

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

### **Town of Heath**

### **Planning Board**

**February 26th, 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

Jonathan Mirin

### **BUSINESS ITEMS:**

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

Bylaw Section 8.1.1A

- Current Language: A backlot development allows a parcel with no contiguous land in common ownership to be divided into two lots, one of which does not meet the frontage requirements of Section 5 Intensity Regulation, provided that one of the lots meets all the dimensional requirements and the other meets all of the following: Frontage on a public way and a connecting strip 50 feet wide.

Proposed Amendment:

- A backlot development allows a parcel with no contiguous land in common ownership to be divided into two lots, one of which does not meet the frontage requirements of Section 5 Intensity Regulation, provided that one of the lots meets all the dimensional requirements and the other meets all the following:
  - Frontage on a public way of at least 150 feet, and
  - A connecting strip at least 150 feet wide, linking the road frontage to the back lot and containing no wetlands.

Rationale for Amendment:

- Ensures consistency with the overall zoning requirements and intended land use. Maintains the character and spacing of properties while allowing reasonable development. Addresses concerns over potential loopholes and unintended higher-density development. Improves clarity in language and definitions to prevent ambiguity in future applications.

Motion:

- It is moved that Bylaw Section 8.1.1A be amended as stated above, replacing the current requirement of a 50-foot connecting strip with a 150-foot connecting strip, and specifying that frontage on a public way must be at least 150 feet.

- Vote: Bill made a motion to approve the amendment. Peter second the motion. All in favor, Doug “Aye” Bill “Aye” Steve “Aye” Will “Aye” Peter “Aye”. Amendment passes unanimously.

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

Consolidation of Heath Bylaws Sections 6.3 (Personal Wireless Facilities) and 6.10 (Wireless Broadband Facilities)

- Doug recommended merging all provisions governing wireless telecommunications facilities into a single bylaw. Ensures clarity and uniformity in permitting procedures. Revises definitions to reflect modern wireless technology, eliminating outdated distinctions between personal and fixed wireless facilities. Incorporates industry standards and federal regulations to ensure compliance. Establishes a clear and transparent permitting framework for all wireless facilities. Includes requirements for applicants to submit dropped call data, ensuring objective evaluation of coverage needs.

#### **Public Safety Considerations**

- Jonathan Mirin, a Charlemont resident and co-founder of Hilltown Health, an organization advocating for responsible technology in western Massachusetts discussed reasonable setbacks for wireless facilities to minimize impacts on residential and school properties. Proposed a setback of 750 feet for large cell towers and 300-400 feet for small wireless facilities from residences, with potential restrictions in town centers for aesthetic protection.

#### **Health and Environmental Concerns**

- Johnathan discussed that the installation of these wireless antennas raises significant health concerns for residents. The Charlemont Board of Health acknowledged the health concerns and recommended that reasonable accommodations be made for affected individuals. Also, he states scientific studies indicate that prolonged exposure to electromagnetic radiation from such installations may have negative health impacts, particularly when located near residences.
- Johnathan also added from an environmental perspective, these wireless antennas could cause risks to local wildlife, particularly birds and pollinators, which may be adversely affected by increased electromagnetic exposure. Additionally, the unnecessary proliferation of wireless transmitters is inconsistent with responsible environmental stewardship when safer alternatives, such as fiber-optic communication, are available.

#### **Judicial Concerns**

- Johnathan stated legal counsel identified case law indicating that the Select Board does not have the authority to grant permission to National Grid to install wireless radiation-emitting devices on utility poles throughout the town. While the Charlemont Select Board has statutory authority to approve the installation of electrical infrastructure, however, this does not extend to wireless communication equipment. The relevant Massachusetts statutes do not provide municipalities with unilateral decision-making power over wireless transmission facilities placed by utility companies on public infrastructure.

#### **Alternate Solutions**

- National Grid’s stated objective of improving the grid infrastructure can be achieved through fiber-optic technology, which does not emit radiation and is a more sustainable long-term solution. Several municipalities have successfully implemented fiber-optic-based smart grids, demonstrating that this is a viable alternative.

- Doug discussed that future infrastructure deployment should be justified by current and anticipated needs rather than speculative expansion.

Next step

- Board members will review the draft (created by Doug) Bylaws Section 6.3 and 6.10 and discuss further at the next meeting.

### **Solar Systems:**

- The board decided to table updating the solar Bylaw Section 6.8 and keep existing regulations.
- Vote: Bill made a motion to approve the amendment. Will second the motion. All in favor, Doug “Aye” Bill “Aye” Steve “Aye” Will “Aye” Peter “Aye”. Amendment passes unanimously.

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

- The current Accessory Dwelling Unit Bylaw Section 4.7 owner occupancy requirement conflicts with state law.
- Per Mass.gov Section 8 of Chapter 150 of the Affordable Homes Act of 2024 allows accessory dwelling units under 900 square feet to be built by-right in single-family zoning districts.
- Board agreed to remove owner occupancy requirement and update size limit to 900 square feet per Massachusetts State law.
- Vote: Bill made a motion to approve the amendment. Will second the motion. All in favor, Doug “Aye” Bill “Aye” Steve “Aye” Will “Aye” Peter “Aye”. Amendment passes unanimously.

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

- Discussed adding "statutory private way" to the definition. Unclear distinction between private ways and statutory private ways in the current bylaw Section 6.121.
- Board decided to continue research on statutory private way definitions before making changes.
- Steve volunteered to research and prepared documentation for the next meeting.

### **Schedule Details:**

- Committee agreed to meet via Zoom next Wednesday to finalize proposals for Select Board presentation on March 11<sup>th</sup>, 2025.
- Cindie will request a meeting with the Select Board for March 11<sup>th</sup>, 2025.

### **Previous Meeting Minutes:**

- Cindie will provide draft minutes of the February 4<sup>th</sup>, February 5<sup>th</sup>, and February 26<sup>th</sup>, 2025, meetings on March 5<sup>th</sup>, 2025.

NEXT MEETING: March 5th, 2025 @7pm.

Will made a motion to adjourn the meeting at 8:38. Bill second the motion. All in favor, Doug  
“Aye” Bill “Aye” Steve “Aye” Will “Aye” Peter “Aye”.

Meeting adjourned at 8:38.