

MINUTES - Heath Planning Board Special Meeting with the Select Board

Town of Heath
Planning Board

@ JRMC

March 11, 2025, at 6:00 pm

Meeting called to order by the Chair at 6:00 pm

ATTENDANCE:

Douglas Mason - Chair
Cindie Garland – Boards Clerk
Will Emmet
Steve Thane
Bill Fontes
Hilma Sumner
Elissa Viarengo
Robyn Provost-Carlson
Other Attendees

Proposed Changes to Zoning Bylaws: Section 4.7 - Accessory Dwelling Units (ADUs):

- The State of Massachusetts is requiring a maximum of 900 square feet. The ADU size must be the lesser of 900 square feet or half the gross floor area of the principal dwelling. If a home is small, the ADU could be less than 900 square feet. Additionally, the state is no longer allows towns to require that the property owner live in one of the units.
- Zoning bylaws currently use “Accessory Apartments”, but the correct term per state guidelines is “Accessory Dwelling Units”.
- Detached ADUs are allowed. the current bylaws already allow detached ADUs, which aligns with state guidelines.
- The town cannot cap the number of people living in an ADU. The only restriction that can be applied relates to septic and water capacity. Septic rules are based on number of bedrooms, not the number of people.
- The state released a 36-page guidance document with recommendations and requirements for ADU zoning.

Street/Private Ways Definitions:

- A street shall be defined as a public way, a private way, or a statutory private way.
- The term "frontage" shall be revised to align with the definition of "street." Specifically, where previous references included "public way," "statutory private way," or "private way," they shall now be replaced with "street" to maintain consistency. It also removes redundant language in the Frontage definition that is now captured by the Street definition.

- Definitions of "lot" and "lot line" shall be reviewed and updated as necessary to ensure consistency with the newly defined term "street."
- Special permits (Section 6.1.2.1) shall only be issued by the Planning Board when the conditions of Massachusetts General Law Chapter 41, Section 81L are met.
- When the subject law has a legal frontage on a street, the street was in existence when the subdivision control law became effective in need and has, in the opinion of the planning board, sufficient with suitable grades and adequate construction to provide for the needs of vehicular traffic, in relation to the proposed use of the land, any buildings thereon. The required frontage shall be at least the minimum distance mandated by the town's zoning bylaw.

Section 9 - Definitions:

- All definitions previously scattered across sections will now be consolidated under Section 9: Definitions. Where necessary, references within individual sections will direct readers to this consolidated section (e.g., "See Section 9: Definitions").
- The revised definitions apply uniformly across all zoning regulations, eliminating discrepancies where different sections previously used conflicting language.
- The Special Permit process does not prohibit wireless facilities but ensures a formal review before approval.

Wireless/5G:

- The updates incorporate standardized state definitions, with references footnoted accordingly.
- The definition for Personal Wireless Service Facility has been revised to align with the state definition, ensuring consistency in terminology.
- Definitions relevant to specific bylaw sections (e.g., Section 6.3) will reference Section 9, where all definitions will be consolidated for future clarity.
- All wireless telecommunications facilities require a special permit, removing the previous allowance for by-right construction. This change aligns with regulations in comparable municipalities and provides the town with an added layer of review. The Special Permit process does not prohibit wireless facilities but ensures a formal review before approval.
- Applicants must submit drive test data and dropped call data in addition to propagation maps. The data must reflect actual performance, as propagation maps alone have been shown to be less accurate.

Grant Opportunities for Bylaw Review and Updates:

- The Planning Board discussed to explore available grant funding to support the bylaw review and update process.
- Other municipalities have successfully obtained grants for this purpose, which may reduce administrative burden and improve efficiency.

Next Step:

- Monday (3/17) Planning Board to meet and review and finalize the proposed changes. Ensure language is clear and aligns with state guidelines. Submit final draft to Hilma.
- Tuesday Select Board meeting (3/18) discuss changes and potentially approval of changes. Address any outstanding questions, particularly regarding wireless facilities.

NEXT MEETING: March 17th, 2025 @7:00pm.

Doug made a motion to adjourn the meeting at 6:47. Bill second the motion. All in favor, Doug “Aye” Bill “Aye” Steve “Aye” Will “Aye”.

Meeting adjourned at 6:47 pm.