

Town of Leyden Planning Board  
Minutes of Meeting and Public Hearings  
December 11, 2024

A duly posted meeting of the Leyden Planning Board and Public Hearings were held at 5:30 pm on Wednesday, December 11, 2024 in the Select Board meeting room of the Leyden Town Office, 7 Brattleboro Rd., Leyden, MA.

**Members present:**

Jim Brodeur, Chair,  
Liz Kidder,  
Emily Yazwinski,  
Devorah Vester, alternate.  
David Curtis, arrived at 5:58pm.

**Audience:**

Kenneth Elliott,  
Karen Elliott,  
Candace Hope,  
Peter Lane, Esq. for Movement Retreat Center,  
Sid Herron,  
Debbie Herron,  
Amelia Dricot-Zetar,  
Eli Feghali,  
Lawrence Barriner II,  
Sara Seinberg,  
Katherine DeMatteo,  
Domenic Poli (Recorder),  
Elizabeth Kuzdeba

**Absent:**

Sarah Bartholomew

It was noted that in the absence of Sarah Bartholomew, Devorah Vester would be stepping up as alternate for the special permit public hearings.

**Meeting called to order at 5:30 p.m.**

**Public Hearing for 119 So. Schoolhouse Rd Special Permit**

Jim Brodeur opened the Public Hearing for the application of Kenneth Elliott for a special permit to continue use of the dwelling at 119 South Schoolhouse Road as a 3-family dwelling. Jim read the legal notice and the application narrative for the special permit for 119 So. Schoolhouse Rd which read:

“Apply for permit to have a 3 apartment household. The house has had 3 apartments since 1988. The home exchanged ownership and now needs to be re-accessed for multiple families.”

Jim explained that the Elliotts had received an original special permit in 1988 to convert a one-family home into a three-family dwelling. The issued permit stated it would not be transferable to a new owner. A few years ago, a family member was added to the title. Their attorney transferred title to himself and then back to the family, negating the former special permit. The Elloitt’s have now applied for a special permit for their already existing three-family home. This public hearing has been advertised in

the legal notice portion of the Recorder, on the town website, and the application has been available for review on the Town Coordinator's desk since the legal notice was in the paper.

Jim asked if anyone present wanted to speak in favor of the permit.

- Amelia, a neighbor, asked if they are planning on renting to anyone with animals who might make noise. Ken Elliott said it is very quiet and the same people who live in the units would be staying for now.
- Debbie Herron said she lives nearby and said that the people who live there create no problems for the neighbors. She had been a tenant at one time too and she had never seen any problem with any of their tenants.

Jim asked if anyone wanted to express a concern and no one responded.

Jim asked the members of the board if they had questions.

- Emily asked if the building inspector makes any inspections.
- Karen Elliott said the inspectors appear periodically. They just had an insurance inspection too.
- Jim noted that he had talked to the building inspector and he said they inspect all multi-family units every five years.

**Emily made a motion to close the public hearing on the application for a special permit for 119 So. Schoolhouse Road to be a 3-family dwelling. Liz seconded.**

Passed unanimously. Voting yes: Jim, Liz, Emily, Devorah No abstentions.

The hearing was closed at 5:44 pm.

The Board reconvened their meeting.

**Motion to approve the special permit as written was made by Liz and seconded by Emily.**

Passed Unanimously, Voting yes: Jim, Liz, Emily, and Devorah. No abstentions.

It was discussed that the Board was making this special permit transferable to another owner, that the special permit would go with the property. Amelia noted that she didn't really like that it was transferable to another owner. The board explained when a house is converted to a 3-family, structural changes are made and therefore the property stays a 3-family regardless of who owns it.

Jim explained that we will issue a decision on the application which he will submit to the Town Clerk. The Town Clerk will notify abutters of the decision and there will be a 20-day appeal period before the special permit takes effect.

**Jim brought up correspondence since the next hearing is not scheduled to start until 6.**

Jim read a letter received from Attorney Peter Lane representing the Bent Birch Movement Retreat Center and noted he was present. Jim read the letter requesting a withdrawal without prejudice of their special permit application. It was noted that the board would have to vote to approve the withdrawal because there had already been a legal notice published and a hearing held on their application. The letter from Attorney Lane stated that the Center would be resubmitting a new application in a few months.

Jim noted that there had been some discussions regarding this application with Town Counsel. Under a Dover amendment to the Zoning Act, some educational activities are exempt from zoning. Some of the activities proposed by the retreat center are not educational and therefore not exempt from zoning.

Emily asked questions about the Dover amendment and how a town has any ability to oversee activities at an educational retreat center. Liz noted that the Selectboard gets regular logs of calls from the police and the Selectboard will be able to see if activities at the retreat center leads to more calls to the police or other public safety team members such as fire or ambulance. If there are a lot of calls, the Select Board would be able to contact the retreat center to discuss any complaints or concerns that may need to be addressed. If the planning board were to receive any complaints from residents about activities at the site, Jim could call the Building Inspector and ask him to investigate as to whether they are in compliance with the zoning bylaws, or not.

