 199-9.14, titled “Temporary Moratorium on the Construction of Commercial Battery Energy Storage Systems (BESS) or take any other action relative thereto.**

199-9.14 Temporary Moratorium on the Construction of Commercial Battery Energy Storage Systems (BESS)

**Authority and Purpose**

The Town of Lee recognizes the increasing interest in the development of Battery Energy Storage Systems (BESS), including systems that may be co-located with solar photovoltaic installations. While the Town has adopted standards for solar photovoltaic installations, it currently lacks specific zoning regulations governing BESS and their unique impacts. BESS present distinct considerations, including but not limited to fire safety risks, hazardous material management, emergency response requirements, environmental impacts and compatibility with surrounding land uses.

The Town finds that the regulation of BESS is a matter of significant public interest and that the current Zoning Bylaw does not adequately address these uses. Accordingly, a temporary moratorium is necessary to allow sufficient time to study these issues and develop and adopt appropriate zoning regulations consistent with state law and best planning practices, in order to protect the public health, safety and welfare of the Town of Lee.

**Moratorium**

Notwithstanding any provision of the Town of Lee Zoning Bylaw to the contrary, the Town hereby imposes a temporary moratorium on the use of land or structures for Commercial Battery Energy Storage Systems.

During the moratorium period, the Town shall not accept, process, approve or issue any special permits, site plan approvals, building permits or other development approvals for Commercial Battery Energy Storage Systems.

**Duration**

This moratorium shall be in effect from the date of adoption by Town Meeting through November 14<sup>th</sup>, 2026, or until such time as the Town adopts zoning regulations governing Battery Energy Storage Systems, whichever occurs first.

**Scope and Definition**

For all purposes of this section: *Commercial Battery Energy Storage System (BESS):*  
A battery energy storage system that is used primarily for commercial, utility-scale, grid-support, or energy market participation purposes, including systems that are standalone or co-located with

other energy generation uses such as solar photovoltaic installations. This moratorium shall not apply to: Battery systems accessory to residential or small-scale on-site energy use (e.g., residential backup batteries) small-scale battery systems clearly incidental and subordinate to a principal use on the same lot, as determined by the Building Commissioner.

### **Use of Moratorium Period**

During the moratorium period, the Planning Board shall undertake a planning process to:

1. Study the potential impacts of commercial Battery Energy Storage Systems, including fire safety, environmental, and land use considerations;
2. Review existing regulations, model bylaws, and guidance from state agencies and other municipalities;
3. Consult with the Lee Fire Department, emergency response personnel and other relevant agencies;
4. Evaluate appropriate siting, design and operational standards; and
5. Develop and recommend zoning regulations for consideration by Town Meeting.

#### **A. Severability**

If any provision of this section is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions which shall remain in full force and effect.

**You are hereby directed to notify and warn the Inhabitants of the Town of Lee qualified to vote in Town Affairs to meet at the Crossway Village gymnasium, 21 Crossway Street in Lee on Monday, May 18, 2026 at 7:00 a.m. to 8:00 p.m. to cast their votes for the following:**

<b>Moderator</b>	<b>One for the term of one year</b>
<b>Select Board</b>	<b>One for the term of three years</b>
<b>Lee School Committee</b>	<b>Three for a term of three years</b>
<b>Lee School Committee</b>	<b>One for a term of one year</b>
<b>Planning Board</b>	<b>One for the term of five years</b>
<b>Housing Authority</b>	<b>One for the term of five years</b>

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

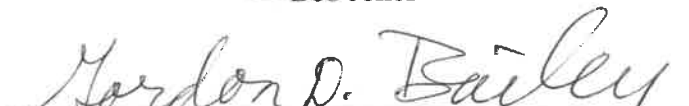
Therefore, Fail Not and make due return of said Warrant with your doing thereon to the Town Clerk of the Town of Lee, at or before the day and hour of holding said meeting.

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

Given under our hands at Lee, this 7<sup>th</sup> day of April, 2026.

  
\_\_\_\_\_  
Sean J. Regnier

  
\_\_\_\_\_  
Bob Jones

  
\_\_\_\_\_  
Gordon D. Bailey

As per instruction in this Warrant, I have posted same, this \_\_\_\_\_ day of \_\_\_\_\_, 2026 in five public places.

\_\_\_\_\_  
Constable