

Town of Heath

PLANNING BOARD meeting executive session concurrent with the Heath Select Board

December 10, 2021

Call to Order: 2:30pm

Attendance: Robyn Provost, Douglas Mason, Hilma Sumner, Bill Gran, Bob Viarengo, Mark Reich, Sue Lively, Peter Charow, Brian DeVriese, Robin Stein.

Executive Session pursuant to G.L. c. 30A, sec. 21(a)(3), To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. For deliberation and strategy in New Cingular Wireless PCS, LLC d/b/a AT&T Mobility v. Town of Heath,

Town of Heath Planning Board

Motion and Roll Call Vote to adjourn Executive Session and not to reconvene in Open Session

Notes on this meeting: we presented and read to the Select Board our decision about litigation in the lawsuit by ATT.

**The Planning Board drafted a statement to submit to the Heath Select Board.**

“After months of public meetings and hundreds of hours of study and consultations, the Heath Planning Board voted unanimously that this application does not comply with the Town of Heath Protective Zoning Bylaws. We unanimously stand by that decision.”

“Further, we do not believe that it is consistent with the responsibility of the Planning Board and the trust that the Heath voters have invested in us to preemptively deny the abutters their right to be heard.”

It was moved by Bill to submit the statement to the Select Board. Seconded by Bob. It was voted unanimously.

The Planning Board emphasized the importance of letting the abutters have their day in court at their own expense, they are the only ones risking anything.

Brian DeVriese stated that they had not yet made a decision about settling.

Bob Viarengo stated that there was nothing left to do if the Select Board would not take our voice into consideration.

Adjourned 3:05pm

Respectfully Submitted,  
Douglas Mason