

## **MEETING NOTES - - Heath Planning Board Meeting**

**Town of Heath  
Planning Board  
September 05 at 7:00pm  
Virtual Zoom Meeting**

Meeting called to order by the Chair at 7:02 pm

### **ATTENDANCE:**

Douglas Mason - Chair  
Cindie Garland – Boards Clerk  
Peter Charow  
Steve Thane  
Bill Fontes  
Paul Lagreze  
Barbara Rode

### **ALL BOARDS CLERK**

Doug introduced Cindie Garland as the new All Boards Clerk. She will assist with the administrative duties of the board.

### **BACKLOT DEVELOPMENT FOR PAUL LAGREZE**

- Doug discussed that Paul Lagreze would like to carve off a building lot (250 square ft). The building lot is next to Paul's property. It is a L-shaped piece of property that goes from the opposite side of his property behind his existing property. Paul would be able to divide his existing house lot into two because his existing house lot has plenty of road frontage. A non-building lot remains. In the future Paul would be able to divide the existing house lot into two because the existing lot has plenty of road frontage.
- Steve asked if we know why Paul wants to create a flag lot. Doug said Paul wants to have access to the back of his property to have room for a driveway through the back lot. If he divides up his existing house lot into two and goes straight back. The two lots would each have some of his back lot, but it would also have a driveway to the back.
- Bill asked if the cleared land is the proposed lot Paul may sell? He also added that there's a driveway in between where his house is and where that cleared lot is, and it has an address marker that says 42. The driveway is a long driveway that sort of disappears into the back.
- Doug shared the drawing with the board members. The proposed parcel has 50 feet, and he wants to have access to the back lot. Lot Parcel 1 is 33 acres and Parcel 2 is six acres. Bill asked if there is 500 feet of road frontage on parcel 2. Doug said yes and that Paul is not in a hurry to divide Parcel 1.
- Doug stated the board must clarify Section 8, so residents understand they can't have 50 feet of frontage and have a building lot. Doug said the board just revised those bylaws to

allow a second house. The Planning Board made it so that the house didn't have to be attached. It has a lot of rules about how big it can be and how many people can live there. Paul doesn't have an official proposal submitted and the board at this time is having a discussion. Doug said he thinks the backlot is really for a second house on one property. Doug stated the proposed parcel per the drawing does have 250 square feet and two acres. Paul would like to have that strip for access to the back lot.

- Bill discussed 8.1.1 Section C, which refers to Section 5, the district for back lots is D. Doug said he thinks the back lot is really for a second house on one property. Bill stated that Section 5 and the bylaw for District says the road frontage needs to be 350. Doug stated the board made it more restrictive for backlots, four acres is needed in District D. In District D, there is more acreage and more frontage to build back there. There is a back lot, there's a subdivision which would have to make a town road that would go into a remote area. A subdivision would have to have a town road that needs town approval.
- Paul is going to rework what he was originally proposing, draft a proposal, and the board will then have an official meeting to discuss. Doug continued stating that as a board, they have the option to change some of the bylaws, which would have to be prepare for the All-Town Meeting (ATM) in May 2025. Doug suggested that each board member review Section 8 and identify areas of improvements in the language. In Heath, 250 feet is needed for any lot anywhere and in Zone D 350 feet and four acres is required. Bill asked what the rule is if a piece of property lies half in District D and half in District A. Doug stated he didn't know and will research.

#### ZONING VIOLATION LETTER FROM CHARLES BUSCH

- Doug stated that he needed to talk to Jim Hawkins regarding the letter but wanted the board members input first. Doug read the email from Mr. Busch to the board members "Officer Eric Berman of the state police came by this morning to look at the illegal driveway that crosses my property line. He said that the zoning bylaws need to be enforced. I hired a lawyer, John Richardson, to do a title search. He found no easement rights across my property line. There's been no legal pushback from the neighbor. I hired a surveyor to find the buried corner pin to confirm its location. The driveway extends 20 feet on my property and if one adds 10 feet for the setback, side yard, setback the driveway is clearly misplaced by 30 feet. My attorney told me to put a barrier at the property line. On Saturday I found the post removed therefore I reinstalled it. The officer told me that town zoning laws needed to be enforced." Doug said he initiated a site visit and located the pin. He added the individual is clearly building a driveway that goes over Mr. Busch property. A title search was also performed. The driveway is under construction and there is a lot of fill around the area of concern. Doug said he could write a letter to Jim Hawkins to ask him to enforce this and recommend writing a citation. Doug gave Jim Hawkins a package of violation tickets. Bill moved a motion to send a letter to Jim Hawkins, Steve second the motion, all in favor Doug "Aye" Peter "Aye" Bill "Aye" Steve "Aye". Doug stated he will draft the letter.

## APPROVAL NOT REQUIRED (ANR) SITE PLAN REVIEW FOR JO TRAVIS

- Jo Travis discussed the site that is currently owned by six people. They would like to divide it equally, allowing the owners of lot one and the owners of lot two to have a place of access because the land has a 200 -foot drop -offs. It's rugged terrain. The intension is to divide the land for the purpose of estate planning. The surveyor divided the property into two lots, and they will have separate tax bills. Jo doesn't think there is an intent to build on either lot. Doug said both lots are larger than a building lot with plenty of road frontage. Doug stated he would entertain a motion the board agree that this is an Approval Not Required (ANR) and the maps be placed at 18 Jacobs Road, and we all sign them for her. Steve moved a motion. Bill second the motion. All in favor? Doug "Aye", Peter "Aye", Joe "Aye" Steve "Aye".

## UPCOMING POLE HEARING FOR NATIONAL GRID

- Doug said there is no pole hearing scheduled yet. Board members discussed if this was a Planning Board issue or Select Board issue. Doug thinks since it is a utility being brought into the town, it is a Select Board issue. However, he has not seen it in writing. National Grid stated the regional feeder that provides power to Heath needs to be addressed. The feeder has been in the worst 5% of all National Grid circuits in terms of reliability for the last 2 years. This leaves the region vulnerable to brownouts and extended outages. The project's scope includes:
  - Replacing existing 35-foot (~27 feet above grade) poles and installing new 45-foot (~38 feet above grade) poles
  - Upgrading all structures from 1-phase to 3-phase
  - Installing a new pole line along Burrington Road in Heath
- Paul asked if this was a "done deal". Doug said no because National Grid needs a permit for installing new poles but has the right to replace existing poles. Doug stated there is a three-phase power already in Heath and it's not on 45-foot poles. National Grid stated the increased height of the poles is an Occupational Safety and Health Administration (OSHA) regulation. Residents of Heath are concern the proposed poles will obstruct the views from their homes and change the character of the town. There was also discussion about burying some the lines where the view is obstructed. National Grid stated they will not bury the lines. Doug said other towns have buried lines. Doug said there are limitations in what the Planning Board can do.

Doug made a motion to adjourn the meeting at 7:45. Bill second the motion. All in favor, Doug "Aye" Peter "Aye" Bill "Aye" Steve "Aye".

Meeting adjourned at 7:45.