

TOWN OF LEYDEN
COMMONWEALTH OF MASSACHUSETTS

Annual Town Meeting

Monday, June 1, 2026, at 6:00 PM
At Leyden Town Hall - 16 West Leyden Road

Moderator: John "Jack" Golden

Town Clerk: George Stephan

Select Board: Katherine DiMatteo and Jeffrey Baker

Finance Committee: Ginger Robinson (Chair), Carolyn Asbury, Pam Brown, Paul Hake and Nate Messer

Town Coordinator: Michele Giarusso

Counsel: Donna MacNicol, Esq.

Pursuant to a warrant signed by the Select Board on May 18th, 2026, delivered and posted by the Constable Juliani, Moderator Jack Golden called the meeting to order at 6:03 PM. In attendance were eighty-one (81) registered voters and seven (7) guests, Town Counsel, Pioneer Valley Regional School District Superintendent, and Franklin County Technical School Superintendent included.

Before addressing the articles on the warrant, the Moderator gave attendees time to review and familiarize themselves with its contents. He also provided procedural instructions for the meeting and announced a 2-minute time limit for speakers.

Additionally, before consideration of the warrant articles, the Moderator requested nominations for a temporary moderator to preside over the article concerning the Broadband budget. As the Moderator serves as the Municipal Light Plant Manager and oversees the Broadband budget, a temporary moderator was needed to avoid a conflict of interest during consideration of that article.

A motion was made by Tom Luck and seconded by Sharon Fontaine to nominate Katherine DiMatteo as temporary moderator.

The Moderator called for a voice vote. The motion passed unanimously. Katherine DiMatteo was appointed to serve as Temporary Moderator for Article 21 - 24.

ARTICLE 1 -

The motion was made by Katherine DiMatteo and seconded Michele Giarusso to see if the Town will vote to act upon the reports of the Town Officers and Committees as contained in the Annual Town Report for FY 2025, and to hear a report from the Select Board and Finance Committee Chair regarding the FY27 Town Budget or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 2 – CONSENT VOTE ON ANNUALLY RECURRING ARTICLES

The motion was made by Katherine DiMatteo and seconded Michele Giarusso to see if the Town will vote by consent articles three thru eight (3 – 8) or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 3 – CONSENT

To see if the Town will vote to set the stipend compensation for the elected officials who receive compensation from the Town as provided by M.G.L. c41, §108 to be made effective from July 1, 2026, as contained in the budget or take any vote or votes in relation thereto.

The article passed as per article 2 consent vote.

ARTICLE 4 – CONSENT

To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during the fiscal year ending June 30, 2026, as permitted by M.G.L. c44, §53F, or take any vote or votes in relation thereto.

The article passed as per article 2 consent vote.

ARTICLE 5 – CONSENT

To see if the Town will vote to authorize all Town departments, boards, and committees to apply for any new state or federal grants and authorize the Select Board to accept, approve and to expend such grants. Any grant requiring matching funds will be subject to appropriation at a Town Meeting or take any vote or votes in relation thereto.

The article passed as per article 2 consent vote.

ARTICLE 6 – CONSENT

To see if the Town will vote to accept the Library Incentive Grant, Municipal Equalization Grant, and the Non-Resident Circulation Grant (state aid award) and to transfer those sums to the Robertson Memorial Library account for expenditures or take any vote or votes in relation thereto.

The article passed as per article 2 consent vote.

ARTICLE 7 – CONSENT

To see if the Town will vote to accept any sum of money that may be granted by the Quintus Allen Trust Fund, and to appropriate such funds for equipment, activities and supplies for the benefit of Leyden children, or take any vote or votes in relation thereto.

Quintus Allen was an original trustee of the Greenfield Savings Bank. Upon his death in 1884, he established a trust fund to be used for education-related expenses in Colrain, Gill, Leyden, and Shelburne. The interest earned by the Trust is distributed to those towns each year.

The article passed as per article 2 consent vote.

ARTICLE 8 – CONSENT

To see if the Town will vote to authorize the Select Board to accept and expend without further appropriation any monies, which may be made available from the Commonwealth through the Massachusetts Department of Transportation for improvements to Town roads, or take any vote or votes relative thereto.

