TOWN OF LEYDEN

LEYDEN, MASSACHUSETTS 01301

Office of the Town Clerk
7 Brattleboro Road
Leyden, MA 01301
413-774-4111 Ext: 3
TownOfLeyden.Com

BULLETIN

Monday February 4th, 2026

1.0 The following, from June 2, 2025, Annual Town Meeting has been approved by the Attorney General on September 30, 2025 (Case #11965):

- Article 20 General: Adopt Annual Report Publication to from a Calendar Year to a Fiscal Year
- Article 22 General: Accept MGL c40, s57
- Article 24 General: Departmental Revolving Funds Amendment

Received by the Town Clerk's Office on September 29, 2025.

2.0 The following, from July 16, 2025, Special Town Meeting has been approved by the Attorney General on November 3, 2025 (Case #12006):

- Article 1 General: Authorize the moderator to declare the decision on a 2/3 vote count after it is counted
- Article 2 Zoning: Amend and add to the Zoning Bylaws SECTION 3. DEFINITIONS, and SECTION 4. USE, REGULATIONS and add a new SECTION 5.13 Accessory Dwelling Units (ADU's) – ***Note: Partially approved*.**
- Article 4 Zoning: Amend Zoning Bylaws SECTION 3 DEFINITIONS, SECTION 4. USE REGULATIONS, AND SECTION 5.13
- Article 5 Zoning: Amend Zoning Bylaws SECTION 4.2 Uses Requiring a Special Permit

Received by the Town Clerk's Office on November 3, 2025.

3.0 The following, from July 16, 2025, Special Town Meeting has been approved by the Attorney General on January 30, 2026 (Case #12006):

- Article 6 Zoning: Amend Zoning Bylaws Section 3 DEFINITIONS, Section 4 USE REGULATIONS
- Article 7 Zoning: Amend Zoning Bylaws Section 3 Definitions Short Term Rental and Event Venue/Retreat Center, Section 4 USE REGULATIONS, and Section 5.14 SPECIAL REGUIATIONS
- Article 8 Zoning: Amend Zoning Bylaws Section 3 Definitions and Section 5.7B Common Driveways
- Article 9 Zoning: Amend Zoning Bylaws Section 4.2 "Uses Requiring a Special Permit"

Received by the Town Clerk's Office on January 30, 2026.

Claims of invalidity by reason of any defect in the procedure of adoption or amendment for a zoning bylaw may only be made within ninety days of posting. Copies of this bylaw may be examined and obtained at the Town Clerk's Office.

Posted on February 9, 2026, at: Leyden Town Hall, 16 West Leyden Road
Leyden Town Offices, 7 Brattleboro Road
Robertson Memorial Library, 849 Greenfield Road
Avery Field Recreation Area, behind 7 Brattleboro Road
Leyden Fire Department, 16 West Leyden Road

George Stephan
Town Clerk

ANNUAL TOWN MEETING OF JUNE 2, 2025, the Town voted to adopt the following articles:

Article 20 –

To see if the town will vote to adopt the following general bylaw to change the Annual Report publication from an annual calendar year report to a fiscal year report according to M.G.L. c.40, section 49, or take any vote or votes in relation thereto;

Annual Report

The Selectboard shall cause the annual report to be printed on a fiscal year basis.

Article 22 –

To see if the town will vote to accept the provisions of M.G.L. c.40, section 57, which allows municipalities to deny licenses, permits, renewals or transfers, when the applicant or owner of the property owes municipal taxes or fees and to adopt the following bylaw or take any other action relative thereto

Bylaw:

The Town may deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section 21D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied,

suspended or revoked under this bylaw shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section 1 of chapter 268A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits:

- open burning; section 13 of chapter 48;
- bicycle permits; section 11A of chapter 85;
- sales of articles for charitable purposes, section 33 of chapter 101;
- children work permits, section 69 of chapter 149;
- clubs, associations dispensing food or beverage licenses, section 21E of chapter 140;
- dog licenses, section 137 of chapter 140;
- fishing, hunting, trapping license, section 12 of chapter131;
- marriage licenses, section 28 of chapter 207 and
- theatrical events, public exhibition permits, section 181 of chapter 140.

Article 24 –

To see if the town will vote to amend the general bylaws of the Town of Leyden by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under M.G.L. c.44, section 53E1/2, or take any other action relative thereto.

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by M.G.L. c.44 § 53E1/2.

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers).

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the selectboard and finance committee.

3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

4. Procedures and reports. Except as provided in M.G.L. c.44 section 53E1/2 and this bylaw, the laws, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds. The Table establishes:

A. Each revolving fund authorized for use by a town department, board, committee, agency or officer.

B. The department or agency head, board, committee or officer authorized to spend from each fund.

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.

D. The expenses of the program or activity for which each fund may be used.

E. Any restrictions or conditions on expenditures from each fund.

F. Any reporting or other requirements that apply to each fund, and

G. The fiscal years each fund shall operate under this bylaw.

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 $2025	FY26
Animal Control Officer Revolving Account	Fees Collected for citations, licenses and registration	Animal Control Officer	Animal Control Expenses	$5,000	Balance Available for Expenditure $1006	FY26
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 $725	FY26

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 $1979	FY26
Agricultural Commission Revolving Account	Fees collected for fines or Agricultural Commission events	Agricultural Commission	Agricultural Commission expenses	$2,000	Balance Available for Expenditure $929	FY26
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 $0	FY26
ZBA Revolving Account	Fees collected from applications requiring	ZBA	ZBA Advertising expenses	$1,000	Balance Available for Expenditure $0	FY26

SPECIAL TOWN MEETING OF JULY 16, 2025, the Town voted to adopt the following articles:

Article 1 –

Adopt a general bylaw for the town of Leyden relative to the moderator's authority to declare the decision on a 2/3 vote count after it is counted according to the bylaw.

Bylaw:

Whenever a two-thirds vote is required by statute, such vote may be declared as such by the moderator without a count and be recorded as such by the Clerk upon such declaration, provided, however that seven or more members of a town meeting may challenge such declaration, all as provided by Massachusetts General Law Chapter 39, Section 15, at which time a count shall be held. Before considering another warrant article the Moderator shall ask if the two-thirds vote is questioned.

Article 2 –

Adopt the following amendments and additions to the Town of Leyden Zoning Bylaws SECTION 3. DEFINITIONS, and SECTION 4. USE REGULATIONS and add the following new SECTION 5.13 Accessory Dwelling Units (ADU's), as printed in the Warrant for this Article 2.

Bylaw:

Definition added to Section 3:

Accessory Dwelling Unit (ADU) – A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the State Building Code for safe egress;
b) ADUs may be detached, attached, or internal to the Principal Dwelling;
c) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller;
d) and is subject to such additional restrictions imposed within these bylaws.

Deleted Definition in Section 3:

Dwelling Unit – Living quarters for a single family plus not more than four (4) boarders or lodgers, with cooking (stove plus either or both a refrigerator and sink), living, sanitary and sleeping facilities independent of any other unit; or quarters for not more than four (4) persons in a lodging house or dormitory

Changes to Section 4.1.A:

1. detached single-family and two-family dwellings, not including temporary housing;

4. any use customarily accessory to and clearly incidental to a permitted use on the lot, including, but not limited to:
   a. Home Occupation as defined.
   b. the display or sale of natural produce raised or prepared in the Town;

c. the renting of rooms or boarding of not more than four persons not members of the resident family; *(Deleted – Article 6 voted on at STM July 16, 2025)*
d. the storage of unregistered vehicles for the use of the resident family, if screened from view of the public road and adjacent residences;
e. the keeping of farm animals, horses, ponies, small animals and poultry for the enjoyment of the resident family;
f. Building-mounted and residential ground-mounted solar photovoltaic installations.
g. Protected Use Accessory Dwelling Units, see Section 5.13 *(Newly added)*

Changes to Section 4.2.A:

2. Multi-Family Dwellings (three to four dwelling units).

Added New Section 5.13:

5.13 Accessory Dwelling Units (ADU's)

A. APPLICABILITY
The purpose of this Section is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units.

B. PURPOSE
This zoning provides for by-right ADUs to accomplish the following purposes:

1. Increase housing production to address local and regional housing needs across all income levels and at all stages of life.
2. Develop small-scale infill housing that fits in the context of zoning districts that allow single-family housing while providing gentle/hidden density.
3. Provide a more moderately priced housing option to serve smaller households, households with lower incomes, seniors, and people with disabilities.
4. Enable property owners to age in place, downsize, or earn supplemental income from investing in their properties.

