

MINUTES - Heath Planning Board Meeting

Town of Heath

Planning Board

Via Zoom

March 17, 2025, at 7:00 pm

Meeting called to order by the Chair at 7:01 pm

ATTENDANCE:

Douglas Mason - Chair

Cindie Garland – Boards Clerk

Will Emmet

Steve Thane

Bill Fontes

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

- Update section title. Change "Standards for Multifamily Dwellings and Accessory Use Apartments" to "Standards for Multifamily Dwellings and Accessory Dwelling Units."
- Revised Section 4.7. "Special permits authorizing multifamily dwellings shall be granted by the Planning Board only for proposals complying with the location and intensity requirements of Section 4 and Section 6." Strike reference to Section 5, as setback regulations do not apply to protected use ADUs.
- Update definition of Accessory Dwelling Unit (ADU). A self-contained residential unit that is either attached to, within, or detached from a principal dwelling unit and provides independent living facilities, including sleeping, cooking, and sanitation amenities.
- Increase the maximum allowable size for ADUs from 800 square feet to 900 square feet.
- Remove language restricting the number of occupants in an ADU, as such limitations are governed solely by septic capacity and Board of Health regulations.
- Ensure that all references to ADUs align with current state regulations, including provisions related to detached, attached, and internal ADUs.
- Clarify that setback regulations defer to the most permissive standard allowed for similar structures, such as sheds or garages.
- Discussion of whether ADUs should be permitted for short-term rentals is deferred to a separate bylaw discussion, as it involves broader policy implications beyond the scope of this update.
- Voted to approve the draft changes and forward them to the Select Board

Street/Private Ways Definitions:

- All instances of "public way" and "private way" where applicable will be replaced with "street." This includes changes in specific sections such as: Section 3.4.2, Section 4.2 (Regulation Schedule), Section 4.5.3(a), Section 6.1.2

- New Definition of Street: "Street is a public way, a private way, or a statutory private way."
- The definitions of "Public Way" and "Private Way" will remain unchanged to ensure clarity in the revised terminology.
- Statutory Private Way: No definition will be added at this time, as surrounding municipalities do not consistently define this term.
- A comprehensive review has identified all instances where "public and private ways" appear. The replacements will be applied systematically throughout the bylaws.
- Doug made a motion to submit the document of changes to street in zoning bylaws that approved and forward to the Heath Select Board with minor formatting changes. Bill moved. Steve second that motion. All in favor, Doug "Aye". Will "Aye". Bill "Aye". Steve "Aye". Passes unanimously.

Definitions:

- Agreed to move all future and definitions to Section 9 of the bylaws.

Wireless Bylaws:

- Definition of "adequate coverage" was discussed and making sure the town retains control over wireless infrastructure decisions.
- Ensuring the planning board has control over defining coverage without making it impossible for companies to operate.
- The board discussed avoiding ambiguous language that could lead to legal disputes.
- Making sure definitions are clear and technically accurate. RF Radiation definition, clarify the RF radiation is non-ionizing only. Remove the phrase "both non-ionizing and ionizing" from the definition. Security Barrier definition to clarify that a "berm" alone does not qualify as a security barrier. Add "or" before "fence" to indicate other security measures may be necessary.
- Keeping the bylaws flexible enough to adapt to future needs (e.g., scenic view areas or new schools).
- Remove "for security reasons" or replace it with "for safety reasons" in the provision requiring facilities to be a least 1,500 feet from school property.
- Require applicants to provide test data and maps, as well as denial of service and drop call records. Ensure these requirements are explicitly outlined in the application process.
- Doug made a motion to submit the draft of the wireless bylaw changes to the Select Board. Bill moved. Steve second. All in favor, Doug "Aye". Bill "Aye". Steve "Aye". Will abstain. Passes 3-0.

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

NEXT MEETING with Select Board: March 18th, 2025 @6:30pm.

Doug made a motion to adjourn the meeting at 8:44. Bill second the motion. All in favor, Doug "Aye" Bill "Aye" Steve "Aye" Will "Aye".

Meeting adjourned at 8:44pm.