

TOWN OF LEYDEN
COMMONWEALTH OF MASSACHUSETTS

Special Town Meeting

Wednesday, July 16, 2025, at 6:00 PM
At Leyden Town Hall - 16 West Leyden Road

Moderator: John “Jack” Golden

Town Clerk: George Stephan

Select Board: Erica Jensen (Chair), Katherine DiMatteo and Jeffrey Baker

Town Coordinator: Michele Giarusso

Counsel: Donna MacNicol, Esq.

Pursuant to a warrant signed by the Select Board on July 1st, 2025, delivered by the Constable Juliani, and posted by Town Coordinator Giarusso, Moderator Jack Golden called the meeting to order at 6:04 PM. In attendance were thirty-two (32) registered voters and three (3) guests, Town Counsel included.

Prior to addressing articles, voters rose and recited the Pledge of Allegiance. Then the Moderator gave time for the attendees to read the warrants and get familiar with them before proceeding.

ARTICLE 1 –

A motion was made and seconded to adopt a general bylaw for the town of Leyden relative to the moderator's authority to declare the decision on a 2/3 vote count after it is counted according to the bylaw.

Bylaw:

Whenever a two-thirds vote is required by statute, such vote may be declared as such by the moderator without a count and be recorded as such by the Clerk upon such declaration, provided, however that seven or more members of a town meeting may challenge such declaration, all as provided by Massachusetts General Law Chapter 39, Section 15, at which time a count shall be held. Before considering another warrant article the Moderator shall ask if the two-thirds vote is questioned.

The moderator called for a vote. The article passed by a show of voter cards, unanimous.

ARTICLE 2 –

A motion was made and seconded that the Town vote to adopt the following amendments and additions to the Town of Leyden Zoning Bylaws SECTION 3. DEFINITIONS, and SECTION 4. USE REGULATIONS and add the following new SECTION 5.13 Accessory Dwelling Units (ADU's), as printed in the Warrant for this Article 2.

Bylaw:

Definition added to Section 3:

Accessory Dwelling Unit (ADU) – A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the State Building Code for safe egress;
- b) ADUs may be detached, attached, or internal to the Principal Dwelling;
- c) is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller;
- d) and is subject to such additional restrictions imposed within these bylaws.

Deleted Definition in Section 3:

Dwelling Unit – Living quarters for a single family plus not more than four (4) boarders or lodgers, with cooking (stove plus either or both a refrigerator and sink), living, sanitary and sleeping facilities independent of any other unit; or quarters for not more than four (4) persons in a lodging house or dormitory

Changes to Section 4.1.A:

1. detached single-family and two-family dwellings, not including temporary housing;
4. any use customarily accessory to and clearly incidental to a permitted use on the lot, including, but not limited to:
 - a. Home Occupation as defined.
 - b. the display or sale of natural produce raised or prepared in the Town;
 - c. the renting of rooms or boarding of not more than four persons not members of the resident family; (*Deleted – Article 6 voted on at STM July 16, 2025*)
 - d. the storage of unregistered vehicles for the use of the resident family, if screened from view of the public road and adjacent residences;
 - e. the keeping of farm animals, horses, ponies, small animals and poultry for the enjoyment of the resident family;
 - f. Building-mounted and residential ground-mounted solar photovoltaic installations.
 - g. Protected Use Accessory Dwelling Units, see Section 5.13 (*Newly added*)

Changes to Section 4.2.A:

2. Multi-Family Dwellings (three to four dwelling units).

Added New Section 5.13:

5.13 Accessory Dwelling Units (ADU's)

A. APPLICABILITY

The purpose of this Section is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as of-right in

Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units.