C. Conditions and Requirements
1. An attached or detached ADU will be designed and built to meet the requirements of all applicable Building and Health Codes.
2. An ADU may be located in a structure or an accessory structure, such as a garage or barn, or as a new accessory dwelling unit located on the same lot as the Principal Dwelling.
3. A building permit for an accessory dwelling unit may only be approved subject to obtaining any required approvals from the Board of Health, including compliance with the State Sanitary Code 310 CMR 15 ("Title 5").
4. The ADU must meet all front, side, and rear yard setbacks that apply.
5. A Protected Use ADU shall not be larger than a Gross Floor Area of 900 square feet or ½ the Gross Floor Area of the Principal Dwelling whichever is smaller.
6. The ADU must have one (1) off-street parking space provided in addition to the off-street parking spaces required for the dwelling. No-off-street parking will be

required for Protected Use ADUs located within a ½ mile radius of the Transit Station.

7. Only one dwelling unit on an owner-occupied lot with an ADU, may be utilized as a Short Term Rental.
8. Protected Use ADUs are allowed within or on existing non-conforming lots, or lots with an existing nonconforming principal dwelling, so long as the Protected Use ADU can be developed in conformance with the Building Code, 760 CMR 71.00 and state law.

D. ADU Site Plan Review

1. An application for building permit for an ADU shall include any information necessary to show compliance with the conditions of this section, including a plot plan identifying structures, driveways, parking areas and lot setbacks.
2. The Planning Board will review the plot plan for its compliance with the Leyden Curb Cut Town Bylaw, adopted 6/03/24, and Section 5.7 of these Zoning Bylaws.
3. No more than one curb cut or driveway access shall be permitted for the lot, unless the Planning Board determines that a second driveway will improve public safety.
4. For ADU's allowed by right, the Planning Board will conduct a site plan review during a regular open meeting, a public hearing is not required.

Article 4 –

Adopt the following amendments to the Town of Leyden Zoning Bylaws SECTION 3 DEFINITIONS, SECTION 4.USE REGULATIONS, AND SECTION 5.13, as printed in the Warrant for this Article 4.

Bylaw:

Changes to Definition in Section 3: *(Changes ADU definition text of "c" in Article 2)*

Accessory Dwelling Unit (ADU) – A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the State Building Code for safe egress;
b) ADUs may be detached, attached, or internal to the Principal Dwelling;
c) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 1200 square feet, whichever is smaller;
d) and is subject to such additional restrictions imposed within these bylaws.

Definition added to Section 3:

Protected Use ADU – An attached or detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 1200 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. Only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Changes to Section 5.13:

C. Conditions and Requirements
   5. A Protected Use ADU shall not be larger than a Gross Floor Area of 1200 square feet or ½ the Gross Floor Area of the Principal Dwelling whichever is smaller.

Article 5 –

Adopt the following amendment to the Town of Leyden Zoning Bylaws SECTION 4.2 Uses Requiring a Special Permit, as printed in the Warrant for this Article 5.

Bylaw:

Changes to Section 4.2: *(Added bullet 4 to subsection A)*

A. The following uses require a Special Permit according to the requirements of Section 8 Special Permits:
   4. One (1) additional ADU, attached or internal to the principal dwelling or within an accessory structure that existed when this bylaw was passed in July 2025, on a lot where a Protected ADU already exists up to a maximum of 4 dwelling units per lot.

Article 6 –

Adopt the following amendments to the Town of Leyden Zoning Bylaws Section 3 DEFINITIONS, Section 4 USE REGULATIONS, as printed in the Warrant for this Article 6.

Bylaw:

Definitions added to Section 3:

Alternative Housing – A single family, owner-occupied dwelling, whether mobile or permanent, that is approved by the board of health pursuant to 105 CMR 410.710 to alter standards set forth in 105 CMR 410.000 for heating, plumbing, electrical, and sanitary facilities and minimum square footage requirements in order to reduce energy use or environmental impact.

Bed and Breakfast Establishment – A private owner-occupied house where rooms are rented and a breakfast is included in the rent, and all accommodations are reserved in advance.

Temporary Housing – Any structure used for human habitation which is:

1. A mobile structure, including a tent that is attached to the ground, to another structure, or to any utility system, on the same premises for less than 30 calendar days; or
2. A mobile structure that provides basic shelter and contains at least one habitable room for living, sleeping, eating, cooking or sanitation that is intended to be occupied by a single family or household for intermittent periods of time not to exceed 90 consecutive days, unless extended by the Leyden Board of Health

Trailer or Camper – Trailer or camper shall mean any vehicle or object on wheels, excluding railroad cars, which is drawn by or used in connection with a motor vehicle and which is designed for travel, recreational, and vacation uses, including equipment commonly called travel trailers, pick-up coaches or campers, motor homes, motorized campers and tent trailers.

Deleted Definitions in Section 3:

Camper – A portable dwelling, eligible to be registered and insured for highway use, designed to be used for travel, recreational and vacation uses, but not for permanent residence. Includes equipment commonly called travel trailers, pick-up coaches or campers, motorized campers, tent trailers, and motor homes, but not mobile homes

Family – An individual or two or more persons related by blood or marriage, or a group of not more than five persons not so related, living together as a single housekeeping unit.

Mobil Home – A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Changes to Section 4.1.A:

4. any use customarily accessory to and clearly incidental to a permitted use on the lot, including, but not limited to:
    a. Home Occupation as defined.
    b. the display or sale of natural produce raised or prepared in the Town;
    c. *(Deleted)*
    d. the storage of unregistered vehicles for the use of the resident family, if screened from view of the public road and adjacent residences;
    e. the keeping of farm animals, horses, ponies, small animals and poultry for the enjoyment of the resident family;
    f. Building-mounted and residential ground-mounted solar photovoltaic installations.
    g. Protected Use Accessory Dwelling Units, see Section 5.13 *(Newly added in Article 2)*
    h. Temporary housing, including homes on wheels, provided: *(Newly added)*
        i. No person may allow temporary housing to be occupied without the written permission of the Board of health through the issuance of a temporary housing occupancy permit.
        ii. All temporary housing shall be subject to the requirements of 105 CMR 410.00 and 310 CMR 15.000 except as the Leyden Board of Health may otherwise provide in "I." (see previous) as written permission
    i. Alternative Housing that otherwise meets all requirements of this Bylaw *(Newly added)*

Changes to Section 4.3:

A. Trailer Park.

Article 7 –

Adopt the following amendments to the Town of Leyden Zoning Bylaws Section 3 Definitions Short Term Rental and Event Venue/Retreat Center, Section 4 USE REGULATIONS, and Section 5.14 SPECIAL REGULATIONS, as printed in the Warrant for this Article 7.

Several motions made and seconded to amend Article 7 as follows:

- A motion was made and seconded to amend the article by deleting the last sentence in Section 5.14, paragraph A. Applicability, that reads "Any current operating facilities must come into compliance with these regulations within 6 months of their adoption".

  The moderator called for a vote on the amendment to the article. The amendment passed by a show of voter cards, 31 yes, 0 no votes.

