



TOWN OF LEYDEN

Meeting Minutes

Planning Board

Where: Leyden Town Offices – 7 Brattleboro Road

When: April 2nd at 6:30 PM

In Attendance

Members: Jim Brodeur, Liz Kidder, Emily Yazwinski, Dave Curtis, Sarah Bartholomew

Audience: Donna McNicoll, Town Counsel

Time meeting called to order: 6:32 pm

Review of Minutes:

Motion: 3/11/26 to approve Second: Emily Vote: Unanimous
by Liz

Discussions:

1- Town Counsel

Discussion:

- a. ADUs and basements, possible language for a bylaw revision
 - Donna has had extensive discussion with the State’s Attorney General’s office and believes it’s unlikely they’ll agree to let the bylaw excludes basement square footage in the gross floor area. She will continue discussion with the AG’s office to get more clarity She will also talk to Jim Hawkins about his interpretation of the gross floor area. The AG has said that manufactured and modular homes can be prohibited that do not comply with the building code.
- b. Floodplain Overlay District
 - Floodplain district description – AG says the flood insurance map must be referenced in the boundary description of the zone. Donna will look into this.
 - The floodway encroachment provision – Leyden’s map from 1975 only has one zone
 - The updated maps will be ready in 2027. Liz will further research to see if there is an insurance map that covers Leyden currently
 - Section 8 in model bylaw – Liz will check to see if it’s relevant to Leyden
 - Various small edits as recommended by Donna
- c. Use Table and Contradictions between Section 2.2 Use of Buildings, Structures and Land, and Section 4.2.A.1. Uses Requiring a Special Permit – “All non-residential or non-agricultural Uses or prohibited according to Section 4.3 Prohibited Uses”
 - Remove section 2.2 – Donna recommends developing prohibited uses and special permit requirements, and a use table

Motion: Approve amendments as recommended by Donna

Second: Emily

Vote: Unanimous

- d. Short term rental – Kately Hill Airbnb
 - If short term rentals are not included in a use table in the bylaw, they are not legal
 - A special permit is required for more than 3 bedrooms
 - Owner (J. Ethier) needs to come into compliance with the bylaw of request a special permit within a month
- e. Response attorney letter from Bent Birch/Movement Retreat Center
 - Discussion with Donna about education v. events, special permits. Donna will research case law to get some clarity about what they can and can't do
- f. 581 West Leyden Rd. (SP for camper only)
 - Building Commissioner (Jim Hawkins) sent cease and desist unlawful occupation letter 3/26/26 to R. Brown Potter re: special permit violations
 - New floodplain bylaw states that RVs need to be anchored or ready to move in case of flooding

2- Correspondence

- a. Bernardston ZBA hearing March 26, 2026 for Jason Penfield for a variance to the setback requirements for construction of a carport at 154 Huckle Hill Road;
- b. Colrain Planning board hearing April 8 for a special permit at 108 West Leyden Road to allow expansion of a marijuana cultivation establishment.

3- Continuing Topics:

- a. Amending our current 3-page Flood Plain Bylaw via our own version of the State's 8-page Model which must adapt to Leyden. Public Hearing, Annual Town Meeting
- b. Site Plan Review and consideration of modifications to allow pre-existing non-conforming uses to encroach on setbacks
- c. Proposal to alter section 2.3 of the zoning bylaws, "lot and yard requirements," decreasing lot setbacks by right, without a special permit, for pre-existing non-conforming building setbacks in place
- d. Discussion about updating our "Site Plan Review" Bylaw sections once the State has finalized the regulations
- e. Possible cell tower regulations for electromagnetic concerns

Next Meeting: May 6, 2026, 6 pm, public hearing at 6:30 pm

Meeting Adjournment

Motion: Emily

Second: David

Vote: Unanimous

Submitted By:

Sarah Bartholomew, Clerk