The article passed as per article 2 consent vote.

ARTICLE 9 – AUDIT FUND

The motion was made by Ginger Robinson and seconded Sharon Fontaine to see if the Town will vote to raise and appropriate the sum of \$3,000.00 to the Audit Expenses account or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 10 – HIGHWAY STABILIZATION

The motion was made by Ginger Robinson and seconded Sharon Fontaine to see if the Town will vote to transfer from Free Cash the sum of \$50,000.00 to the Highway Capital Stabilization Fund for savings towards a replacement for the aging Freightliner truck or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 11 – HIGHWAY BUILDING IMPROVEMENT PROJECTS

The motion was made by Ginger Robinson and seconded Emily Yazwinski to see if the Town will vote to transfer from Free Cash the sum of \$43,500.00 to the Highway Building Improvement Projects account for installation of a ventilation system (\$20,000), roof for container building (\$15,000), and repair of salt shed (\$8,500) or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 12 – FIRE STABILIZATION

The motion was made by Ginger Robinson and seconded Emily Yazwinski to see if the Town will vote to transfer from Free Cash the sum of \$30,000.00 to the Fire Department Stabilization account for a future new vehicle or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 13 – POLICE STABILIZATION

The motion was made by Ginger Robinson and seconded Emily Yazwinski to see if the Town will vote to transfer from Free Cash the sum of \$15,000 to the Police Capital Stabilization account per the Intermunicipal Agreement or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 14 – TRANSFER FUNDS TO GENERAL STABILIZATION

The motion was made by Ginger Robinson and seconded Michele Giarusso to see if the Town will vote to transfer \$35,887.26 from Free Cash to the General Stabilization account or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 15 – ASSESSORS STABILIZATION TRANSFER

The motion was made by Ginger Robinson and seconded Sharon Fontaine to see if the Town will vote to transfer \$11,549.00 from the Assessors Stabilization account to the General Stabilization account, or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously by the 2/3 required majority and was declared adopted.

ARTICLE 16 – REVOLVING ACCOUNTS

The motion was made by Ginger Robinson and seconded Emily Yazwinski to see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2027 beginning on July 1, 2026 for the revolving funds established in the town by-laws for certain departments, board, committees, agencies, or officers in accordance with the provisions of G.L. c44, §53E½, as most recently amended, or take any other action thereon or in relation thereto

Revolving Fund	Fees, Charges or Receipts Credited to Fund	Entity Authorized to Spend from Fund	Program or Activity expenses Payable from Fund	Restrictions Or Conditions on Expenses Payable from Fund	Other Requirements/Reports/ Fund Balance/	Fiscal Years
Recreation Committee Revolving Account	Fees Collected for Recreation Committee Events	Recreation Committee	Recreation Committee Expenses	\$2,000	Balance Available for Expenditure \$2400	FY27
Animal Control Officer Revolving Account	Fees Collected for citations, licenses and registration	Animal Control Officer	Animal Control Expenses	\$5,000	Balance Available for Expenditure \$670	FY27

Revolving Fund	Fees, Charges or Receipts Credited to Fund	Entity Authorized to Spend from Fund	Program or Activity expenses Payable from Fund	Restrictions Or Conditions on Expenses Payable from Fund	Other Requirements/Reports/ Fund Balance/	Fiscal Years
Fire Safety Inspections Revolving Account	Fees Collected for Safety Inspections by the Fire Department	Fire Chief or Designee	Pay for the Safety Inspection Services	\$2,000	Balance Available for Expenditure \$885	FY27
Planning Board Revolving Account	Fees collected from applications requiring public hearings, copies of bylaws	Planning Board	Planning Board advertising expenses	\$3,000	Balance Available for Expenditure \$1991	FY27
Agricultural Commission Revolving Account	Fees collected for fines or Agricultural Commission events	Agricultural Commission	Agricultural Commission expenses	\$2,000	Balance Available for Expenditure \$929	FY27
East Hill Cemetery Commission Revolving Account	Fees collected for burial plots or donations	Select Board or Designee	East Hill Cemetery Expenses	\$5,000	Balance Available for Expenditure \$2	FY27
ZBA Revolving Account	Fees collected from applications requiring	ZBA	ZBA Advertising expenses	\$1,000	Balance Available for Expenditure \$0	FY27