- A motion was made and seconded to amend Article 7 by revising Section 5.14, paragraph C – Conditions, to list items #1, #3 & #11 as currently proposed by Article 7. And adding "and other conditions such as may be required by the Planning Board" for items #2, #4 - #10, #13 & #13 as currently proposed by Article 7.

  The moderator called for a vote on the amendment to the article. The amendment passed by a simple majority show of voter cards.

Bylaw:

Definition added to Section 3:

Event Venue or Retreat Center – A facility that is leased for private or public events such as, but not limited to, music performances, festivals, retreats, seminars, lectures, conferences, workshops, weddings, or family gatherings.

Short-Term Rental (STR) – A furnished dwelling unit that is rented by the owner to another party for a period of not more than 30 consecutive days which is subject to M.G.L. Chapter 64G and regulations promulgated thereunder.

Changes to Section 4.1.A:

4. any use customarily accessory to and clearly incidental to a permitted use on the lot, including, but not limited to:
   a. Home Occupation as defined.
   b. the display or sale of natural produce raised or prepared in the Town;
   c. the renting of rooms or boarding of not more than four persons not members of the resident family; *(Deleted – Article 2 voted on at STM July 16, 2025)*
   d. the storage of unregistered vehicles for the use of the resident family, if screened from view of the public road and adjacent residences;
   e. the keeping of farm animals, horses, ponies, small animals and poultry for the enjoyment of the resident family;
   f. Building-mounted and residential ground-mounted solar photovoltaic installations.
   g. Protected Use Accessory Dwelling Units, see Section 5.13
   h. Temporary housing, including homes on wheels, provided: *(Newly added in article 6 above)*
      i. No person may allow temporary housing to be occupied without the written permission of the Board of health through the issuance of a temporary housing occupancy permit.
      ii. All temporary housing shall be subject to the requirements of 105 CMR 410.00 and 310 CMR 15.000 except as the Leyden Board of Health may otherwise provide in "I." (see previous) as written permission
   i. Alternative Housing that otherwise meets all requirements of this Bylaw *(Newly added in article 6 above)*
   j. Short-term rentals with up to 3 bedrooms, see Section 5.14.

Changes to Section 4.2: *(Added bullets 5 & 6 to subsection A)*

A. The following uses require a Special Permit according to the requirements of Section 8 Special Permits:

5. Short Term Rentals with 4 bedrooms or more, see Section 5.14.
6. Retreat Center, Event Venue, or Educational Facility not exempted from zoning regulations by MGL Ch. 40A Section 3, see Section 5.14.

Added New Section 5.14:

5.14 Short Term Rentals (STR), Event Venues and Retreat Centers

A. Applicability
The purpose of this Section is to establish standard guidelines to be followed by the owners and operators of short-term rentals, event venues and retreat centers within the Town of Leyden. These guidelines apply to those facilities that are not exempted from zoning regulations by MGL Ch. 40A Section 3.

B. Performance Standards
The purpose of this section is to allow, either by-right or by special permit, short terms rentals, event venues and retreat centers while ensuring public safety, preventing possible nuisances for abutters, minimizing reductions to long term (greater than 31 consecutive days) rental housing, and preserving Leyden's rural character for its residents

C. Conditions
1. All properties shall comply with all Board of Health regulations and inspections and all necessary state and local licenses and approvals must be obtained prior to any facility or STR rental.
2. Short-term rental activities shall be operated in compliance with MGL Chapter 64G.
3. Property Manager contact information will be submitted in written form to Leyden's officials, including Town Administration, Select Board, Board of Health, Police and Fire Departments, and to renters of the property.
4. And other conditions that may be required by the Planning Board:
    a. The total number of individuals allowed to be provided with overnight accommodation shall be determined by the Board of Health following an inspection and septic system analysis.
    b. On-street parking is prohibited.
    c. No more than one dwelling unit on a lot can be used as a STR.
    d. If more than one dwelling unit on a lot, one unit must be owner-occupied if the property is used for a STR.
    e. No loud noise or music, excessive traffic, or other disturbances shall be allowed.
    f. A STR may not be used for commercial events such as weddings or other large parties unless a Special Permit is granted subject to the criteria outlined in this section.
    g. Outdoor lighting to guide visitors to their accommodations shall be pedestrian **in scale** and shall be directed downward to shield abutting properties from impacts. Lighting shall incorporate full cut-of fixtures to reduce light pollution and fixtures shall be "dark sky" compliant and meet International Dark Sky FSA certification requirements.

h. A groundskeeper and/or property manager will be available at all times to those renting the property and to Town officials whenever the property is being occupied.
i. The renters of the property will be provided with terms of this special permit and directions on use of the property including a clear identification of property boundaries available to the renters; renters or participants in any programs should be informed to stay within the property boundaries.
j. Any special permit issued under this section, will not be transferable to another property, property owner, or business owner.

Article 8 –

Adopt the following amendment to the Town of Leyden Zoning Bylaws Section 3 Definitions and Section 5.7B Common Driveways, as printed in the Warrant for this Article 8.

Bylaw:

Definition added to Section 3:

Common Driveway – A driveway serving as the primary vehicular access for at most no more than two (2) legal building lots or no more than four (4) dwelling units, owned in common or created by reciprocal easements, and serving as the sole means of providing legal access required by the Subdivision Control Law or this Bylaw. (See Section 5.7.B.).

Changes to Section 5.7.B:

1. Common driveways are allowed by special permit. At most, four (4) dwelling units (counting accessory apartments or each unit in a two-family dwelling as separate dwelling units) or 2 legal building lots, may be served by or otherwise share a common driveway. A common driveway shall lie entirely within the lots being served or on open space land in NRPZ designs and shall, if serving more than two dwelling units, be named as a "way" (Example: "Wilson Way") with a sign placed in plain view from its intersection with a public way.

Article 9 –

Adopt the following amendment to the Town of Leyden Zoning Bylaws Section 4.2 Uses Requiring a Special Permit, as printed in the Warrant for this Article 9.

Bylaw:

Changes to Section 4.2: *(Added bullet 7 to subsection A)*

A. The following uses require a Special Permit according to the requirements of Section 8 Special Permits:

7. Commercial or industrial scale Battery Energy Storage Facilities, larger than for what power is produced by on-site power generation.

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

September 30, 2025

George Stephan, Town Clerk
Town of Leyden
7 Brattleboro Road
Leyden, MA 01310

Re: Leyden Annual Town Meeting of June 2, 2025 – Case # 11965
Warrant Articles # 20, 22 and 24 (General)

Dear Mr. Stephan:

Articles 20, 22 and 24 - We approve Articles 20, 22 and 24 from the June 2, 2025 Leyden Annual Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL
Tasheena M. Davis
By: Tasheena M. Davis
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
Tasheena.davis@mass.gov
413-523-7704

cc: Town Counsel Donna L. MacNicol

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

November 03, 2025

George Stephen, Town Clerk
Town of Leyden
7 Brattleboro Road
Leyden, MA 01301

Re: Leyden Special Town Meeting of July 16, 2025 -- Case # 12006
Warrant Articles # 2, 3, 4, 5, 6, 7, 8 and 9 (Zoning)
Warrant Article # 1 (General)

Dear Mr. Stephan:

Articles 1, 4 and 5 - We approve Articles 1, 4 and 5 from the July 16, 2025 Leyden Special Town Meeting.

Articles 6, 7, 8 and 9 - By agreement with Town Counsel pursuant to G.L. c. 40, § 32, we have extended our deadline for a decision on Articles 6, 7, 8 and 9 for 60 days. Our decision on Articles 6, 7, 8 and 9 will now be due on **January 1, 2026**. The signed extension agreement is attached.

