

Town of Leyden Planning Board
Minutes of Meeting and
Public Hearing for 63 No. County Rd. Special Permit
October 9, 2024

A duly posted meeting of the Leyden Planning Board was held at 6:30 pm on Wednesday, October 9, 2024 in the Select Board meeting room of the Leyden Town Offices, 7 Brattleboro Rd., Leyden, MA.

Members present: Jim Brodeur, Chair, Emily Yazwinski, Liz Kidder, David Curtis, Devorah Vester, Alternate.

Absent: Sarah Bartholomew

Audience: Beth Kuzdeba, Kath DiMatteo, Anthony Cammalleri, Recorder, Miriam Gee, Architect, Ellie Tiglao, Jen Kiok, Lawrence Barriner, Birch Bent Movement Retreat Center, Susan Bobe, Treasurer, Michele Giarusso, Town Coordinator

Meeting called to order at 6:25 pm.

It was noted that Jim Brodeur, Liz Kidder, Devorah Vester, Emily Yazwinski and Beth Kuzdeba had participated in a site visit and tour of the Movement Retreat Center at 63 No. County Road from 5:00 to 6:00 pm.

Minutes

Due to Sarah Bartholomew's absence, the approval of minutes will be postponed until the next meeting.

Correspondence, abutting towns zoning actions.

Jim noted that the list of correspondence received from neighboring towns was at the bottom of the agenda. Jim also reported that he had sent emails to both the owners of the 3-family dwelling on So. Schoolhouse Rd and to the building inspector asking for a status report on their special permit application.

Jim distributed drafts of revisions of two warrant articles related to housing and ADU zoning bylaw revisions for review. Points raised during the discussion included the following:

- The board reviewed the definition of rooming house in 105 CMR 410.010 and decided to reference the code within our bylaw.
- The board reviewed Permitted uses Section 4.1.4.c regarding renting rooms and decided to ask Donna's advice about this use.

7:00 pm. Jim Brodeur reconvened the Public Hearing for the Bent Birch/Movement Retreat Center at 63 North County Road Special Permit.

Architect Miriam Gee presented a revised power point presentation that described their plans for the use of the property and for which they are seeking a special permit. Excerpts from that presentation include the following:

Application for Special Permit

Narrative description revised 10/9/2024

- *Short Term Vacation Rental*
- *All parking to be off-road*
- *Limited to 18 Overnight Guests or BOH limitations for Septic*
- *Limitation of a total of 220 days per calendar year of 18 overnight guests or less including unlimited weekends*
- *Limited to Special Events that include 50-100 daytime guests up to 2 times per year and will require individual permits from BOH and the Building Dept. at FRCOG and coordination with local fire and police departments.*
- *Backing into North County Road prohibited*

Proposed Activities

- *Overnight Organizational Retreats for nonprofits*
- *Annual Fundraisers or Board Meeting for Nonprofits*
- *Day-long or multi-day retreats for nonprofits*
- *Venue rental for workshops such as:*
 - *Yoga*
 - *Meditation*
 - *Dance*
 - *Leadership*

Past Activities

- *Internal Planning meetings for Movement Retreat Center Inc.*
- *Organizational retreats for other nonprofits*
- *Volunteer Clean-up/Work days to maintain the building and grounds*
- *Family-friendly outdoor festival event with external support from caterers, event planners, porta-potties, etc. offering Yoga, Dance, Meditation, Massage and games for kids.*

Board of Health Update

- *April 2024: CoEverything, Miriam's architecture firm, was onboarded for BOH code analysis for compliance.*
- *May 2024: Submitted permit application to BOH portal online*
- *July 2024: Randy Crochier at FRCOG confirmed Receipt of application and payment*
- *August 2024: Rare Forms, a contractor, was onboarded to begin repairs on the property to bring them in compliance with BOH inspection/requirements.*

The special permit application references the following sections of the Leyden Zoning Bylaws:

Section 4.1 Permitted Uses

A.4.c. the renting of rooms or boarding or not more than four persons not members of the resident family

Section 4.2 Uses Requiring a Special Permit

- A. 1. All non-residential or non-agricultural uses other than those specifically permitted according to Section 4.1 Permitted Uses or prohibited according to Section 4.3 Prohibited Uses.

Miriam noted that these are the sections of Leyden's Zoning Bylaw referenced in Jennifer Paris' special permit.

