

Heath Planning Board Meeting

Date 3/3/2021

Meeting called to order at 4:01 pm. Location: Virtual - Zoom

Attendance: Calvin Carr, Douglas Mason, Bill Gran, Jo Travis, Robert Viarengo

Others in Attendance: Lark Thwing, Brian Foucher

Discussion points:

Pole Application:

WiValley would like to withdraw their application "Without Prejudice". The planning board would like to have WiValley withdraw "With Prejudice", further, the Planning Board feels strongly that it is the Planning Boards responsibility and not the Select Board.

This vote has been delayed since the public hearing when overwhelming public opposition to this pole from Town of Heath residents was expressed. Heath Zoning Bylaw 6.10 Purpose states that it is to facilitate provisions of wireless broadband services to the residents and businesses of Heath. 6.10.3, 2, (b) requires the applicant to establish to the satisfaction of the Planning Board, that the location of the FWTTTS is necessary. We discussed tonight, prior to our vote section the 6.10.3 2 (b) requirements and the fact that Lark and Brian had stated previously one pole installed in Heath would save six poles being installed in Hawley.

Bill made a motion to refuse to accept WiValley's withdrawal of the application "without prejudice". Bob seconded, Calvin voted to reject, Bill reject, Bob reject, Jo reject and Doug reject. The withdrawal "without prejudice" was rejected unanimously.

Bill moved to vote on the special permit for WiValley, Jo Seconded. Doug voted to reject, Bill voted to reject, Bob voted to reject, Cal voted to reject and Jo voted to reject. The application was rejected unanimously.

Cal will write up our decision, and we will discuss it at our next meeting.

Bill moved that we make the following alterations to our bylaws. Doug seconded. We agreed unanimously.

Bylaw Changes:

Proposed 5/8/21 ATM Warrant Articles (3) *Deletions in existing bylaws crossed out, additions in bold*

#1. ACCESSORY APARTMENTS

Specifically, the Table of Contents, 4.7 Standards for Multi-Family Dwellings *shall be*- Standards for Multi-Family Dwellings **and Accessory Apartments**

Specifically, Use Regulation, Section 4.2 Residential, Accessory apartment, no more than 800 square feet of living area and to be occupied by no more than two people *shall be*- Accessory apartment **attached**, ~~limited to no more than 4 rooms~~ no more than 800 square feet of living area and to be occupied by no more than two people **AND Accessory apartment detached no more than 800 square feet of living area and to be occupied by no more than two people - SP N SP SP.**

Specifically, Section 4.7 Standards for Multi-Family Dwellings. *shall be* Standards for Multi-Family Dwellings **and Accessory Use Apartments**. The creation of 4.7.E **Accessory Apartments are subject to the following rules.** a. **Only one apartment per 2-acre or greater building lot.** b. **Size of apartment is limited to 800 square feet.** c. **Property owner must reside in one of the two residences.** d. **Occupancy of apartment is limited to two persons.**

Section 9 DEFINITIONS Accessory Apartment- The alteration or new construction of a single-family home to create one additional dwelling unit, one of which is permanently occupied by the property owner. *shall be*- ~~The Alteration or new construction of a single family home to create one additional dwelling unit, one of which is permanently occupied by the property owner~~ **attached or detached from the primary residence.**

We discussed changing the fee for special permits to \$250 and make the appropriate bylaw changes in order to do that.

Bob made a motion that we change the language under section 1.4 to remove the \$60 fee. Doug seconded.

Cal Yes, Doug Yes, Joe Yes, Bob Yes, Bill Yes.

#2 FILING FEES

Section 1.4 Filing Fees. Any application for a Special Permit, variance and/or appeal shall be accompanied by a filing fee of ~~\$60~~, plus any additional expenses as specified in Section 6.1.4. This fee may be waived by the board to which the application is addressed.

Bob made a motion that we increase the special permit filing fee to \$250. Bill seconded. Cal Yes, Doug Yes, Joe Yes, Bob Yes, Bill Yes.