Articles 2 and 3 – Under Articles 2 and 3, the Town adopted zoning amendments related to Accessory Dwelling Units ("ADUs"). As explained in more detail below, we partially approve the amendments adopted under Article 2 and disapprove the amendments adopted under Article 3.

Article 2 - Under Article 2, the Town voted to amend it's zoning by-laws regarding ADUs by adding a new Section 5.13, "Accessory Dwelling Units (ADU's)," to allow ADUs as of right in compliance with G.L. c. 40A, § 3 and the implementing Regulations promulgated by the Executive Office of Housing and Livable Communities ("EOHLC"), 760 CMR 71.00, "Protected Use Accessory Dwelling Units" ("Regulations").[1]

We partially approve Article 2 because the approved text does not conflict with state law. However, we disapprove and delete[2] the following provisions adopted under Article 2 because

[1] The Regulations can be found here: https://www.mass.gov/doc/760-cmr-7100-protected-use-adus-final-version/download.

[2] The use of the term "disapprove" collectively means "disapprove and delete" such that any text disapproved by the Attorney General (shown in bold and underline or in yellow highlight) by virtue of such disapproval is also deleted from the Town's zoning by-law and does not take effect under G.L. c. 40 § 32.

they conflict with G.L. c. 40A, § 3 and the Regulations (see Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the Constitution for the Attorney General to disapprove a by-law)):

- Section 5.13 (C) (2)'s requirement that the principal dwelling be existing;
- a portion of Section 5.13 (C) (4)'s dimensional requirements; and
- a portion of Section 5.13 (C) (6)'s parking provisions.

In this decision we summarize the by-law amendments adopted under Article 2; discuss the Attorney General's standard of review of town by-laws and the recent statutory and regulatory changes that allow Protected Use ADUs as of right;[3] and then explain why, based on our standard of review, we partially approve the zoning by-law amendments adopted under Article 2. In addition, we offer comments for the Town's consideration regarding certain approved provisions adopted under Article 2.

I. Summary of Article 2

Under Article 2 the Town voted to amend its zoning by-laws to add a new Section 5.13, "Accessory Dwelling Units (ADU's)" that imposes requirements on ADUs, including allowing ADUs as-of-right in the Town's only Zoning District (primarily Residential-Agricultural District) subject to the requirements of Section 5.13. The by-law imposes additional restrictions on ADUs including dimensional requirements (Section 5.13 (C) (4) and (5)); parking requirements (Section 5.13 (C) (6)); and Site Plan Approval requirements (Section 5.13 (D)). Finally, under Article 2 the Town voted to amend Section 3, "Definitions" by adding a new definition of ADU.

II. Attorney General's Standard of Review of Zoning By-laws

Our review of Article 2 is governed by G.L. c. 40, § 32. Under G.L. c. 40, § 32, the Attorney General has a "limited power of disapproval," and "[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws." Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 ("Neither we nor the Attorney General may comment on the wisdom of the town's by-law.") "As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid." Bloom v. Worcester, 363 Mass. 136, 154 (1973). "

Article 2, as an amendment to the Town's zoning by-laws, must be given deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) ("With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their

[3] 760 CMR 71.02 defines the term "Protected Use ADU" as follows: "An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition."

legislative choices and their exercise of discretion regarding zoning orders."). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General's standard of review is equivalent to that of a court. "[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare." Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). "If the reasonableness of a zoning bylaw is even 'fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.'" Id. at 51 (quoting Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). However, a municipality has no power to adopt a zoning by-law that is "inconsistent with the constitution or laws enacted by the [Legislature]." Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

III. Summary of Recent Legislative Changes Regarding ADUs

On August 6, 2024, Governor Healey signed into law the "Affordable Homes Act," Chapter 150 of the Acts of 2024 (the "Act"). The Act includes amendments to the State's Zoning Act, G.L. c. 40A, to establish ADUs as a protected use subject to limited local regulation including amending G.L. c. 40A, § 1A to add a new definition for the term "Accessory dwelling unit" and amending G.L. c. 40A, § 3 (regarding subjects that enjoy protections from local zoning requirements, referred to as the "Dover Amendment"), to add a new paragraph that restricts a zoning by-law from prohibiting, unreasonably regulating or requiring a special permit or other discretionary zoning approval for the use of land or structures for a single ADU. The amendment to G.L. c. 40A, § 3, to include ADUs means that ADUs are now entitled to statutory protections from local zoning requirements.

On January 31, 2025, the EOHLC promulgated regulations for the implementation of the legislative changes regarding ADUs. See 760 CMR 71.00, "Protected Use Accessory Dwelling Units."[4] The Regulations define key terms and prohibit certain "Use and Occupancy Restrictions" defined in Section 71.02 as follows:

> Use and Occupancy Restrictions. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the current, or future, use or occupancy of a Protected Use ADU to individuals or households based upon the characteristics of, or relations between, the occupant, such as but not limited to, income, age, familial relationship, enrollment in an educational institution, or that limits the number of occupants beyond what is required by applicable state code.

[4] See the following resources for additional guidance on regulating ADUs: (1) EOHLC's ADU FAQ section (https://www.mass.gov/info-details/accessory-dwelling-unit-adu-faqs\) (2) Massachusetts Department of Environmental Protection's Guidance on Title 5 requirements for ADUs (https://www.mass.gov/doc/guidance-on-title-5-310-cmr-15000-compliance-for-accessory-dwelling-units/download); and https://www.mass.gov/doc/frequently-asked-questions-faq-related-to-guidance-on-title-5-310-cmr-15000-compliance-for-accessory-dwelling-units/download; and (3) MassGIS Addressing Guidance regarding address assignments for ADUs (https://www.mass.gov/info-details/massgis-addressing-guidance-for-accessory-dwelling-units-adus).

While a municipality may reasonably regulate a Protected Use ADU in the manner authorized by 760 CMR 71.00, such regulation cannot prohibit, require a special permit or other discretionary zoning approval for, or impose a "Prohibited Regulation"[5] or an "Unreasonable Regulation" on, a Protected Use ADU. See 760 CMR 71.03, "Regulation of Protected Use ADUs in Single-Family Residential Zoning Districts."[6] Moreover, Section 71.03 (3)(a) provides that while a town may reasonably regulate and restrict Protected Use ADUs, certain restrictions or regulations "shall be unreasonable" in certain circumstances.[7] In addition, while municipalities may impose dimensional requirements related to setbacks, lot coverage, open space, bulk and height and number of stories (but not minimum lot size), such requirements may not be "more restrictive than is required for the Principal Dwelling, or a Single-Family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation…" 760 CMR 71.03 (3)(b)(2). Towns may also impose site plan review of a Protected Use ADU, but the Regulations requires the site plan review to be clear and objective and prohibits the site plan review authority from imposing terms or conditions that "are unreasonable or inconsistent with an as-of-right process as defined in M.G.L. c. 40A, § 1A." 760 CMR 71.03 (3)(b)(5).

We incorporate by reference our more extensive comments regarding these recent statutory and regulatory changes related to ADUs in our decision to the Town of East Bridgewater, issued on April 14, 2025 in Case # 11579.[8] Against the backdrop of these statutory and regulatory

[5] 760 CMR 71.03 prohibits a municipality from subjecting the use of land or structures on a lot for a Protected Use ADU to any of the following: (1) owner-occupancy requirements; (2) minimum parking requirements as provided in Section 71.03; (3) use and occupancy restrictions; (4) unit caps and density limitations; or (5) a requirement that the Protected Use ADU be attached or detached to the Principal Dwelling.

[6] For example, a design standard that is not applied to a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located or is so "restrictive, excessively, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU" would be deemed an unreasonable regulation. See 760 CMR 71.03 (3)(b).

