

Heath Zoning Board of Appeals Meeting Minutes July 10, 2024

18 Jacobs Rd. Heath, MA 01346

Present: Alice Wozniak, Steven Thane, Alanson Nichols & Dena Briggs.
Others Present: Adam Williams, Erin MacLachlan, Jeff Peck, Jennifer Day, David Matusko, Attorney Michael Pill [on behalf of Matusko], Sheila Litchfield, Robyn Provost-Carlson, Kyle Jarvis, Elissa Viarengo and Bill Fontes.
Call to Order: The meeting was called to order at 6:31PM.

Chair: Steven Thane nominated Alice Wozniak to serve as Chair for the meeting. Dena Briggs seconded. Passed unanimously.

Hearing: The hearing was opened at 6:33PM.
Application: David Matusko is appealing a building permit issued by James Hawkins, Building Commissioner to Adam Williams on May 7th to construct a barn at 47 Vincent Rd. [Assessor's Map 225, Lot 18].

Atty Pill: Presented the case that due to the language in the Heath Bylaws as it relates to the definition of frontage, this parcel does not meet the criteria and therefore is not entitled to a building permit. The definition of frontage in the Heath Bylaws reads as follows: "Frontage-The boundary of a lot coinciding with a street line provided that there must be both rights-of-access and potential vehicular access across that boundary to a potential building site and the street is a public way and has been determined by the Planning Board to provide access to the premises under the provision of the Subdivision Control Law and the Heath Subdivision Regulations currently in effect."....

Discussion-
Wozniak: Mr. Williams, how long have you owned the property?

Williams: 10 years.

Wozniak: Mr. Matusko, how long have you owned the property?

Matusko: 25 years.

Wozniak: Mr. Peck, how long have you owned the property on Vincent Rd.

Peck: We purchased it in 2003, moved in in 2004. I met the neighbor, Mr. Matusko around that time and never saw him again until I was served with court documents in 2020.

Atty. Pill: Property owners on Vincent Rd accessed the property through Sherman Dr.

Wozniak: Mr. Peck, since you have lived on Vincent Rd. have you accessed your house through Sherman Dr. ?

Peck: No, never.

Wozniak: Mr. Williams, there is a structure on the lot currently, correct? A mini version of a log cabin?

Williams: Yes, and we have an approved septic design for the property.

Nichols: This sounds like a matter between neighbors where there is more information than we are hearing.

Thane: Mr. Williams, you understand that you can't proceed with the building permit until a decision is rendered on this matter?

Williams: Yes. I understand that.

Litchfield: Stated that she has lived at 89 Route 8A (and corner of Vincent Rd.) for 48 years and has 2 barns on Vincent Rd. that were granted based on frontage.

Wozniak: This puts the Town in an awful spot as there is an active court case between the applicant [Matusko] vs. Williams, MacLachlan, Peck & Day. Unfortunately, we can't wait for the verdict on the Land Court case to make our determination on this appeal.

Atty Pill: I will waive the hearing timeframe if more than 100 days are needed. We can file that with the town clerk's office.

Wozniak: We will need to speak with town counsel on this matter for direction and clarification on several items.

Closed further discussion.

Vote: Alan Nichols made a motion to close the hearing and deliberate at a subsequent meeting, Dena Briggs seconded. Passed unanimously. The hearing was closed at 7:27PM.

Next Meeting: August 21, 2024 at 6:30 PM.

Adjourn: Steven Thane moved to adjourn the ZBA meeting at 7:32PM. Dena Briggs seconded. Passed unanimously.

Respectfully submitted,



Alice Wozniak, Acting Clerk