3 PUBLIC AND PRIVATE WAYS:

Specifically, the Table of Contents 6.1.2.1, *shall be* **Private Ways**

Specifically, Section 4.2 Use Regulations, Residential, One-family dwelling – Y,Y,Y,Y *shall be* One-family dwelling **on public way** - Y, Y, Y, Y and **One-family dwelling on a private way in compliance with MGLA chapter 47 section 81L (see section 6.1.2.1) – SP, SP, SP, SP**

Specifically Section 4.10.2 Definitions *shall be*- Mohawk Estates Lots: Lots within the subdivision **development** known as “Mohawk Estates” which have been assigned Unit, Block and Lot numbers

Specifically, Section 5.1 Dimensional Requirements **Residential/Recreational Mohawk Estates. District B 4 contiguous lots, 125’, 25’, 25’, 25’, 20’ *****

*** -For Stick Built houses, all of which are limited to 1,000 sq. ft., see Section 6.5.5.G

District B
Residential/Recreational
Mohawk Estates

Single family homes	87,120’ 2 acres	Frontage	Front	Side	Rear	Height
		250	50	25	25	40

Mobile homes Stick built homes under 1000 square feet	4 contiguous lots 1 acre	Frontage	Front	Side	Rear	Height
		125	25	25	25	20

Specifically, Section 6.1.2.1 shall be- **Private Ways. Special permits will only be issued by the Planning Board if conditions of Massachusetts General Laws Chapter 41 Section 81L are met. Specifically, a Private Way in existence when the subdivision control law became effective in Heath having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby. Such frontage shall be of at least such distance as is then required by Heath’s Protective Zoning Bylaw.**

6.5 MOBILE HOMES, ALSO KNOWN AS MANUFACTURED HOUSING; AND STICK BUILT HOMES LIMITED TO 1000 SQUARE FEET

Specifically, Section 6.5.2 shall be- Mohawk Estates Building Lot - A building lot as indicated on the original subdivision ~~subdivision~~ **development** plan creating Mohawk Estates. Any subsequent subdivision of an original lot does not constitute a Mohawk Estates Building Lot.

Specifically, 6.5.5.G In District B, also known as Mohawk Estates, Stick Built houses are limited to 1,000 sq. ft. on a minimum of four contiguous lots and must meet frontage, front, side and back setbacks from the property lines (see section 5.1).

Section 9 DEFINITIONS **Private Way** -- A road or driveway on privately owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from the town, city, county, or state.

Public Hearing Notice

The Town of Heath Planning Board will hold a Public Hearing on March 24, 2021 (*zoom info*) regarding changes to the following Town Zoning Bylaws: Accessory Apartments, including the addition of detached Accessory Apartments; Public and Private Ways; Stick Built houses in Mohawk Estates; the elimination delineating the fee for a Special Permit in Section 1.4. The above changes, together with Zoning Board Bylaws ([ZbylawsV3-2.pdf](#)), are available on the Town Website, <https://townofheath.org/g/43/Planning-Board>.

Doug made a motion that we agree with the draft for the public hearing, Bill seconded,

Doug moved that we close the meeting, Bill seconded.

Cal Yes, Doug Yes, Joe Yes, Bob Yes, Bill Yes.

We will have a public hearing March 24th at 7:00pm, we will have both a public hearing and a planning board meeting.

We will have another planning board meeting on Friday the 12th at 4:00pm.

Jordan Lively would like to be on the agenda for Friday.

Doug will forward the poll letters to the select board.

Doug moved that we approve the meeting notes from last week, Bill seconded.

Cal Yes, Doug Yes, Joe Yes, Bob Yes, Bill Yes.

Doug will write the annual report.

Doug moved to adjourn at 7:26, Bob seconded.

Cal Yes, Doug Yes, Joe Yes, Bob Yes, Bill Yes.

Meeting closed at 7:27 pm.

Respectfully Submitted,

Douglas Mason