[7] Section 71.03 (3)(a) provides that while a town may reasonably regulate and restrict Protected Use ADUs, a restriction or regulation imposed "shall be unreasonable" if the regulation or restriction, when applicable to a Protected Use ADU: (1) does not serve a legitimate Municipal interest sought to be achieved by local Zoning; (2) serves a legitimate Municipal interest sought to be achieved by local Zoning but its application to a Protected Use ADU does not rationally relate to the legitimate Municipal interest; or (3) serves a legitimate Municipal interest sought to be achieved by local Zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will: (a) result in complete nullification of the use or development of a Protected Use ADU; (b) impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or (c) substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

[8] This decision, as well as other recent ADU decisions, can be found on the Municipal Law Unit's website at www.mass.gov/ago/munilaw (decision look up link) and then search by the topic pull down menu for the topic "ADUS."

parameters regarding Protected Use ADUs, we review the zoning amendments adopted under Articles 2 and 3.

IV. Text Disapproved from Article 2 Because it Conflicts with G.L. c. 40A, § 3 and the Regulations

A. Section 5.13 (C) (2) – Requirement that the Structure be Existing

Section 5.13 (C) (2) references an ADU in the context of an existing structure as follows (with emphasis added):

> An ADU may be located in an **existing** structure or an **existing** accessory structure, such as a garage or barn, or as a new accessory dwelling unit located on the same lot as the Principal Dwelling.

We disapprove the portion of Section 5.13 (C) (2) that allows an ADU only in an "existing" structure or in an "existing" accessory structure (shown above in bold and underline) because the requirement that the structure be existing (as opposed to built at the same time as the ADU), conflict with G.L. c. 40A, § 3 and the Regulations, as explained below.

General Laws Chapter 40A, Section 3 provides in relevant part that:

> No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district; provided, that the use of land or structures for such accessory dwelling unit under this paragraph may be subject to reasonable regulations…

General Laws Chapter 40A, Section 3 protects ADUs by providing that zoning by-laws shall not prohibit, unreasonably regulate or require a special permit or other discretionary zoning approval for the use of land or structures for a single ADU in a single-family residential zoning district but authorizes municipalities to impose reasonable regulations on the creation and use of ADUs, if it so chooses. The Regulations, 760 CMR 71.02 defines a "Protected Use ADU" in relevant part as: "An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3…."

Neither G.L. c. 40A, § 3 nor the Regulations limit an ADU to only an "existing" structure, or an "existing" accessory structure, but instead allow an ADU "on the same lot as a Principal Dwelling." Therefore, an ADU could be constructed at the same time as a new principal dwelling or new accessory structure is constructed. Limiting an ADU to only a lot with an "existing" structure or an "existing" accessory structure, as opposed to a lot with a principal dwelling, conflicts with the statute and Regulations. For this reason, we disapprove the text shown above in bold and underline.

B. Section 5.13 (C) (4) – Dimensional Requirements

Section 5.13 (C) (4) imposes dimensional standards on ADUs as applicable to "single-

family dwelling units," as follows (with emphasis added):

> The ADU must meet all front, side, and rear yard setbacks that apply **to single-family dwelling units**.

We disapprove the text shown above in bold and underline, because the Regulations require that any dimensional requirements imposed on an ADU must be the most permissive requirements between the principal dwelling, a single-family dwelling or an accessory structure, as explained below.

The Regulations, 760 CMR 71.03 (3)(b)(2), "Regulation of Protected Use ADUs in Single-family Residential Zoning Districts;" "Dimensional Standards," require the Town to apply the most permissive dimensional standard, in relevant part as follows (with emphasis added):

> (b) Municipality shall apply the analysis articulated in 760 CMR 71.03 (3)(a) to establish and apply reasonable Zoning or general…by-laws, or Municipal regulations for Protected Use ADUs, but in no case shall a restriction or regulation be found reasonable where it exceeds the limitations, or is inconsistent with provisions, described below, as applicable:…(2) Dimensional Standards. Any requirement concerning dimensional standards, such as dimensional setbacks, lot coverage, open space, bulk and height, and number of stories, that are more restrictive than is required for the Principal Dwelling, or a Single-family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation, provided that a Municipality may not require a minimum Lot size for a Protected Use ADU.

Because Section 5.13 (C) (4) imposes the same dimensional requirements on an ADU as those imposed on "single family dwelling units" instead of the most permissive dimensional standards imposed on the principal dwelling, single-family residential dwelling, or accessory structure in the same zoning district, this provision conflicts with the Regulations and we therefore disapprove the words "to single family dwelling units" shown above in bold and underline. The Town should consult with Town Counsel with any questions regarding the proper application of Section 5.13 (C) (4).

We approve the remaining provisions in Section 5.13 (C)(4) but offer comments for the Town's consideration to ensure that the approved portion that imposes dimensional standards is applied consistent with the Regulations.

In applying this provision, the Town must ensure that any imposed dimensional standards including setback requirements are applied consistent with the Regulations. Under G.L. c. 40A § 3 and the Regulations a Protected Use ADU is a Dover Amendment protected use. Importantly, as a Dover Amendment protected use, the Town can only impose "reasonable regulations" on a Protected Use ADU. Therefore, if a setback requirement is used in a manner to prohibit or unreasonably restrict a Protected Use ADU, such application would run afoul to the Dover amendment protections given to a Protected Use ADU.

Moreover, the Town must ensure that these setback requirements are analyzed on a case-

by-case basis as it relates to a particular property because in some circumstances the provision could be unreasonable as applied to a particular property. In addition, the Town must ensure that the application of this requirement serves and is rationally related to a legitimate municipal interest and will not, as applied, result in a nullification, impose an excessive cost or substantially diminish or interfere with the use or development of a Protected Use ADU. See 760 CMR 71.03 (3)(a). If the Town cannot satisfy this standard, the regulation may be deemed to be unreasonable. The Town should consult with Town Counsel to ensure the proper application of any dimensional requirements to a Protected Use ADU.

C. Section 5.13 (C) (6) - Parking

Section 5.13 (C) (6), "Parking," imposes parking requirements on ADUs in relevant part as follows (with emphasis added):

> The ADU must have **a minimum of** one (1) off-street parking space provided in addition, to the off-street parking spaces required for the **single-family** dwelling. **If in the future, there is a transit station established in the Town of Leyden,** no-off-street parking will be required for Protected Use ADUs located within a ½ mile radius of the Transit Station.

We disapprove and delete the portions of the parking provisions shown above in bold and underline as detailed below.

1. A minimum of one off-street parking space

First, the provision that mandates "a minimum of" one off-street parking space conflicts with G.L. c. 40A, § 3 and the Regulations because G.L. c. 40A, § 3 prohibits a municipality from requiring more than one parking space for an ADU, as follows:

> The use of land or structures for an accessory dwelling unit under this paragraph shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling; provided, that not more than 1 additional parking space shall be required for an accessory dwelling unit; and provided further, that no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.

In addition, the Regulations, 760 CMR 71.03 (2) prohibit a Town from imposing any prohibited Regulations on a Protected Use ADU, including the following:

> (b) Minimum Parking Requirements. A requirement of, as applicable:
>
> 1. More than one additional on-street or off-street parking space for a Protected Use ADU if all portions of its Lot are located outside a 0.5 mile radius of a Transit Station; or
>
> 2. Any additional on-street or off-street parking space for a Protected Use ADU if any portion of its Lot is located within a 0.5 mile radius of a Transit Station.