B. PURPOSE

This zoning provides for by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle/hidden density.
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

C. Conditions and Requirements

1. An attached or detached ADU will be designed and built to meet the requirements of all applicable Building and Health Codes.
2. An ADU may be located in an existing structure or an existing accessory structure, such as a garage or barn, or as a new accessory dwelling unit located on the same lot as the Principal Dwelling.
3. A building permit for an accessory dwelling unit may only be approved subject to obtaining any required approvals from the Board of Health, including compliance with the State Sanitary Code 310 CMR 15 ("Title 5").
4. The ADU must meet all front, side, and rear yard setbacks that apply to single-family dwelling units.
5. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling whichever is smaller.
6. The ADU must have a minimum of one (1) off-street parking space provided in addition to the off-street parking spaces required for the single-family dwelling. If in the future, there is a transit station established in Leyden, no-off-street parking will be required for Protected Use ADUs located within a $\frac{1}{2}$ mile radius of the Transit Station.
7. Only one dwelling unit on an owner-occupied lot with an ADU, may be utilized as a Short Term Rental.
8. Protected Use ADUs are allowed within or on existing non-conforming lots, or lots with an existing nonconforming principal dwelling, so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00 and state law.

D. ADU Site Plan Review

1. An application for building permit for an ADU shall include any information necessary to show compliance with the conditions of

this section, including a plot plan identifying structures, driveways, parking areas and lot setbacks.

2. The Planning Board will review the plot plan for its compliance with the Leyden Curb Cut Town Bylaw, adopted 6/03/24, and Section 5.7 of these Zoning Bylaws.
3. No more than one curb cut or driveway access shall be permitted for the lot, unless the Planning Board determines that a second driveway will improve public safety.
4. For ADU's allowed by right, the Planning Board will conduct a site plan review during a regular open meeting, a public hearing is not required.

The moderator called for a vote. The article passed by a show of voter cards, unanimous.

ARTICLE 3 –

A motion was made and seconded that the Town vote to adopt the following amendment to the Town of Leyden Zoning Bylaws SECTION 3. DEFINITIONS, as printed in the Warrant for this Article 3.

Bylaw:

Definition added to Section 3:

Gross Floor Area (GFA) – The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including; lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, basements, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

The moderator called for a vote. The article passed by the 2/3 required majority, by a show of voter cards, 29 yes, 2 no votes.

ARTICLE 4 –

A motion was made and seconded that the Town vote to adopt the following amendments to the Town of Leyden Zoning Bylaws SECTION 3 DEFINITIONS, SECTION 4.USE REGULATIONS, AND SECTION 5.13, as printed in the Warrant for this Article 4.

Bylaw:

Changes to Definition in Section 3: (Changes ADU definition text of “c” in Article 2)

Accessory Dwelling Unit (ADU) – A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the State Building Code for safe egress;

- b) ADUs may be detached, attached, or internal to the Principal Dwelling;
- c) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 1200 square feet, whichever is smaller;
- d) and is subject to such additional restrictions imposed within these bylaws.

Definition added to Section 3:

Protected Use ADU – An attached or detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 1200 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. Only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Changes to Section 5.13:

- C. Conditions and Requirements
 - 5. A Protected Use ADU shall not be larger than a Gross Floor Area of 1200 square feet or ½ the Gross Floor Area of the Principal Dwelling whichever is smaller.

The moderator called for a vote. The article passed by the 2/3 required majority, by a show of voter cards, 27 yes, 2 no votes.

ARTICLE 5 –

A motion was made and seconded that the Town vote to adopt the following amendment to the Town of Leyden Zoning Bylaws SECTION 4.2 Uses Requiring a Special Permit, as printed in the Warrant for this Article 5.

Bylaw:

Changes to Section 4.2: (Added bullet 4 to subsection A)

- A. The following uses require a Special Permit according to the requirements of Section 8 Special Permits:
 - 4. One (1) additional ADU, attached or internal to the principal dwelling or within an accessory structure that existed when this bylaw was passed in July 2025, on a lot where a Protected ADU already exists up to a maximum of 4 dwelling units per lot.

The moderator called for a vote. The article passed by the 2/3 required majority, by a show of voter cards, 27 yes, 3 no votes.

ARTICLE 6 –

A motion was made and seconded that the Town vote to adopt the following amendments to the Town of Leyden Zoning Bylaws Section 3 DEFINITIONS, Section 4 USE REGULATIONS, as printed in the Warrant for this Article 6.

