

2025 (FY2026) Annual Town Meeting and 2025 Election Warrant

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 8, 2025 at the hour of 7:00 p.m.** in the evening, for the purposes then and there, to take action upon the following Articles, namely:

Article 16 - Amend § 199-4.5 Accessory Dwelling Units

To see if the town will Amend the Zoning Bylaw Chapter 199-4.5 (Accessory Dwelling Units) by adding underlined text and removing strike out text as posted below or take any other action relative thereto.

A. PURPOSE AND INTENT

The purposes of this section are to:

1. Provide homeowners with a means of obtaining rental income, companionship, security and personal services, and thereby to enable homeowners to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
2. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households that might otherwise have difficulty finding housing;
3. Develop housing units in residential neighborhoods that are appropriate for households at a variety of life stages and for persons with disabilities; and
4. Protect property values and the character of the town's residential neighborhoods.

B. ADUs Allowed ~~with Special Permit~~

1. In any ~~residential or business~~ district except the OPLI district, on a lot used for a single-family or two-family residence, a single (attached or detached) accessory dwelling unit (ADU) is a protected accessory dwelling unit under state law and is therefore an allowable ~~following issuance of a special permit by the Planning Board~~ use by right.

2. Only one ADU may be allowed per lot. A second or subsequent ADU is allowable by special permit from the Planning Board. Where a lot contains a nonconforming structure, the Planning Board may consolidate the ADU proceeding with any special permit proceeding under article 6.

23. Before granting a special permit ~~for a second or subsequent ADU~~, the Planning Board shall make all the findings required by section ~~13.3~~ 13.4 and, in addition, a finding either that the new ADU would be served by town sewer facilities or that the applicant has obtained certification from the Board of Health that the waste disposal system will comply with the State Environmental Code, "Title V" regulations (310 CMR 15.00).

C. ADU Requirements

1. Minimum lot size. Minimum lot size requirements for a ~~single-family dwelling lot~~ with an ADU shall be the same as for ~~a single-family dwelling the lot without an ADU~~. ~~An ADU shall not be established on any lot smaller than 15,000 square feet.~~

2. Gross floor area. The gross floor area of an ADU shall not be ~~less than 400 square feet nor~~ more than one-half of the gross floor area of the principal dwelling or 900 square feet, whichever is less.

3. Setbacks and lot coverage. All applicable setbacks apply to each dwelling unit. Lot coverage limitations apply to the combined dwellings.

4. Separation. Each ADU must function as a fully separate dwelling unit, with separate kitchen, bathroom, and egress and remains subject to the building code.

5. Parking. ~~The site plan for~~ Except in the DCBC district, every lot with an ADU shall include at least ~~three~~ one additional off-street parking ~~spaces~~ space for each ADU.

6. Home occupation. A home occupation may be conducted in an ADU if the home occupation meets the requirements of this bylaw. Only one home occupation is permitted per lot.

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

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

7. A lot on which a detached ADU has been constructed cannot be divided or conveyed in a

way that divides ownership of the primary dwelling and the ADU.