Because Section 5.13 (C) (6) requires an ADU to provide "a minimum of" one additional off-street parking space, it conflicts with G.L. c. 40A, § 3 and 760 CMR 71.03 (2) (b), and we therefore disapprove the text as shown above in bold and underline. The Town is authorized by the statute and the Regulations to require one additional parking space for a Protected Use ADU that is not located within a 0.5-mile radius of a Transit Station. However, the Town cannot, as it has done here, require an ADU to provide "a minimum of" one additional parking space because as written, that requirement would allow the Town to require more than one parking space for an ADU. See West Street Associates, LLC v. Planning Board of Mansfield, 488 Mass. 319, 324 (2021) (citing with approval trial judge's ruling that "By limiting medical marijuana facilities to nonprofit entities, the bylaw[,] while not prohibit[ing] those facilities, does restrict them in a way that the [S]tate explicitly determined they should not be limited" and "[a]ccordingly, the town's bylaw is preempted by State law to the extent it requires all medical marijuana dispensaries to be nonprofit organizations."). For this reason, we disapprove the text "a minimum of" shown above in bold and underline.

2. 0.5 Miles within a Transit Station

We also disapprove the text in Section 5.13 (C) (6) (shown above in bold an underline) that provides an exemption from the one parking space requirement only "If in the future, there is a transit station established in the Town of Leyden." It appears that the Town is part of the Franklin Regional Transit Authority - ("FRTA") (see https://www.mass.gov/info-details/public-transportation-in-massachusetts) and therefore ADUs that are located within a 0.5 mile radius of a transit station are entitled to this exemption. The Regulations, 760 CMR 71.02, define "Transit Station" as: "[a] Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station." The regulations further define each of these terms, including the term "Bus Station," as: "[a] location serving as a point of embarkation for any bus operated by a Transit Authority." Because Leyden is part of the Franklin Regional Transit Authority, allowing such parking exemption only "in the future [if] there is a transit station established in the Town" conflicts with the Regulations. For this reason, we disapprove the text "If in the future, there is a transit station established in the Town of Leyden," as shown above in bold and underline. The Town should consult with Town Counsel with any questions on this issue.

3. Reference to Single Family Dwelling

We further disapprove the reference in Section 5.13 (C) (6) to a "single-family" dwelling because a Protected Use ADU is not limited to a single-family dwelling but instead is allowed on the same lot as any type of "Principal Dwelling." See 760 CMR § 71.02's definitions of "Accessory Dwelling Unit (ADU)" and "Protected Use ADU." This provision therefore conflicts with G.L. c. 40A, § 3 and the Regulations that allow ADUs as-of-right on the same lot as any type of "Principal Dwelling," as explained below. See West Street Associates, LLC, 448 Mass at 324.

General Laws Chapter 40A, Section 3 and the Regulations allow Protected Use ADUs as-of-right on the same lot as any type of "Principal Dwelling," not just a single-family dwelling. See 760 CMR § 71.02's definitions of "Accessory Dwelling Unit (ADU)" (defining an ADU as "[a] self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling . . .") and "Protected Use ADU" (defining a "Protected Use ADU" as "[a]n

attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District."). The Regulations define "Principal Dwelling" as a structure that contains at least one dwelling unit as follows (with emphasis added):

> A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, *that contains at least one Dwelling Unit* and is, or will be, located on the same Lot as a Protected Use ADU.

The Regulations' definition of "Principal Dwelling" contemplates Protected Use ADUs on lots that include more than one dwelling unit. For example, Protected Use ADUs are allowed on lots containing a two-family dwelling or a multi-family dwelling. Therefore, the above quoted provision that references an ADU in the context of a "single-family" dwelling conflicts with G.L. c. 40A, § 3 and the Regulations. For this reason, we disapprove the words "single-family" as shown above in bold and underline.

V. The Remaining Approved ADU Requirements Must be Applied Consistent with G.L. c. 40A, § 3 and 760 CMR 71.00

We offer comments for the Town's consideration regarding Section 5.13 (D) pertaining to site plan approval, to ensure that the Town applies this provision consistent with G.L. c. 40A, § 3 and the Regulations.

Section 5.13 (D) allows ADUs as of right subject to site plan review. We approve the site plan requirement, but the Town must ensure that it is applied consistent with state law. Specifically, for uses allowed as of right, such as a Protected Use ADU, site plan review is limited to the regulation of the use rather than its prohibition. Y.D. Dugout, Inc. v. Bd. of Appeals of Canton, 357 Mass. 25, 31 (1970). The scope of site plan approval for as of right uses is therefore limited to imposing reasonable terms and conditions on the use. Id. citing SCIT, Inc. v. Planning Bd. of Braintree, 19 Mass. App. Ct. 101, 107-110 (1984). "[W]here the proposed use is one permitted by right the planning board may only apply substantive criteria consistent with Prudential Ins. Co. v. Board of Appeals of Westwood, 23 Mass. App. Ct. 278 (1986) (i.e., it may impose reasonable terms and conditions on the proposed use, but it does not have discretionary power to deny the use)." Osberg v. Planning Bd. of Sturbridge, 44 Mass. App. Ct. 56, 59 (1997). "[I]f the specific area and use criteria stated in the by-law [are] satisfied, the board [does] not have discretionary power to deny…[approval], but instead [is] limited to imposing reasonable terms and conditions on the proposed use." Prudential, 23 Mass. App. Ct. at 281-282 (internal quotations and citations omitted). The Town should consult closely with Town Counsel when applying a site plan requirement to a Protected Use ADU to ensure it is not applied in a manner that conflicts with the Dover protections afforded to an ADU.

VI. Conclusion

We partially approve Article 2, except for: (1) Section 5.13 (C) (2)'s requirement that the structure or accessory structure be existing; (2) a portion of Sections 5.13 (C) (4)'s dimensional requirements; and (3) a portion of Section 5.13 (C) (6)'s parking provisions, that we disapprove and delete as shown in Section IV in bold and underline.

The Town should consult closely with Town Counsel when applying the remaining approved ADU provisions adopted under Article 2 to ensure that they are applied consistent with G.L. c. 40A, § 3 and 760 CMR 71.00. If the approved provisions in Article 2 are used to deny a Protected Use ADU, or otherwise applied in ways that constitute an unreasonable regulation in conflict with 760 CMR 71.03 (3), such application would violate G.L. c. 40A, § 3 and the Regulations. The Town should consult with Town Counsel and EOHLC to ensure that the approved by-law provisions are applied consistent with G.L. c. 40A, § 3 and the Regulations, as discussed herein.

Finally, we remind the Town of the requirements of 760 CMR 71.04, "Data Collection," that requires municipalities to maintain certain records, as follows:

> Municipalities shall keep a record of each ADU permit applied for, approved, denied, and issued a certificate of occupancy, with information about the address, square footage, type (attached, detached, or internal), estimated value of construction, and whether the unit required any variances or a Special Permit. Municipalities shall make this record available to EOHLC upon request.

The Town should consult with Town Counsel or EOHLC with any questions about complying with Section 71.04.

Article 3 - Under Article 3, the Town voted to amend its zoning by-laws, Section 3, "Definitions," by amending the definition of "Gross Floor Area (GFA)" to make specific changes (with new text in bold, deleted text in strikethrough, and disapproved text in yellow highlight) that would exclude basements from the sum of the areas used to measure gross floor area of an ADU as follows (with emphasis added):

> The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including, ~~basements,~~ lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, **basements,** garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

We disapprove the portion of Section 3 that deletes the word "basement" from the calculation of gross floor area and inserts the word "basement" into the portions of a dwelling that are excluded from the gross floor area calculation, as shown above in yellow highlight, because these provisions restrict the gross floor area of an ADU in a manner that conflicts with G.L. c. 40A, § 3 and the Regulations, as explained below.

General Laws Chapter 40A, Section § 3 allows an ADU as of right, as defined in G.L. c. 40A, § 1A, "not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller." Under the Regulations, 760 CMR 71.02, "Definitions," "Gross Floor Area" is defined as follows (with emphasis added):

> The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, *including basements,* lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

General Laws Chapter 40A, Section 3 and the Regulations require municipalities to allow ADUs as of right up to half the gross floor area of the principal dwelling or 900 square feet, whichever is smaller, and includes basements in that gross floor area calculation. See 760 CMR § 71.02's definitions of "Accessory Dwelling Unit (ADU)" (defining the size of an ADU as no "larger in gross floor area than one-half the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.") and "Protected Use ADU" (defining a "Protected Use ADU" as "[a]n attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District.").