- A motion was made and seconded to amend the article by adding text that allows tenting period of up to 90 days instead of the 30 days as written in Article 6.

The moderator called for a vote on the amendment to the article. The amendment failed by a show of voter cards, 5 yes, 16 no votes.

Bylaw:

Definitions added to Section 3:

Alternative Housing – A single family, owner-occupied dwelling, whether mobile or permanent, that is approved by the board of health pursuant to 105 CMR 410.710 to alter standards set forth in 105 CMR 410.000 for heating, plumbing, electrical, and sanitary facilities and minimum square footage requirements in order to reduce energy use or environmental impact.

Bed and Breakfast Establishment – A private owner-occupied house where rooms are rented and a breakfast is included in the rent, and all accommodations are reserved in advance.

Temporary Housing – Any structure used for human habitation which is:

1. A mobile structure, including a tent that is attached to the ground, to another structure, or to any utility system, on the same premises for less than 30 calendar days; or
2. A mobile structure that provides basic shelter and contains at least one habitable room for living, sleeping, eating, cooking or sanitation that is intended to be occupied by a single family or household for intermittent periods of time not to exceed 90 consecutive days, unless extended by the Leyden Board of Health

Trailer or Camper – Trailer or camper shall mean any vehicle or object on wheels, excluding railroad cars, which is drawn by or used in connection with a motor vehicle and which is designed for travel, recreational, and vacation uses, including equipment commonly called travel trailers, pick-up coaches or campers, motor homes, motorized campers and tent trailers.

Deleted Definitions in Section 3:

Camper – A portable dwelling, eligible to be registered and insured for highway use, designed to be used for travel, recreational and vacation uses, but not for permanent residence. Includes equipment commonly called travel trailers, pick-up coaches or campers, motorized campers, tent trailers, and motor homes, but not mobile homes

Family – An individual or two or more persons related by blood or marriage, or a group of not more than five persons not so related, living together as a single housekeeping unit.

Mobil Home – A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Changes to Section 4.1.A:

4. any use customarily accessory to and clearly incidental to a permitted use on the lot, including, but not limited to:
 - a. Home Occupation as defined.
 - b. the display or sale of natural produce raised or prepared in the Town;
 - c. *(Deleted)*

- d. the storage of unregistered vehicles for the use of the resident family, if screened from view of the public road and adjacent residences;
- e. the keeping of farm animals, horses, ponies, small animals and poultry for the enjoyment of the resident family;
- f. Building-mounted and residential ground-mounted solar photovoltaic installations.
- g. Protected Use Accessory Dwelling Units, see Section 5.13 *(Newly added in Article 2)*
- h. Temporary housing, including homes on wheels, provided: *(Newly added)*
 - i. No person may allow temporary housing to be occupied without the written permission of the Board of health through the issuance of a temporary housing occupancy permit.
 - ii. All temporary housing shall be subject to the requirements of 105 CMR 410.00 and 310 CMR 15.000 except as the Leyden Board of Health may otherwise provide in "I." (see previous) as written permission
- i. Alternative Housing that otherwise meets all requirements of this Bylaw *(Newly added)*

Changes to Section 4.3:

A. Trailer Park.

The moderator called for a vote on the article as was originally moved. The article passed by the 2/3 required majority, by a show of voter cards, 29 yes, 1 no votes.

ARTICLE 7 –

A motion was made and seconded that the Town vote to adopt the following amendments to the Town of Leyden Zoning Bylaws Section 3 Definitions Short Term Rental and Event Venue/Retreat Center, Section 4 USE REGULATIONS, and Section 5.14 SPECIAL REGULATIONS, as printed in the Warrant for this Article 7.

Several motions made and seconded to amend Article 7 as follows:

- A motion was made and seconded to amend the article by deleting the last sentence in Section 5.14, paragraph A. Applicability, that reads "Any current operating facilities must come into compliance with these regulations within 6 months of their adoption".

Motion was made and seconded to Call the Question. The moderator called for a vote. Call the Question failed 2/3 majority, by a show of cards, 19 yes, 8 no, 3 abstained votes.