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 17 – FRANKLIN COUNTY TECHNICAL SCHOOL BUDGET

The motion was made by Katherine DiMatteo and seconded Jerry Levine to see if the Town will vote to raise and appropriate \$160,837.28 for Leyden’s assessment of the Franklin County Technical School FY27 Operating Budget or take any vote or votes in relation thereto.

Franklin County Technical School		FY26	FY27		
303-5320	Operating Budget	122,418.00	158,433.00	29.42%	36,015.00
303-5820	Capital	2,424.13	2,404.28	-0.82%	-19.85
	Subtotal FCTS	124,842.13	160,837.28	28.83%	35,995.15

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 18 – PIONEER VALLEY REGIONAL SCHOOL DISTRICT BUDGET

The motion was made by Ginger Robinson and seconded Sharon Fontaine to see if the Town will vote to raise and appropriate \$1,005,170.00 for Leyden’s assessment of the Pioneer Valley Regional School District FY 27 operating budget and transfer from Free Cash \$13,955.00 for capital expense for a total of \$1,019,125.00 or take any vote or votes in relation thereto.

\$1,005,170.00	Raise and Appropriate
<u>13,995.00</u>	Free Cash
\$1,019,125.00	Total

Pioneer Valley Regional School		FY26	FY27		
301-5320	Operating Budget	894,772.00	1,005,170.00	12.34%	110,398.00
301-5820	Capital PVRSD	3,105.00	13,955.00	349.44%	10,850.00
	Subtotal PVRs	897,877.00	1,019,125.00	13.50%	121,248.00

The motion was discussed and debated. Several voters in attendance spoke in support and against the motion.

Motion was made by John Higgins and seconded by Jim Brodeur to Call the Question. The moderator called for a voice vote. Call the Question passed.

The moderator called for a vote. The article passed by a show of voter cards, 47 yes, 27 no votes.

ARTICLE 19 – LEYDEN OPERATING BUDGET

The motion was made by Ginger Robinson and seconded Sharon Fontaine to see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums in accordance with the proposed budget to defray the operating expenses of the town for the fiscal year ending June 30, 2027, or take any action related thereto.

- A motion was made by Ginger Robinson and seconded by Carolyn Asbury to amend the article by changing the Highway personnel salary as follows:

Superintendent salary to \$82,965.07
Foreperson salary to \$67,255.45

This changes to the final Highway department budget to \$407,379.54

The moderator called for a voice vote. The amendment passed unanimously.

- A motion was made by Pam Brown and seconded by Jim Brodeur to amend the article by revising the amounts allocated to the "Materials" and "Expenses" line items from those originally presented in the library budget, as follows:

Material to \$7,180.00
Expense to \$5956.56

The moderator called for a voice vote. The amendment passed unanimously.

The final article budget amount being voted on is \$1,218,890.57.

The moderator called for a voice vote. The amended article passed unanimously and was declared adopted.

ARTICLE 20 – TRANSFER FUNDS TO FY27 OPERATING EXPENSES

The motion was made by Katherine DiMatteo and seconded Michele Giarusso to see if the Town will vote to appropriate and transfer a total of \$39,924.91 from the following Special Fund accounts in order to defray FY27 operating expenses for the town or take any vote or votes in relation thereto.

- From the Building Needs Study account the sum of \$31,289.81
- From the Town Hall Stage Curtain Repair account, the sum of \$2,325.10
- From the Repair Town Office Roof account, the sum of \$6,310.00

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 21 – MLP OPERATING BUDGET

Prior to the discussion and vote on this article, the Moderator temporarily stepped down from the chair. Katherine DiMatteo served as Moderator for the consideration and vote on the article.