The amendments adopted under Article 3 to exclude basements from the calculation of gross floor area conflict with the Regulations, by limiting the size of an ADU despite the Regulations' definition of "Gross Floor Area." Thus, the Town's amendment to Section 3 creates a size limitation conflicting with the as-of-right protections given to all ADUs that fall within the statutory size limits under G.L. c. 40A, § 3 and the Regulations, and we therefore disapprove the text above in yellow highlight. The Town should consult with Town Counsel with any questions regarding the allowed size of a Protected Use ADU.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

Very truly yours,
ANDREA JOY CAMPBELL
ATTORNEY GENERAL
Tasheena M. Davis
By: Tasheena M. Davis
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
Tasheena.davis@mass.gov
413-523-7704

cc: Town Counsel Donna L. MacNicol

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

January 30, 2026

George Stephan, Town Clerk
Town of Leyden
7 Brattleboro Road
Leyden, MA 01301

Re: Leyden Special Town Meeting of July 16, 2025 - Case # 12006
Warrant Articles # 2, 3, 4, 5, 6, 7, 8 and 9 (Zoning)
Warrant Article # 1 (General)[1]

Dear Mr. Stephan:

Articles 6, 7, and 8 - We approve Articles 6, 7, and 8 from the July 16, 2025 Leyden Special Town Meeting.

Article 9 – We will issue our decision regarding Article 9 under separate cover.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

Very truly yours,
ANDREA JOY CAMPBELL
ATTORNEY GENERAL
Tasheena M. Davis
By: Tasheena M. Davis
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
Tasheena.davis@mass.gov
413-523-7704

cc: Town Counsel Donna L. MacNicol

[1] In a decision issued November 3, 2025, we: (1) approved Articles 1, 4, and 5; (2) partially approved Article 2; (3) disapproved Article 3; and (4) by agreement with Town Counsel as authorized by G.L. c. 40, § 32, we extended the deadline for our review of Articles 6, 7, 8, and 9 for 60-days until November 17, 2025. On December 23, 2025, by agreement with Town Counsel, we extended the deadline for our review of Articles 6, 7, 8, and 9 for an additional 30-days until January 31, 2026. We will issue our decision regarding Article 9 under separate cover.

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

January 30, 2026

George Stephen, Town Clerk
Town of Leyden
7 Brattleboro Road
Leyden, MA 01301

Re: Leyden Special Town Meeting of July 16, 2025 - Case # 12006
Warrant Articles # 2, 3, 4, 5, 6, 7, 8 and 9 (Zoning)
Warrant Article # 1 (General) [1]

Dear Mr. Stephan:

Article 9 – We approve Article 9 from the July 16, 2025 Leyden Special Town Meeting. Our comments regarding Article 9 are provided below.

Under Article 9, the Town amended its zoning by-laws, Section 4, "Use Regulations," Subsection 4.2, "Uses Requiring a Special Permit," to add a new paragraph 7 that provides as follows:

> Commercial or industrial scale Battery Energy Storage Facilities, larger than for what power is produced by on-site power generation.

Section 4.2, as amended, allows by special permit commercial or industrial scale Battery Energy Storage Facilities ("BESF") that are "larger than for what power is produced by on-site generation." It is not clear what the Town intends by "larger than for what power is produced by on-site power generation." The Town's existing zoning by-laws, Section 5.12, "Solar Photovoltaic Installations (SPVI)," Subsection B, "Definitions," defines the term "Battery Energy Storage Facility" as follows: " a system of mechanical, electrical, chemical or electrochemical devices that charges or collects energy from the local electric grid or an electric generating facility and then discharges that energy at a later time to provide electricity to the grid or homes and businesses."

[1] In a decision issued November 3, 2025, we: (1) approved Articles 1, 4, and 5; (2) partially approved Article 2; (3) disapproved Article 3; and (4) by agreement with Town Counsel as authorized by G.L. c. 40, § 32, we extended the deadline for our review of Articles 6, 7, 8, and 9 for 60-days until November 17, 2025. On December 23, 2025, by agreement with Town Counsel, we extended the deadline for our review of Articles 6, 7, 8, and 9 for an additional 30-days until January 31, 2026. On January 30, 2026, we approved Articles 6, 7, and 8.

Although we approve the amendments adopted under Article 9, the Town cannot apply Section 4.2 (A)(7) in a manner that would prohibit a stand-alone or principal use BESF, as that application would conflict with G.L. c. 40A, § 3, as explained in detail to the Town in our decision issued on April 16, 2024 in Case # 10919 disapproving portions of the Town's zoning by-law that sought to prohibit stand-alone BESF. We incorporate by reference our extensive comments to the Town in Case # 10919[2] and offer additional comments below for the Town's consideration, including comments regarding Chapter 239 of the Acts of 2024 and its potential impact on the Town's new BESF related by-law amendments.

I. Comments Regarding Article 9's Amendments Related to BESF

We approve the specific amendments adopted under Article 9 because they do not conflict with state law. See Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the Constitution for the Attorney General to disapprove a by-law). However, we offer comments for the Town's consideration regarding Section 4.2 (7), as well as the Town's existing by-laws related to solar installations and BESF, to ensure the amendments are applied consistent with state law, including G.L. c. 40A, § 3 as analyzed by the Supreme Judicial Court in Tracer Lane II Realty, LLC v. City of Waltham, 489 Mass. 775, 779, 781 (2022) (to evaluate the validity of a solar by-law under Section 3, a court will "balance the interest that the ordinance or bylaw advances and the impact on the protected use" while keeping in mind that Section 3's solar energy provision "was enacted to help promote solar energy generation throughout the Commonwealth.")

By statute, BESS qualify as "solar energy systems" and "structures that facilitate the collection of solar energy" and are protected by G.L. c. 40A, § 3. General Laws Chapter 164, Section 1, defines "energy storage system" as "a commercially available technology that is capable of absorbing energy, storing it for a period of time and thereafter dispatching the energy."[3] See also Next Sun Energy LLC v. Fernandes, No. 19 MISC. 000230 (RBF), 2023 WL 3317259, at *14 (Mass. Land Ct. May 9, 2023), amended, No. 19 MISC. 000230 (RBF), 2023 WL 4156740 (Mass. Land Ct. June 23, 2023), judgment entered, No. 19 MISC. 000230 (RBF), 2023 WL 4145901 (Mass. Land Ct. June 23, 2023) (finding that battery energy storage system is entitled to Section 3 solar protections); see also Duxbury Energy Storage, LLC. vs. Town of Duxbury Zoning Board of Appeals, 2025 WL 1743026, * 16 (2025) (Court concluded that "applying the Bylaw's definition of structures and the usual and accepted meanings of facilitate and collection" the proposed stand alone "ESF Project involves the building of structures that facilitate the collection of solar energy" and therefore the BESS project is protected by G.L. c. 40A, § 3 and cannot be prohibited or

[2] This decision, as well as other decisions issued by the Attorney General's Municipal Law Unit regarding solar and battery energy storage by-laws, can be found on our website at www.mass.gov/ago/munilaw (decision lookup link).

[3] We note that the development of energy storage systems is critical to the promotion of solar and other clean energy uses. On August 9, 2018, An Act to Advance Clean Energy, Chapter 227 of the Acts of 2018 ("Act"), was signed into law by Governor Baker. Section 20 of the Act established a 1,000 MWh energy storage target to be achieved by December 31, 2025. The Act also required DOER to set targets for electric companies to procure energy dispatched from battery energy storage systems. https://www.mass.gov/info-details/esi-goals-storage-target (last visited November 5, 2025).

unreasonably regulated except where necessary to protect the public health, safety or welfare.)