The moderator called for a vote on the amendment to the article. The amendment passed by a show of voter cards, 31 yes, 0 no votes.

- A motion was made and seconded to amend Article 7 by deleting the text in item #2 in Section 5.14, paragraph C – Conditions. ***Motion was withdrawn.***
- A motion was made and seconded to amend Article 7 by adding "such as" at the end of the text in item #1 in Section 5.14, paragraph C – Conditions.

The moderator called for a vote on the amendment to the article. The amendment failed by a show of voter cards, 1 yes, 24 no votes.

- A motion was made and seconded to amend Article 7 by removing all items in Section 5.14, paragraph C – Conditions, except for items #1 and #11.

Motion was made and seconded to Call the Question. The moderator called for a vote. Call the Question passed by a show of cards, 27 yes, 0 no votes.

The moderator called for a vote on the amendment to the article. The amendment failed by a show of voter cards, 6 yes, 20 no votes.

- A motion was made and seconded to amend Article 7 by revising Section 5.14, paragraph C – Conditions, to list items #1, #3 & #11 as currently proposed by Article 7. And adding “and other conditions such as may be required by the Planning Board” for items #2, #4 - #10, #13 & #13 as currently proposed by Article 7.

The moderator called for a vote on the amendment to the article. The amendment passed by a simple majority show of voter cards.

Bylaw:

Definition added to Section 3:

Event Venue or Retreat Center – A facility that is leased for private or public events such as, but not limited to, music performances, festivals, retreats, seminars, lectures, conferences, workshops, weddings, or family gatherings. The moderator called for a vote.

Short-Term Rental (STR) – A furnished dwelling unit that is rented by the owner to another party for a period of not more than 30 consecutive days which is subject to M.G.L. Chapter 64G and regulations promulgated thereunder.

Changes to Section 4.1.A:

4. any use customarily accessory to and clearly incidental to a permitted use on the lot, including, but not limited to:
 - a. Home Occupation as defined.
 - b. the display or sale of natural produce raised or prepared in the Town;
 - c. the renting of rooms or boarding of not more than four persons not members of the resident family; *(Deleted – Article 2 voted on at STM July 16, 2025)*
 - d. the storage of unregistered vehicles for the use of the resident family, if screened from view of the public road and adjacent residences;
 - e. the keeping of farm animals, horses, ponies, small animals and poultry for the enjoyment of the resident family;
 - f. Building-mounted and residential ground-mounted solar photovoltaic installations.
 - g. Protected Use Accessory Dwelling Units, see Section 5.13
 - h. Temporary housing, including homes on wheels, provided: *(Newly added in article 6 above)*
 - i. No person may allow temporary housing to be occupied without the written permission of the Board of health through the issuance of a temporary housing occupancy permit.

- ii. All temporary housing shall be subject to the requirements of 105 CMR 410.00 and 310 CMR 15.000 except as the Leyden Board of Health may otherwise provide in "I." (see previous) as written permission
- i. Alternative Housing that otherwise meets all requirements of this Bylaw *(Newly added in article 6 above)*
- j. Short-term rentals with up to 3 bedrooms, see Section 5.14.

Changes to Section 4.2: *(Added bullets 5 & 6 to subsection A)*

- A. The following uses require a Special Permit according to the requirements of Section 8 Special Permits:
 - 5. Short Term Rentals with 4 bedrooms or more, see Section 5.14.
 - 6. Retreat Center, Event Venue, or Educational Facility not exempted from zoning regulations by MGL Ch. 40A Section 3, see Section 5.14.