The motion was made by Jack Golden and seconded by Sharon Fontaine to see if the Town will vote to recommend that the following sums be appropriated and approved to operate the Leyden Municipal Light Plan (MLP) Enterprise Fund:

MLP Budget

Expenses	\$170,152
Wages	18,650
ISP	161,642
Total Expense	\$350,426

Revenue

<u>Internet and phone</u>	<u>350,426</u>
Total Revenues	\$350,426

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 22 – BROADBAND LOAN PAYMENT FROM FREE CASH

The motion was made by Jack Golden and seconded by Sharon Fontaine to see if the Town will vote to transfer from Free Cash \$25,758 to pay down broadband debt, or take any votes or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 23 – BROADBAND LOAN PAYMENT FROM MLP RETAINED EARNING

The motion was made by Jack Golden and seconded by Emily Yazwinski to see if the Town will vote to appropriate and transfer \$120,118.00 from MLP retained earnings to pay down broadband debt or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 24 – BROADBAND STABILIZATION

The motion was made by Jack Golden and seconded by Emily Yazwinski to see if the Town will vote to transfer \$27,628.14 from the FY26 CAF2 distribution to the Broadband Stabilization account or take any vote or votes in relation thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

Katherine DiMatteo stepped down as Temporary Moderator, and Jack Golden resumed the chair as Moderator.

ARTICLE 25 – PORTION OF NORTH BERNARDSTON RD DISCONTINUATION

The motion was made by Katherine DiMatteo and seconded by Michele Giarusso to see if the Town will vote to discontinue and abandon the portion of old East Hill Road between East Hill Road and Couch Brook Road (A.K.A. North Bernardston Road), where the words, "Town Road" are shown on said plan, a centerline distance of 190.32 feet recorded at the Franklin County Registry of Deeds, in Plan Book 80, Page 29, or act in any manner related thereto.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 26 – ENDORSEMENT OF MA MEDICARE FOR ALL

The motion was made by Katherine DiMatteo and seconded by Sharon Fontaine to see if the Town will vote to endorse An Act Establishing Medicare for All in Massachusetts (H.1405/S.860), legislation is currently pending before the Massachusetts General Court and will communicate its support to our State Senator(s) and Representatives(s) or take any action relative thereto.

Summary:

This article asks whether the Town of Leyden will support state legislation known as the Massachusetts Medicare for All Act (H.1405/S.860). The bill seeks to address rising health care costs and affordability challenges across the Commonwealth, where many families continue to struggle with medical expenses despite high insurance coverage rates. The Act would establish a single-payer, universal health care system allowing residents to receive care from any provider without network restrictions and would replace private insurance premiums and deductibles with a publicly funded model. Supporters note that the proposal could reduce overall costs for most households, expand benefits for seniors, and ease financial pressures on municipalities, small businesses, and workers. All medically necessary services would be covered without out-of-pocket costs, and every resident would be automatically enrolled. This Act would save the Town of Leyden an estimated savings of \$41,571.00 in the first year alone.

The moderator called for a voice vote. The article passed unanimously and was declared adopted.

ARTICLE 27 – BYLAW CHANGE: USE OF BUILDINGS, STRUCTURES AND LAND

The motion was made by Jim Brodeur and seconded by Tom Luck to see if the Town will vote to delete Section 2.2 Use of Buildings, Structures and Land, from the Town of Leyden Zoning Bylaws or take any action relating thereto.

Note: *Text in Italics is included for information purposes only*

Recommend deletion of the following Section 2.2:

2.2 Use of Buildings, Structures and Land. Except as provided in Section 4 herein, any lawful building or structure may be constructed, altered or enlarged; and any lawful building or structure or land may be used for any purpose which is not injurious, noxious, offensive or detrimental to a neighborhood, and which does not violate any section of this Bylaw.

This is text that was in the original Leyden zoning bylaw. Over the years, there have been changes made to the bylaw that make this language conflicting and inconsistent with the many changes to the bylaw that have occurred over the years. Town Counsel recommends deleting this section.

The moderator called for a vote. The article passed by the 2/3 required majority with a show of voter cards, 54 yes, 1 no votes.