II. Summary of Recent Legislative Changes Regarding Solar Installations and Battery Energy Storage Systems

On November 20, 2024, Governor Healey signed into law Chapter 239 of the Acts of 2024, "An Act Promoting A Clean Energy Grid, Advancing Equity and Protecting Ratepayers" ("the Act").[4] Among other provisions, the Act establishes permitting requirements for "small clean energy generation facilities"[5] and "large clean energy infrastructure facilities"[6] that will take effect in March of 2026.

With regards to Small Clean Energy facilities, Section 17 of the Act creates four new divisions within the Department of Energy Resources ("DOER") including "a division of clean energy siting and permitting, which shall establish standard conditions, criteria and requirements for the siting and permitting of small clean energy infrastructure facilities by local governments and provide technical support and assistance to local governments, small clean energy infrastructure facility project proponents and other stakeholders impacted by the siting and permitting of small clean energy infrastructure facilities at the local government level." See Section 17 of the Act.

---

[4] The Act can be found here: https://malegislature.gov/Laws/SessionLaws/Acts/2024/Chapter239

[5] Section 23 of the Act defines "Small Clean Energy Generation Facility" and "Small Clean Energy Storage Facility" respectively as follows:

> Small Clean Energy Generation Facility: "energy generation infrastructure with a nameplate capacity of less than 25 megawatts that is an anaerobic digestion facility, solar facility or wind facility, including any ancillary structure that is an integral part of the operation of the small clean energy generation facility or, following a rulemaking by the department in consultation with the energy facilities siting board in which the facility type is added to the regulatory definition of a small clean energy generation facility, any other type of generation facility that produces no greenhouse gas emissions or other pollutant emissions known to have negative health impacts; provided, however, that the nameplate capacity for solar facilities shall be calculated in direct current."
>
> Small Clean Energy Storage Facility: "an energy storage system as defined in section 1 of chapter 164 with a rated capacity of less than 100 megawatt hours, including any ancillary structure that is an integral part of the operation of the small clean energy storage facility."

[6] Large Clean Energy Infrastructure Facilities are defined in Section 57 the Act as "a large clean energy generation facility, large clean energy storage facility or large clean transmission and distribution infrastructure facility." A "Large Clean Energy Generation Facility is defined in relevant part as "energy generation infrastructure with a nameplate capacity of *not less than 25 megawatts* that is an anaerobic digestion facility, solar facility or wind facility, including any ancillary structure that is an integral part of the operation of the large clean energy generation facility..." And a "Large clean energy storage facility", is defined as "an energy storage system as defined under section 1 with a rated capacity *of not less than 100 megawatt hours*, including any ancillary structure that is an integral part of the operation of the large clean energy storage facility. (emphasis added).

Notably, Section 23 (b) of the Act requires DOER to establish standards, requirements and procedures governing the siting and permitting of small clean energy infrastructure facilities by local governments, including, among other provisions, (1) uniform public health, safety, environmental and other standards; (2) zoning criteria that local governments shall require for the issuance of permits for small clean energy infrastructure facilities; and (3) standards for applying site suitability guidance to evaluate the social and environmental impacts of proposed small clean facilities. Importantly, Section 23 (b) of the Act provides that "[l]ocal governments acting in accordance with the standards established...pursuant to this subsection shall be considered to have acted consistent with the limitations on solar facility and small clean energy storage facility zoning under section 3 of chapter 40A." The Act allows a proponent of a small clean energy infrastructure facility to submit a consolidated small clean energy infrastructure facility permit application seeking a single permit consolidating all necessary local permits and approvals. See Section 23 (c) of the Act. Thereafter, the local government will issue a "single, final decision on a consolidated small energy infrastructure facility permit application. See Section 23 (d)(1) of the Act.

As part of this new legislation, DOER has been tasked with drafting Regulations and Guidance. On September 26, 2025, the Clean Energy Siting Division published *draft* Regulations, 225 CMR 29.00, "Small Clean Energy Infrastructure Facility Siting and Permitting Draft Regulations." See https://www.mass.gov/regulations/225-CMR-29-225-cmr-2900-small-clean-energy-infrastructure-facility-siting-and-permitting-draft-regulation. On January 13, 2026, DOER filed its final regulations with the chairpersons of the Joint Committee on Telecommunications, Utilities, and Energy. See https://www.mass.gov/info-details/clean-energy-siting-permitting-regulations see also redlined version of draft vs. final regulations (https://www.mass.gov/doc/225-cmr-2900-final-redline/download.) On February 13, 2026, the Department will file the regulations with Secretary of State's office to be promulgated. Id.

In addition, on January 21, 2026 DOER published Updated *Draft* Guidelines regarding (1) pre-filing guidelines; (2) public health, safety and environmental standards; (3) common conditions and requirements in case of constructive approval; and (4) minimization and mitigation measures. See https://www.mass.gov/info-details/clean-energy-siting-permitting-regulations. Lastly, DOER has published *draft* Model Solar and BESS by-laws that can be found here https://www.mass.gov/doc/doer-draft-solar-model-bylaw/download (solar) and https://www.mass.gov/doc/doer-draft-battery-energy-storage-systems-bess-model-bylaw/download (BESS).

With regards to Large Clean Energy Facilities, the Act designates the Energy Facilities Siting Board ("EFSB") to be the state permit granting authority for large facilities. EFSB has also issued draft Regulations related to Large Facilities, 980 CMR 1.00. See https://www.mass.gov/doc/efsb-25-10-decision-opening/download. The Act creates a new consolidated permit process "by which the Siting Board will issue all necessary local, regional, and state permits and approvals for large clean energy infrastructure facilities." See id., at pg. 3. The consolidated permit includes "all state, regional, and local permits that the clean energy facility would otherwise need to obtain individually, except for certain federal permits that are delegated to specific state agencies." Id. In addition, the EFSB is also authorized to issue a consolidated permits for a small clean energy infrastructure facilities under G.L. c. 164, § 69U (that allows proponents of small clean transmission and distribution infrastructure facilities to elect to seek a

consolidated permit from the EFSB that includes all necessary state, regional, and local permits) and G.L. c. 164, § 69V (that allows proponents of small clean energy generation facilities and small clean energy storage facilities to elect to seek a consolidated state Permit from the EFSB that includes all necessary state permits.). Id.

We strongly encourage the Town to consult with Town Counsel regarding Chapter 239 of the Acts of 2024, as well as the draft and final Regulations promulgated by DOER and EFSB, to ensure compliance with these new provisions. In addition, the Town should monitor any guidelines, guidance and model solar and BESS bylaws promulgated by DOER and EFSB and discuss with Town Counsel any actions the Town may need to take to comply with the new law.

III. Conclusion

We approve the amendments to Section 4.2 (A)(7) allowing "[c]ommercial or industrial scale Battery Energy Storage Facilities, larger than for what power is produced by on-site power generation" adopted under Article 9, because, on the record before us, we cannot conclude that the amendment amount to an unreasonable regulation of BESF in conflict with Section 3. However, if Section 4.2 (A)(7), or the Town's existing zoning provisions, are used to deny a BESF (including a stand-alone or principal use BESF) or otherwise applied in ways that make it impracticable or uneconomical to build BESF, such application would run a serious risk of violating G.L. c. 40A, § 3. See Tracer Lane II, 489 Mass. at 775. The Town should consult with Town Counsel with any questions and to ensure its BESF related by-law provisions are applied consistent with G.L. c. 40A, § 3.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL
Nicole B. Caprioli
By: Nicole B. Caprioli
Assistant Attorney General
Deputy Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(774) 214-4418

cc: Town Counsel Donna MacNicol