

**Town of Leyden  
Commonwealth of Massachusetts**

**Annual Town Meeting  
Warrant**

**Monday, June 21, 2021  
6:15 PM**

To either of the Constables in the Town of Leyden, in the County of Franklin,  
**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs to meet at the **LEYDEN TOWN HALL on 16 West Leyden Road, on Monday, June 21, 2021 at 6:15 PM**, then and there to act on the following articles:

**ARTICLE 1-**

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, 2022, or take any action related thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 2-**

To see if the Town will vote to set the stipend compensation for all elected officials of the town (Select board, Town Clerk, Moderator and Constable (or whatever elected officials receive compensation from the Town)) as provided by M.G.L. c. 41, section 108 to be made effective from July 1, 2021 as contained in the budget or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 3-**

To see if the Town will vote to authorize the Treasurer to enter into compensating balance agreements during Fiscal 2022 as permitted by M.G.L. c. 44, section 53F, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL

FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 4-**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to allow Daniel J. Galvis, Town of Leyden Police Chief, notwithstanding the provisions of any general or special law to the contrary, to serve in such position until the age of 72, or until the date of his retirement or non-reappointment, whichever occurs first; provided, however that no deductions from the regular compensation of Daniel J. Galvis shall be made under chapter 32 of the General Laws subsequent to his reaching the age of 65 in connection with his service to the Town for retirement or pension purposes; provided, however, that the General Court may make clerical and editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition, or take any vote or votes in relation thereto.

SUBMITTED BY SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL

**ARTICLE 5-**

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 such grants. Any grant requiring matching funds will be subject to a Town Meeting appropriation.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 6-**

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 budget, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 7-**

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.

SUBMITTED BY THE SELECTBOARD  
SUBMITTED RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 8-**

To see if the Town will vote to accept and expend any sum of money that may be available under the provisions of Chapter 90 of the Massachusetts General Laws and authorize the Select board to enter into a contract with the Massachusetts Highway Department, and to authorize the Treasurer with the approval of the Select board, to borrow in anticipation of 100% reimbursement of said amount or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 9-**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2000.00 to the Assessors Reevaluation account, or take any vote or votes in relation thereto.

SUBMITTED BY SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 10-**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$2000.00 to the Audit Fund, to be administered by the Select board for town audits or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 11-**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$10,000 for the demolition and replacement of the Avery Field Pavilion (in addition to the amount voted last year) under the guidance of the Town Recreation Committee or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 12-**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$25,000.00 to the Town Office Building account or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 13-**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$1500 to the Land Acquisition account or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 14-**

To see if the Town will vote to create a Revolving account under Massachusetts General Laws Chapter 44 § 53E ½ for the ZBA in the amount of \$1,000 or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 15-**

To see if the Town will vote to authorize the following revolving funds under Massachusetts General Laws Chapter 44 § 53E ½ for the fiscal year beginning July 1, 2021:

Fund	Revenue Source	Authority to Spend Fund	Use of Fund	Spending Limit	Disposition of FY20 Fund Balance	Restrictions/ Comments
Recreation Committee Revolving Account	Fees Collected for Recreation Committee Events	Recreation Committee	Recreation Committee Expenses	\$2,000	Balance Available for Expenditure	
Animal Control Officer Revolving Account	Fees Collected for citations, licenses and registration	Animal Control Officer	Animal Control Expenses	\$5,000	Balance Available for Expenditure	
Fire Safety Inspections Revolving Account	Fees Collected for Safety Inspections by the Fire Department	Fire Chief or Designee	Pay for the Safety Inspection Services	\$700	Balance Available for Expenditure	
Planning Board Revolving Account	Fees collected from applications requiring public hearings, copies of bylaws	Planning Board	Planning Board advertising expenses	\$1,000	Balance Available for Expenditure	
Agricultural Commission Revolving Account	Fees collected for fines or Agricultural Commission events	Agricultural Commission	Agricultural Commission expenses	\$2,000	Balance Available for Expenditure	
East Hill Cemetery Commission Revolving Account	Fees collected for burial plots or donations	Selectboard or Designee	East Hill Cemetery Expenses	\$5,000	Balance Available for Expenditure	

SUBMITTED BY THE SELECTBOARD

SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 16-**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$3,000 to pay for the annual fee for the Pioneer Valley Mosquito Control District, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
BOARD OF HEALTH RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 17-**