ARTICLE 28 – BYLAW CHANGE: ACCESSORY DWELLING UNITS(ADU’S)

The motion was made by Jim Brodeur and seconded by Sharon Fotaine to see if the Town will vote to add a new Section 5.13 C. 9), to remove the inclusion of the square footage of a basement from the 1200 square foot gross floor area maximum of a Protected or Additional ADU, as follows, or take any action relating thereto.

Section 5.13 Accessory Dwelling Units (ADU’s)

C. Conditions and Requirements

9) In calculating the 1200 square foot maximum gross floor area of a new Protected or Additional ADU, but not the Principal Dwelling, the square footage of a basement will not be included.

Note: *At STM 2025, an article was passed, with a two-thirds vote, that would have allowed for a basement for an ADU. The Planning Board proposed to make that change by modifying the model definition for “gross floor area.” The Attorney General did not approve that specific warrant article. Therefore, the Planning Board is proposing to achieve that goal by adding a sentence to the conditions and requirements for an ADU*

The moderator called for a voice vote. The article passed unanimously by the 2/3 required majority and was declared adopted.

ARTICLE 29 – FLOODPLAIN BYLAW

The motion was made by Jim Brodeur and seconded by Liz Kidder to see if the Town will vote to delete Section 5.9 of the Town of Leyden Zoning Bylaws and replace it with a new Section 5.9 Floodplain Overlay District and this action includes moving

the definitions for flood hazard boundary map, floodway, regulatory floodway, special flood hazard area and structure from Section 3 to Section 5.9, as follows or take any action relating thereto.

Section 5.9 Floodplain Overlay District

A. STATEMENT OF PURPOSE

The purposes of the Floodplain Overlay District are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from a reduction in water quality, contamination, and/or pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Reduce costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

B. DEFINITIONS

1. Development: means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]
2. Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.
3. Regulatory Floodway - See Floodway
4. Functionally Dependent Use: means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]
5. Highest Adjacent Grade: means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]
6. Historic Structure: means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district

- or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]
7. New Construction: Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]
8. Recreational Vehicle: means a vehicle which is:
- a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- [US Code of Federal Regulations, Title 44, Part 59]
9. Special Flood Hazard Area: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may also be designated as Zone A.
10. Start of Construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.
11. Structure: For floodplain management purposes, structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home. Structure, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a mobile home on foundation. For the latter purpose, the term includes a building in the

course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

12. Permanent construction: does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]
13. Substantial Repair of Foundation: When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]
14. Variance: means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]
15. Violation: means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

C. FLOODPLAIN DISTRICT BOUNDARIES, BASE FLOOD ELEVATION AND FLOODWAY DATA

1. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Town of Leyden, MA Flood Hazard Boundary Map (FHBM) issued by the Department of Housing and Urban Development, Federal Insurance Administration, dated February 7, 1975, as Special Flood Hazard Areas or Zone A, which indicates the 100-year regulatory floodplain.
2. The FHBM is incorporated herein by reference and is on file with the Town Clerk, Zoning Board of Appeals, Planning Board, Building Inspector, and Conservation Commission.

3. Floodway Data: In Special Flood Hazard Areas or Zone A, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used as outlined in the State Building Code to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
4. Base Flood Elevation Data: Base flood elevation data is required for subdivision proposals or other developments greater than 3 lots or 5 acres, whichever is less, where a portion of the development activity would be located within Special Flood Hazard Areas or A zones.

D. FLOODPLAIN ADMINISTRATOR AND PERMITS REQUIRED

1. The Town of Leyden hereby designates the position of Chair of the Planning Board to be the official floodplain administrator for the Town.
2. The Town of Leyden requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
3. The town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and demonstrate to the Leyden Building Inspector that all necessary permits have been acquired.

E. UNNUMBERED A ZONES

1. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

F. SUBDIVISION PROPOSALS

1. All subdivision proposals and development proposals in the floodplain overlay district shall be
 - a. reviewed to assure that:
 - b. Such proposals minimize flood damage.
 - c. Public utilities and facilities are located & constructed so as to minimize flood damage.

d. Adequate drainage is provided.

