

MINUTES - Heath Planning Board Meeting

Town of Heath

Planning Board

Via Zoom

March 05, 2025, at 7:00 pm

Meeting called to order by the Chair at 7:07 pm

ATTENDANCE:

Douglas Mason - Chair

Cindie Garland – Boards Clerk

Will Emmet

Bill Fontes

Bob Dane

Backlot Development:

Bob Dane provided historical context about the original reasoning behind the 50-foot regulation:

- The town's zoning bylaws were overhauled in the late 1980s, with the final project completed around 1989. Prior to this, zoning regulations were minimal—a small 16-page booklet created after the Mohawk Estates subdivision. The lack of subdivision regulations for Mohawk Estates meant it defaulted to state regulations (quarter-lot requirements and set frontage).
- Extensive community input was gathered through public meetings and consultant-led discussions. The updated zoning bylaws were approved at a town meeting with a high turnout (approx. 280 people) and strong support. The goal was to balance development with conservation, maintaining open space while allowing for growth.
- The 50-foot requirement was designed to allow houses to be built behind frontage lots while preserving open land. Created to prevent excessive road frontage development and maintains a village-like structure. The 50-foot minimum frontage was based on examples from other towns and practical considerations (e.g., driveway width, buffer space). Concerns about building in the narrow strip are addressed by setback requirements, which prevent construction too close to the road.
- The Mass state's perspective on zoning and subdivision rules has changed over time (e.g., clustering regulations, building permit limits). Any updates to zoning bylaws still require public hearings and town meeting approval. Subdivision regulations, approved by the Planning Board, also follow a similar public input process.
- Copies of the town's subdivision regulations seemed difficult to locate. Hilma may have a copy, but past requests have not turned up a definitive version. Bob believes a physical copy may be stored in a filing cabinet at 18 Jacobs Road, among old Planning Board documents.
- The board decided to drop the proposed changes to backlot development for this year.
- Doug made a motion to drop the proposed changes to backlot development. Will moved. Bill second. All in favor, Doug "Aye". Will "Aye". Bill "Aye".

Wireless Service Facilities Bylaw:

- Doug prepared a comprehensive 43-page draft bylaw
- After discussion, they decided to add dropped call data requirement to the application process.
- All wireless telecommunications facilities now require a special permit, removing the previous allowance for by-right construction.
- Current setback requirements (300 feet) for wireless facilities may impact property values. Proposed increasing setbacks to 1,500 feet for macro towers and 750 feet for small cells.
- The board decided to simplify and streamline the document before presenting it.

Private Ways vs. Public Ways:

- The board discussed the confusion over statutory private way definition and its distinction from private ways. They decided to add a new definition of “street” that includes public ways, private ways, and statutory private ways.
- Agreed to change references from “private way” to “street” in section 6.1.2.1
- Agreed to add new definition of 'street' in Section 9 that includes public ways, private ways, and statutory private ways.
- Doug made a motion to change references from “private way” to “street” in Section 6.1.2.1 and add new definition of “street” in Section 9. Bill moved. Will second. All in favor, Will “Aye”. Bill “Aye”. Doug “Aye”.
- The board voted unanimously to change references from "private way" to "street".

Accessory Dwelling Units (ADUs):

- Discussed changing square footage from 800 to 900 square feet to align with state law.
- Removing owner occupancy requirement.

Previous Meeting Minutes:

- Doug led a review of previous meeting minutes from February 4th, 5th, and 26th 2025.
- Doug made a motion to approve the minutes. Bill moved. Will second. All in favor, Doug “Aye”. Will “Aye”. Bill “Aye”.
- Feb 4th, 5th, and 26th 2025 minutes passes unanimously.

Plan to meet with the Select Board and potentially make further refinements to the bylaws.

NEXT MEETING with Select Board: March 11th, 2025 @6:00pm.

Doug made a motion to adjourn the meeting at 8:34. Bill second the motion. All in favor, Doug “Aye” Bill “Aye” Will “Aye”.

Meeting adjourned at 8:34pm.