Added New Section 5.14:

5.14 Short Term Rentals (STR), Event Venues and Retreat Centers

- A. Applicability
The purpose of this Section is to establish standard guidelines to be followed by the owners and operators of short-term rentals, event venues and retreat centers within the Town of Leyden. These guidelines apply to those facilities that are not exempted from zoning regulations by MGL Ch. 40A Section 3.
- B. Performance Standards
The purpose of this section is to allow, either by-right or by special permit, short terms rentals, event venues and retreat centers while ensuring public safety, preventing possible nuisances for abutters, minimizing reductions to long term (greater than 31 consecutive days) rental housing, and preserving Leyden's rural character for its residents
- C. Conditions
 - 1. All properties shall comply with all Board of Health regulations and inspections and all necessary state and local licenses and approvals must be obtained prior to any facility or STR rental.
 - 2. Short-term rental activities shall be operated in compliance with MGL Chapter 64G.
 - 3. Property Manager contact information will be submitted in written form to Leyden's officials, including Town Administration, Select Board, Board of Health, Police and Fire Departments, and to renters of the property.
 - 4. And other conditions that may be required by the Planning Board:
 - a. The total number of individuals allowed to be provided with overnight accommodation shall be determined by the Board of Health following an inspection and septic system analysis.
 - b. On-street parking is prohibited.
 - c. No more than one dwelling unit on a lot can be used as a STR.
 - d. If more than one dwelling unit on a lot, one unit must be owner-occupied if the property is used for a STR.

- e. No loud noise or music, excessive traffic, or other disturbances shall be allowed.
- f. A STR may not be used for commercial events such as weddings or other large parties unless a Special Permit is granted subject to the criteria outlined in this section.
- g. Outdoor lighting to guide visitors to their accommodations shall be pedestrian in scale and shall be directed downward to shield abutting properties from impacts. Lighting shall incorporate full cut-of fixtures to reduce light pollution and fixtures shall be “dark sky” compliant and meet International Dark Sky FSA certification requirements.
- h. A groundskeeper and/or property manager will be available at all times to those renting the property and to Town officials whenever the property is being occupied.
- i. The renters of the property will be provided with terms of this special permit and directions on use of the property including a clear identification of property boundaries available to the renters; renters or participants in any programs should be informed to stay within the property boundaries.
- j. Any special permit issued under this section, will not be transferable to another property, property owner, or business owner.

The moderator called for a vote on the amended article. The article passed by the 2/3 required majority, by a show of voter cards, 30 yes, 0 no votes.

ARTICLE 8 –

A motion was made and seconded that the Town vote to adopt the following amendment to the Town of Leyden Zoning Bylaws Section 3 Definitions and Section 5.7B Common Driveways, as printed in the Warrant for this Article 8.

Bylaw:

Definition added to Section 3:

Common Driveway – A driveway serving as the primary vehicular access for at most no more than two (2) legal building lots or no more than four (4) dwelling units, owned in common or created by reciprocal easements, and serving as the sole means of providing legal access required by the Subdivision Control Law or this Bylaw. (See Section 5.7.B.).

Changes to Section 5.7.B:

1. Common driveways are allowed by special permit. At most, four (4) dwelling units (counting accessory apartments or each unit in a two-family dwelling as separate dwelling units) or 2 legal building lots, may be served by or otherwise share a common driveway. A common driveway shall lie entirely within the lots being served or on open space land in NRPZ designs and shall, if serving more than two dwelling units, be named as a “way” (Example: “Wilson Way”) with a sign placed in plain view from its intersection with a public way.

The moderator called for a vote. The article passed by the 2/3 required majority, by a show of voter cards, 28 yes, 0 no votes.

ARTICLE 9 –

A motion was made and seconded that the Town vote to adopt the following amendment to the Town of Leyden Zoning Bylaws Section 4.2 Uses Requiring a Special Permit, as printed in the Warrant for this Article 9.

Bylaw:


Changes to Section 4.2: *(Added bullet 7 to subsection A)*

- A. The following uses require a Special Permit according to the requirements of Section 8 Special Permits:
 - 7. Commercial or industrial scale Battery Energy Storage Facilities, larger than for what power is produced by on-site power generation.

The moderator called for a vote. The article passed by the 2/3 required majority, by a show of voter cards, 27 yes, 0 no votes.

The moderator declared the completion of the Articles in the Warrant. Katherine DiMatteo made a motion that was seconded by Erica Jensen to adjourn the Special Town Meeting at 8:21 PM. The moderator called for a vote on the motion to adjourn. The moderator declared the meeting adjourned and concluded.

Respectively submitted



George Stephan
Leyden Town Clerk
July 22nd, 2025