**Motion to accept the withdrawal without prejudice made by Liz, Emily seconded.**

Voting yes: Jim, Devorah, Liz, and Emily. No abstentions

**Motion to approve the minutes of the meeting of the November 13, 2024 Planning Board minutes as written was made by Emily and seconded by Jim.**

Passed Unanimously – Voting yes: Liz, Jim, Emily No Abstentions.

Planning Board member David Curtis arrived at 5:58, having been stuck in traffic on way home from work.

Jim Brodeur opened the public hearing relative to proposed zoning bylaw revisions at 6:00 p.m.

Jim informed those present that copies of two proposed warrant articles were available on the table. It was explained that there are two warrant articles because some of the proposed changes only require a simple majority vote and some require a 2/3rds majority vote. The purpose of these proposed revisions was to update some of our bylaws related to housing and to come into compliance with provisions of the recently passed Affordable Homes Act.

Jim read the legal notice that had been posted twice in the Recorder. He also noted that copies of the proposed revisions had been available on the Town Coordinators desk and had been posted on the Town's website.

Liz Kidder used the large screen TV in the room to share an edited copy of Leyden's current Zoning Bylaw which is 77 pages long. The proposed revisions were presented as they would appear in the bylaw; those changes requiring a simple majority vote were in orange typeface and those requiring a 2/3rds vote were in purple. If the Planning Board votes to submit these revisions for town approval, there is a tentative special town meeting scheduled for Jan. 29<sup>th</sup>. The changes identified in the State's Affordable Housing Act will take effect on February 2, 2025 whether towns have updated their zoning bylaws or not. The Leyden Planning Board is hoping to have revised bylaws, that are in compliance with the new act, adopted before then. Many of the proposed revisions relate to new regulations allowing accessory dwelling units on existing lots that already contain a principal dwelling with shared driveways. The draft proposed warrant articles are attached to these minutes.

Questions and comments raised during the presentation included the following:

- Beth Kuzdeba asked if detached ADUs were subject to the stretch code and it was stated that they have to be in compliance with all state building and sanitary codes.
- Beth Kuzdeba asked why we referred to rent controls in the purpose section if rent controls are not going to be monitored. It was explained that in general it is estimated that rents will be more

stable if there are more rental units and the purpose section are not criteria for approval of permits.

- Sara Seinberg asked if the board could consider not putting a limit of only 4 on how many dwellings could be served by a single common driveway. It was explained that there is a concern about the ability of an ambulance or fire truck to reach a dwelling without adequate driveways that provide a large enough turnaround for those vehicles.
- Kath DiMatteo and Candace Hope asked how the common driveway and their capacities relate to subdivision controls. Jim explained that there are standards in both the zoning bylaw and subdivision controls that are coordinated.
- Kath DiMatteo asked if these revisions cover camps which are proving to be a problem in Leyden. Jim indicated these revisions do not but the Planning Board would talk to the Select Board about any concerns they have.
- Emily reviewed the regulations as to how they apply to parking spaces that would be required.

**Emily moved to close the public hearing. David seconded.**

Passed Unanimously. Voting yes: Jim, Liz, David, and Emily. No abstentions.

**Liz moved to reopen the planning board meeting seconded by Emily.**

Passed unanimously. Voting yes: Jim, Liz, David, and Emily. No abstentions.

Liz suggested a slight rewording of the common driveway section to make the proposed language in Section 5.7.B consistent with the definition of common driveway. The consensus of the board was to make the following change:

“Common driveways are allowed by special permit. At most no more than two (2) legal building lots or no more than four (4) dwelling units (counting accessory apartments or each unit in a two-family dwelling as separate dwelling units) may be served by or otherwise share a common driveway...”

**Emily moved to forward the selectboard the article requiring a ⅔ majority vote as presented at this public hearing with the one edit on common driveways seconded by David.**

Passed Unanimously. Voting yes: Jim, Emily, Liz, David No abstentions.

**Emily moved to submit to the Selectboard the warrant article requiring a simple majority vote as referencing ADU's as presented at this public hearing. David Seconded**

Passed Unanimously. Voting yes: Jim, Liz, Emily, David. No abstentions.

**Marijuana bylaws and a review of cell tower regulations** related to electromagnetic concerns will be reviewed at a future meeting.

**Special Permit procedures.** Liz noted that in Chapter 40A and in other town bylaws, special permit applications are also distributed to other boards for their comments within 35 days. This allows reports from those boards to be considered at a public hearing. Town Counsel has recommended that Leyden do this. The consensus of the Board was to review special permit procedures at a future meeting. Kath DiMatteo requested that the Board include the Select Board in the list of boards to receive a copy of applications.

**Next Meeting: Wednesday, January 8<sup>th</sup>.** David Curtis noted that he may be out of town for that meeting.

**Motion to adjourn the meeting was made by Liz and seconded by Emily.**  
Pass Unanimously. Voting yes: Liz, Jim, Emily, David. No abstentions.  
The meeting was adjourned at 7:25 p.m.

Respectfully submitted by,

Liz Kidder

List of documents:

Draft warrant articles