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$63,000.00 to pay down broadband debt, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 18-**

To see if the Town will vote to transfer from the Broadband Construction Fund the sum of \$138,500.00 to pay the broadband debt, or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL  
FINANCE COMMITTEE RECOMMENDS APPROVAL

**ARTICLE 19-**

To see if the Town will vote to recommend that the following sums be appropriated to operate the Leyden Broadband Enterprise Fund:

**Direct**

<b>Operating Expenses:</b>		
Replacement Reserve Fiber & Electronics	\$ 23,500	
Repairs & Maintenance	\$ 52,800	
Middle Mille Access Fee	\$ 14,400	
Pole Rental Fee	\$ 10,322	
NO Retainer for 3rd party Boom truck	\$ 9,600	
Insurance	\$ 7,500	
Pole Bonding Fees	\$ 6,000	
Electricity& Gas	\$ 3500	
Admin Fees / Bookkeeping & Audit	\$ 12,000	
Misc. Expenses	\$ -	
<b>Total Operating Expenses</b>		<b>\$ 139,622</b>
<b>Debt Service</b>		
Principal	\$ -	
Interest	\$ -	
<b>Total Debt Service</b>		<b>\$ -</b>
<b>Total Expenses</b>		<b>\$ 139,622</b>

**ARTICLE 20-**

To see if the Town will vote to accept the report of the Town Officers for the year 2020,or take any vote or votes in relation thereto.

SUBMITTED BY THE SELECTBOARD  
SELECTBOARD RECOMMENDS APPROVAL

## ARTICLE 21-

To see if the Town will vote to accept a Large Scale Solar bylaw to the Leyden Zoning bylaws or take any vote or votes thereto.

### **Section 5.12 Large-Scale Ground-Mounted Solar Photovoltaic Installations**

#### **A. Purpose and Applicability**

1. Purpose: The purpose of this Section is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modifications and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.
2. Applicability: The provisions set forth in this Section shall apply to the construction, operation and/or repair of large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this Section. This Section also applies to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

#### **B. Definitions:** For purposes of this Section 5.12 the following definitions shall apply:

**As-of Right Siting:** As-of right siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to conform to local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Building Inspector.

**Building Inspector:** The inspector of buildings, building commissioner or local inspector

**Building Permit:** A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing large-scale ground-mounted solar photovoltaic installations.

**Designated Location:** The location designated by the Leyden Planning Board, in accordance with Massachusetts General Law Chapter 40A Section 5, where large-scale ground-mounted solar photovoltaic installations may be sited as-of-right, specifically 7.85 acres shown as "Parcel C" on Document No. 1815 in Plan Book 134, Page 40 at the Franklin County Registry of Deeds, owned by the Town of Leyden.



**Large-Scale Ground-Mounted Solar Photovoltaic Installation:** A photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 25KW DC.

**On-Site Solar Photovoltaic Installation:** A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**Rated Nameplate Capacity:** The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

**Site Plan Review:** Review by the Site Plan Review Authority to determine conformance with local zoning ordinances or bylaws.

**Site Plan Review Authority:** For the purposes of this Section, Site Plan Review Authority refers to the Leyden Planning Board.

**Zoning Enforcement Authority:** For the purposes of this Section, the Zoning Enforcement Authority is the Building Inspector.

### **C. General Requirements for all Large-Scale Solar Power**

**Generation Installations.** The following requirements are common to all solar voltaic installations to be sited in designated locations.

1. **Compliance with Laws, Ordinances and Regulations:** The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
2. **Building Permit and Building Inspection:** No large-scale solar photovoltaic installation shall be constructed, installed or modified as provided in this Section without first obtaining a building permit.
3. **Fees:** The application for a building permit for a large-scale solar photovoltaic installation must be accompanied by the fee required for a building permit.
4. **Site Plan Review:** Ground-mounted large-scale solar installations with 25KW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provide in this Section.
  - 4.1. **General:** All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

**4.2 Required Documents:** Pursuant to the site plan review process, the project proponen shall provide the following documents:

1. **A site plan showing:**
  - i. Property lines and physical features, including roads, for the project site;

- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in Massachusetts, showing the proposed layout of the system and any potential shading from nearby structures;
- iv. One or three line electrical diagrams detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- vi. Name, address, and contact information for proposed system installer;
- vii. Name, address, and contact information and signature of the project proponent, as well as all co-proponents and property owners, if any;
- viii. Name and contact information and signature of any agents representing the project proponent.

