

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

### **Town of Heath**

### **Planning Board**

**February 5th, 2025, at 7:00 pm**

Meeting called to order by the Chair at 7:00 pm

### **ATTENDANCE:**

Douglas Mason - Chair

Cindie Garland – Boards Clerk

Steve Thane

Will Emmet

Bill Fontes

Peter Charow

### **BUSINESS ITEMS:**

#### **5G Wireless System Bylaws:**

Doug discussed updating Heath Bylaws Sections 6.3 (Personal Wireless Facilities) and 6.10 (Wireless Broadband Facilities)

- Doug discussed if health-related discussions are permitted in relation to 5G bylaws. Charlemont Board of Health recently had an expert speak on the topic, which significantly impacted their understanding of the issue. Jonathan Mirin, a Charlemont resident, was instrumental in organizing that session, and provided valuable studies and insights. Doug stated he would like to explore inviting Johnathan to a future PB meeting to discuss health concerns in relation to bylaws.
- There was a question whether 5G specifically refers to poles or cell towers. Doug clarified it refers to personal and commercial wireless services.
- Doug will draft an update to the current bylaws.

#### **Solar Systems:**

- There was a question if there were any bylaws on structure-mounted solar panels and restrictions. Doug confirmed existence of bylaws, referencing Section 6.2.2 regarding small-scale ground-mounted solar electric generators.
- The board will continue researching whether an update to bylaws Section 6.8 (Solar Systems) is required.

#### **Backlot Development Road Frontage Issue:**

- Current requirement of only 50 feet for road frontage needs to be corrected back to 250 feet for properties with four acres or more.
- Doug will draft an update to Bylaws Section 8 (Backlot Road Frontage).

#### **Accessory Dwelling Units (ADUs):**

- The Affordable Homes Act amends the definition of accessory dwelling unit under Section 1A of Chapter 40A of the Massachusetts General Laws to clarify that the maximum size of an ADU is no more than half of the gross floor area of the principal dwelling, or 900 square feet, whichever is smaller.
- Bill to review the Accessory Dwelling Unit Bylaws Section 4.7 and inform the board if the town follows Massachusetts law.

#### **Definition of Road Frontage:**

- The Town Bylaws Section 6.1.2.1 (Private Ways) private road definition states: a road, a driveway on privately owned property limit to the use of the owner or group of owners who share and use and maintain the road without the help of the town.
- There is not a definition for statutory private ways.
- Steve noted potential complications with private ways due to ongoing litigation.
- Steve will discuss further with Hilma Sumner.

#### **Public Hearing Decisions:**

- Doug entertained a motion that if the board finds out that they cannot or should not work on accessory dwellings or private ways that Bill or Steve will inform Cindie this week not to publish those public hearing documents in the paper. Steve moved. Bill second. All in Favor. Doug “Aye”. Peter “Aye”. Will “Aye”. Steve “Aye”. Bill “Aye”. Decision passes unanimously.
- Scheduled public hearings for March 5<sup>th</sup> during PB monthly meeting.
- Agreed to have hearings in-person at 18 Jacobs Road, with Zoom option. Doug will create the Zoom meeting link.
- Voted to allow cancellation of certain topics (accessory dwellings, private ways) if they become problematic before publication.
- The board discussed the format and wording of public notices to be published in the Greenfield Recorder.
- Decided on 30-minute slots for each topic during public hearings.
- Cindie will discuss with Hilma the public hearing process and possible meeting request with the Selectboard.
- Cindie will prepare the public notices.
- Doug will create separate Zoom meeting.
- Agreed to publish notices in the local recorder by February 11<sup>th</sup>, 2025.
- Each board member agreed to prepare and distribute their bylaw draft before the February 26<sup>th</sup> Special Planning Board meeting.

#### **Previous Meeting Minutes:**

- Doug led a review of previous meeting minutes from January 8<sup>th</sup>, 2025.
- Doug made a motion to approve the minutes. Bill moved. Steve second. All in favor, Doug “Aye”. Peter “Aye”. Will “Aye”. Steve “Aye”. Bill “Aye”. Jan 8<sup>th</sup> minutes passes unanimously.

NEXT MEETING: February 26th, 2025 @7pm.

Doug made a motion to adjourn the meeting at 8:11. Bill second the motion. All in favor, Doug “Aye” Bill “Aye” Steve “Aye” Will “Aye” Peter “Aye”.

Meeting adjourned at 8:11.