Points and questions raised during the hearing included the following:

- Miriam noted that Eli Feghali, Treasurer of Movement Retreat Center Inc., will now serve as the main point person for the retreat center. His email is movementretreatcenter@gmail.com.
- She noted that all parking will be on the property and not on North County Road.
- They have limited the overnight guests to 18 but have an engineer who is calculating the actual capacity of the existing septic system since they have not been able to find the original septic plans. Beth Kuzdeba, former Chair of Leyden's Board of Health, suggested they contact the current board of health to ask them to check their files since she remembers seeing 2 large file folders that contain information about that property.
- Currently they have no plans for anyone to live on-site year-round. At some point in the future, they may approach the town to build a tiny house for use by an on-site resident but that is long in the future.
- For up to 2 large events per year, such as a wedding, they would:
 - get a tent permit from the building inspector
 - any Board of Health permits necessary
 - rent outdoor porta-potties
- Short term vacation rentals would be advertised through the Movement Retreat Center Network and membership and not listed online through sites, such as, Air B&B and VRBO. They will follow the 64G regulations which include the collection of sales taxes by the state and any taxes to the town. Michele Giarusso noted that Leyden had voted to collect 3% sales taxes but Susan Bobe, Leyden's Treasurer said that she has not seen any receipt of such taxes which would have been collected by the state and forwarded to Leyden.
- They will meet with the Fire Department to determine maximum occupancy numbers for their meeting rooms.
- They are currently raising the funds to hire a groundskeeper who can be on-call as needed and would be the local contact for the Police and anyone renting the center.
- The lengthy list of renovations planned to bring the property into compliance with Board of Health regulations, are likely to cost between \$80,000 and \$100,000; they expect the renovations to be completed by Spring 2025. There is a full timeline in the power point presentation.
- The retreat center team is a group that has known each other for many years and they are doing the fundraising to cover the costs of the renovations and to hire a groundskeeper. All the funds coming in are gifts, not grants.
- The retreat center is currently paying property taxes every year. If they achieve non-profit status, they will work towards paying a payment in lieu of taxes (PILOT).

- The retreat center was encouraged to reach out to the Bernardston Police Department who believe in Community Policing and will want to know who the contact or groundskeeper is in case any complaints are received.
- The retreat center will need to come into full compliance with any building codes or Board of Health regulations prior to operating as a retreat center.
- The retreat center was encouraged to start submitting articles about their activities to Leyden Life so that community members will be informed about the center's activities and purpose.
- Beth Kuzdeba, as a private citizen, raised the question as to why trust the retreat center to come into compliance with the Board of Health regulations if the Planning Board was to issue a special permit.
- It was noted that Jen had admitted that the owner team of the retreat center had made several assumptions when they bought the property, including that since it had been a retreat center they did not have to apply for any permits. She further admitted that they were not organized and did not respond to emails that they had received from the Board of Health. Once they did and realized they were not in compliance, they ceased all operations and hired an architect, Miriam Gee, to help them come into compliance.
- It was discussed that if the Special Permit is granted, the retreat center will not be able to go into operation until they have also complied with all Board of Health regulations and the State Building Codes.
- The question was raised as to how would the special permit be monitored, ensuring that the center was in compliance prior to opening their operations.
- It was suggested that the terms of the Special Permit could be given to the BOH inspector and the Bernardston Police who regularly patrol in Leyden and could report if they go into operation before having all their permits in place.
- Miriam stated that they now understand their responsibilities and would not go into operation until they have completed the renovations and come into compliance with the building and board of health regulations.
- Kath DiMatteo said that we are not a larger town and that we should move forward, accepting that mistakes were made, that they are trying to make amends, and that is the kind of community we are in Leyden. We are not a community that will never trust anyone if they make a mistake. She knows there are now lots of people who know what is going on. We now know who to call and talk to about any problems.
- Devorah noted that it is important for the Planning Board to listen and respect questions or comments from any public members attending a meeting. Members of the board suggested that they had taken comments about trust seriously and made suggestions to address the concern.

A motion to close the public hearing was made by Emily and seconded by David.

It was noted that Devorah, as Alternate member of the planning board would be voting due to Sarah Bartholomew's absence.

Voting yes to close the hearing: Jim Brodeur, Devorah Vester, Emily Yazwinski, David Curits, Liz Kidder

Nays: zero

Abstentions: zero.

A motion to reconvene the Planning Board meeting was made by Liz and seconded by David.
Passed Unanimously.

It was discussed that the Board has 90 days to finish the preparation of a special permit and related conditions for the Movement Retreat Center and needs to meet to continue revising the proposed warrant. Jim Brodeur will contact Donna MacNicol regarding Section 4.1.4.c.

The next meeting was set for October 30th at 6:30 p.m. The agenda will include deliberating and itemizing conditions for the special permit for Bent Birch Retreat Center at 63 North County Rd. The Board will also continue to review proposed bylaw revisions regarding affordable housing.

A motion to adjourn the meeting was made by Emily and seconded by David.
Passed unanimously.

The meeting was adjourned at 9:05 pm.

Respectfully submitted by,

Liz Kidder

List of documents:

- Draft warrant articles
- Bent Birch Retreat Center powerpoint presentation
- Planning Board Public Hearing in Leyden – Notes from Miriam Gee