**2. Other Documents:**

- i. Documentation of actual or prospective access and control of the project site (see also Section **4.3**);
- ii. Landscape plan that satisfies Section **4.5** below;
- iii. An operation and maintenance plan (see also Section **4.4**);
- iv. Zoning district designation for the parcel(s) of land comprising the project site.
- v. Proof of liability insurance;
- vi. A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community.

- 3. Waivers:** The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

**4.3 Site Control** The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

**4.4 Operation and Maintenance** The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation, including maintenance and/or replacement of screening vegetation required in Section **4.5** below.

**4.5 Landscape Plan** The project proponent shall submit a Landscape Plan detailing all proposed changes to the existing site including: vegetation removal, temporary and permanent access roads, grading, storm drainage, exterior lighting and screening od

structures. Any existing vegetation within the setbacks required in Section 4.6.1 shall remain undisturbed to the extent possible, exclusive for site access and/or solar visibility. The Landscape Plan shall show the type and location of vegetation proposed to screen the installation, including appurtenant structures, from all public ways and adjacent properties, whether developed or not. The depth of the vegetation shall be a minimum of 30 feet and shall be comprised of native trees and shrubs staggered for height and density, that shall be properly maintained in the Operation and Maintenance of the installation.

**4.6 Utility Notification** No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### **4.6 Dimension and Density Requirements**

**1. Setbacks:** Front, side and rear yard setbacks shall be the same as for residential structures, i.e.: Front – 50 feet from street sideline; Side and Rear – 40 feet from adjacent property lines.

**2. Appurtenant Structures:** All appurtenant structures to large-scale ground-mounted photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

#### **4.7 Design Standards**

**1. Lighting:** Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. In addition, fixtures shall be “dark sky” compliant and meet International Dark Sky FSA certification requirements. Lighting shall not be kept on after 9 p.m. unless there is an emergency, or is required for safety purposes as determined by the Leyden Emergency Management Director.

**2. Signage:** Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Leyden Zoning Bylaws. A sign consistent with Leyden's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

**3. Utility Connections:** Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site, and any requirements of the

utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

**4. Visual Impacts:** The large-scale ground-mounted solar photovoltaic installation shall be designed to minimize visual impacts including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings, and adding vegetative buffers to provide an effective visual barrier from adjacent roads and to screen abutting residential properties, whether developed or not. Siting and screening shall be such that the view of the solar photovoltaic installation from other areas of Town shall be as minimal as possible, in the sole judgement of the Site Plan Review Authority.

#### **4.8 Safety and Environmental Standards**

**1. Emergency Services:** The large-scale ground-mounted solar photovoltaic owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to both the Leyden Fire Chief and Leyden Police Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**2. Land Clearing, Soil Erosion and Habitat Impacts:** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

#### **4.9 Monitoring and Maintenance**

**1. Solar Photovoltaic Installation Conditions:** The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, screening vegetation, and integrity of security measures. Site access shall be maintained to a level acceptable to the Leyden Fire and Police Chiefs and the Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

**2. Modifications:** All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval of the Site Plan Review Authority.

#### **5.0 Abandonment or Decommissioning**

**1. Removal Requirements:** Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 5.2 below shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- i.** Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;

- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - iii. Stabilization or revegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- 2. Abandonment:** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town of Leyden retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned solar photovoltaic installation. As a condition of a Site Plan or a Special Permit approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation. The Town's cost for the removal will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

SUBMITTED BY THE PLANNING BOARD

Hereof, fail not, and make due return of this Warrant, with your doing thereon, to the Town Clerk, at the time and place of said meeting.

Given under our hands this 11th day of June, in the year of our Lord, Two Thousand Twenty One.

\_\_\_\_\_  
William Glabach, Chair  
Leyden Selectboard

\_\_\_\_\_  
Jeffrey A. Neipp  
Leyden Selectboard

I hereby attest that I have posted said warrant at least seven days before said meeting.

\_\_\_\_\_  
Constable, Town of Leyden

\_\_\_\_\_  
Date