G. RECREATIONAL VEHICLES

1. In A, A1-30, AH, AO, AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

H. NOTIFICATION OF WATERCOURSE ALTERATION

The Leyden Building Inspector shall notify the following of any alteration or relocation of a river:

1. Adjacent Communities
2. State of Vermont
3. NFIP State Coordinator
4. NFIP Program Specialist

I. SUBMISSION OF NEW TECHNICAL DATA

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

1. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
2. NFIP Program Specialist
Federal Emergency Management Agency, Region I

J. USE REGULATIONS

1. Reference To Existing Regulations. All development in the Floodplain District, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws (the Wetlands Protection Act) and with the following:
 - a. Section of the Massachusetts State Building Code which addresses floodplain hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction");
 - b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
 - d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5); and

K. VARIANCES TO BUILDING CODE FLOODPLAIN STANDARDS

1. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
2. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.
3. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

L. OTHER VARIANCES

1. A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.
2. Permitted Uses. The following uses with low flood damage potential and causing no obstructions to flood flows are allowed provided they are permitted in the underlying district:
 - a. Agricultural uses such as farming, truck farming, horticulture, aquaculture, etc.
 - b. Forestry and nursery uses.
 - c. Outdoor recreational uses not requiring permanent structures, including fishing, boating, play areas, etc.
 - d. Conservation of water, plants, wildlife.
 - e. Wildlife management areas, foot, bicycle, and/or horse paths.
 - f. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
 - g. Buildings lawfully existing prior to the adoption of these provisions.
 - h. Other legal uses in the underlying district remain permitted unless prohibited by Section D.3.
3. Prohibited Uses
 - a. No altering, dumping, filling, or removal of riverine materials or dredging is permitted. Maintenance of the floodway may be done under requirements of M.G.L. Ch. 131, Sec. 40, and any other applicable laws, by-laws, and regulations, and must be done using best management practices.

- b. No new impoundments, dams, or other water obstructions may be constructed within the district.
 - c. Commercial or industrial uses are prohibited in the district.
 - d. Storage of vehicles or equipment within the floodway, other than for normal residential use, is prohibited. The Zoning Board of Appeals may consider whether a variance from this prohibition is warranted.
 - e. Dumping of trash, garbage or other materials in the floodway is prohibited.
 - f. Storage or processing of hazardous materials is prohibited.
 - g. All other uses not specifically permitted within the district are prohibited.
4. Nonconforming Uses
- a. Any lawful use or structure existing at the effective date of this Bylaw/Ordinance or amendments thereof and not in conformance with the provisions of this bylaw/ordinance shall be considered to be a nonconforming use or structure governed by Section 2.5, Nonconforming Uses, herein.
 - b. Any nonconforming use or structure located in the floodplain may continue and may be maintained, repaired, and improved, but may in no event be made larger.
 - c. Any nonconforming structure located in the floodplain experiencing damage exceeding 80% of the assessed value may not be rebuilt.

M. ENFORCEMENT

Any violation of this section of the bylaw shall be subject to enforcement action by the Building Inspector pursuant to Section 6.1, Enforcement, herein.

- 1. Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Building Inspector can file an enforcement action in the courts seeking injunctive relief, which could include a court order directing the violator to take actions to restore disturbed land or similar remedies.

N. ABROGATION The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

O. DISCLAIMER

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

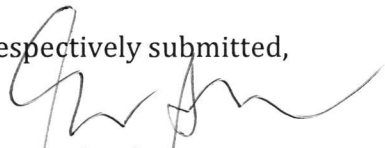
P. SEVERABILITY

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

The moderator called for a voice vote. The article passed unanimously by the 2/3 required majority and was declared adopted.

The Moderator declared that all articles contained in the warrant had been completed. Katherine DiMatteo moved to adjourn the Annual Town Meeting, and the motion was seconded by Sharon Fontaine. The Moderator called for a vote on the motion to adjourn, which passed unanimously. The Moderator declared the meeting adjourned at 8:44 PM.

Respectively submitted,



George Stephan
Leyden Town Clerk
June 8th, 2026