

Commonwealth of Massachusetts

BERKSHIRE, SS.

To One of the Constables of the Town of Lenox:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Lenox qualified to vote in town affairs, to meet in the

**Lenox Memorial Middle High School, located at 197 East Street
in said Lenox, on Thursday, December 8, 2022
at 7:00 o'clock p.m., then and there to act upon the following:**

ARTICLE 1. To see if the Town will vote to waive the reading of the warrant and return of service thereof and to authorize the moderator, pursuant to MGL Chapter 39, Section 15, to declare a 2/3rds vote on voice votes if he deems it so; or take any other action in relation thereto.

ARTICLE 2. To see if the Town will vote to appropriate from the Community Preservation Fund amounts recommended by the Community Preservation Committee for the following community preservation projects, with each item to be considered a separate appropriation; or take any other action in relation thereto.

CPA FY23 Funding Recommendation:

**Massachusetts Audubon Society Pleasant Valley Sanctuary \$150,000
toward its All Persons Trail (from Open Space/Recreation)
Town of Lenox, Open Space Acquisition for ~40 acres of land north of
East Dugway Road \$360,000 (\$200,000 from undesignated; \$160,000
from Open Space)**

**SPONSORED BY COMMUNITY
PRESERVATION COMMITTEE**

ARTICLE 3.

To see if the Town will vote to authorize the Select Board: (a) to acquire, by purchase, gift or eminent domain, a fee simple interest in property located at 0 East Dugway Road, Lenox, containing 40.14 acres, more or less, and being Lot 3 on the sketch plan entitled "Proposed Purchase by Town of Lenox," said plan on file with the Town Clerk, and being a portion of the property described in a deed of distribution recorded with the Berkshire Middle Registry of Deeds in Book 6161, Page 87, for open space, conservation and passive recreational purposes; (b) to raise and appropriate, borrow, or transfer from available funds, including the Community Preservation Fund, the sum of \$360,000 for the purpose of funding said acquisition and costs incidental or related thereto; (c) to authorize the Select Board to grant a restriction on said parcel pursuant to the provisions of G.L. Chapter 184, Sections 31-33, in compliance with G.L. Chapter 44B, Section 12(a); and, further (d) to authorize the Select Board to enter into all agreements and execute any and all instruments on behalf of the Town as may be necessary or appropriate to effectuate said acquisition; or take any other action in relation thereto. [2/3 vote required]

SPONSORED BY COMMUNITY
PRESERVATION COMMITTEE

ARTICLE 4.

To see if the Town will vote to amend the Town of Lenox By-laws by adding a new Section 10. Puppy Mills under Chapter XVII Dogs as follows; or take any other action in relation thereto.

Section 10: No pet store shall sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of cats, dogs or rabbits unless they come from an animal control center or animal shelter, maintained by or under contract with any state, county or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

APPROVED BY BOARD OF SELECTMEN

ARTICLE 5.

To see if the Town will vote to amend the Town of Lenox By-laws by adding a new Section 16 under Chapter XIII Miscellaneous Provisions which shall read as follows; or take any other action in relation thereto.

Section 16: Noise associated with construction in residential areas zoned R1A, R3A, R15, and R30 is permitted between 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays. Noise associated with construction in said residential areas is permitted between the hours of 9:00 a.m. and

6 p.m. on Sundays and legal holidays. Between the hours of 8:00 p.m. and 7 a.m. on weekdays and Saturdays, or 6 p.m. and 9 a.m. on Sundays and legal holidays, noise associated with construction in residential areas is prohibited.

The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise between the hours of 7 p.m. and 7 a.m. is prohibited in residential areas zoned R1A, R3A, R15, and R30.

This bylaw shall not apply to emergency work being performed at the direction or authorization of the Town or the Commonwealth. Violators shall be fined \$100 on a first offense, \$200 for a second offense, \$300 for any subsequent offense. The Chief of Police, or designee, shall be empowered to enforce this bylaw.

APPROVED BY BOARD OF SELECTMEN

ARTICLE 6.

To see if the Town will vote to appropriate the sum of \$750,000 to the Town Manager for paving town streets, including the payment of all costs incidental and related thereto; and, further, to provide for said appropriation, transfer the sum of \$750,000 from Free Cash, so called, as certified on July 1, 2021; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 7.

To see if the Town will vote to appropriate the sum of \$45,000,000 to be expended by the Permanent Building Committee to pay costs of construction or reconstruction of wastewater treatment plant, including the payment of all costs incidental or related thereto; to determine whether this amount should be raised by borrowing or otherwise; or take any other action in relation thereto. [2/3 vote required]

APPROVED BY PERMANENT BLDG. COMM.
APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 8.

To see if the Town will vote to appropriate the sum of \$25,000,000 to be expended by the Permanent Building Committee to pay costs of:

- Constructing a new public safety facility;
- Rehabilitation of the current structures that house the Central Fire Station and Police Station

Said appropriation to include the payment of all costs incidental or related thereto; determine whether this amount should be raised by borrowing or otherwise; or take any other action in relation thereto. [2/3 vote required]

APPROVED BY PERMANENT BLDG. COMM.
APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 9.

To see if the Town will vote to transfer the care, custody, management and control of property described in a deed recorded with the Berkshire Middle District Registry of Deeds in Book 4809, Page 204 (Map 45, Parcel 1) to the Town of Lenox, acting by and through its Board of Selectmen, currently held for community housing purposes pursuant to Massachusetts General Laws Chapter 44B, for general municipal purposes, including, but not limited to, a public safety building;

And, further, to see if the Town will vote to transfer the sum of \$631,558.33 from Free Cash or other available funds to the Community Preservation Fund; or take any other action in relation thereto. [2/3 vote required]

APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE

ARTICLE 10.

To see if the Town will vote to amend the Zoning Bylaw by deleting section 10.3, Wireless Telecommunications Overlay District, and replacing it with a new section 8.18, Wireless Communications Facilities, as set out in a handout available at Town Meeting, in substantially the same form as discussed at the Planning Board's November 29, 2022 public hearing, or take any other action in relation thereto. [2/3 vote required]

APPROVED BY PLANNING BOARD

And you are directed to serve this warrant by posting an attested copy of the warrant therefore in three public places in the Town not less than fourteen days before the meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk or the Selectmen, at the time and place of said meeting.

Given under our hand the 22nd day of November in the year of Our Lord Two Thousand and Twenty-Two.

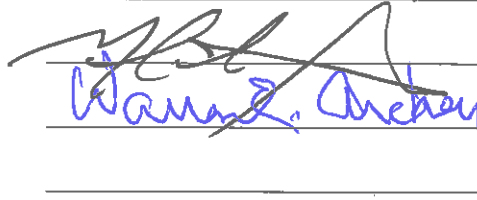
A true copy, ATTEST:

Constable of Lenox.

Signed







Selectmen of Lenox

CONSTABLE'S RETURN

In pursuance of the within warrant, I have on the 15th day of NOVEMBER, 2022 notified and warned the Inhabitants of the Town of LENOX, qualified to vote in elections and in town affairs to meet at the time and place and for the purposes mentioned in said warrant by posting three attested copies of said warrant at the Post Office in LENOX, an attested copy of said warrant at the Town Hall in LENOX, an attested copy of said warrant at the Post Office in LENOX DALE.


Constable of the Town of Lenox