

MINUTES - Heath Planning Board Special Meeting with Select Board

Town of Heath
Planning Board

@ JRMC

March 18, 2025, at 6:30 pm

Meeting called to order by the Chair at 6:54 pm

ATTENDANCE:

Will Emmett

Douglas Mason

Steve Thane

Bill Fontes

Robyn Provost- Carlson

Elissa Viarengo

Hilma Sumner

Alice Wozniak

and Other Attendees

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

- Changing references from "accessory apartments" to "accessory dwelling units" to match the state's definition.
- Changing the maximum size from 800 to 900 square feet to comply with state regulations.
- Eliminating provisions that required the property owner to reside on-site and that limited occupancy to two people, as these restrictions are no longer allowed.
- This updated bylaw has been reviewed and approved by the Planning Board and has been formally adopted following the required public hearing process. Shall take effect immediately upon approval by the Town Meeting and subsequent review by the attorney.
- Doug made a motion to change 4.7E to 4.7C and change apartments in all the places that it appears to assess the dwelling units. Bill moved. Steve Second. All in favor, Doug Aye. Bill Aye. Will Aye. Steve Aye. The motion passes unanimously.
- Doug will send the updated version to the group.

Private/Public Ways & Street:

- The board members agreed that each section that contains "public way," "private way," or "statutory private way" needs to be explicitly listed. The old terms must be shown with a strike-through, and "street" must be added in bold or underlined to clarify the change for town meeting and public hearings.
- Formatting the changes properly for the public hearing and town meeting is just a technical step.

- Discussed ensuring consistency across definitions. The definition of "street" has been added. Other definitions (e.g., "frontage," "lot line") must also be updated accordingly to align with the new term.
- The Towns attorney's previous email with recommended wording needs to be integrated. If any instance of "private way" or "public way" is accidentally left unchanged, the definition of "street" will still cover it. However, a thorough review is necessary to ensure consistency across all sections.

Definitions:

- Members discussed any new definitions or modifications to existing ones must be in a separate warrant article, distinct from other zoning bylaw amendments.
- The Planning Board is gradually centralizing all definitions into Section 9 instead of leaving them scattered in different sections.
- The select board needs to vote on the changes, and there's an effort to finalize definitions by the end of the month to meet the town meeting deadlines. Ideally, a vote should happen next Tuesday.
- The definitions from the legal counsel's email (dated March 3rd) are being incorporated, including changes to terms like "frontage," "lot line," and "street" definitions. These will be reviewed again as part of the full warrant review process.
- While definitions can technically be amended on the town meeting floor, it's best to finalize them beforehand to avoid delays.

Wireless Bylaws:

- The primary changes clarify definitions and require drive test and dropped call data in applications.
- Some definitions were removed, including a specific percentage (97%) under "Adequate Coverage." Questions arose about whether the Planning Board can determine "Adequate Coverage" without legal issues. There was discussion on whether to include a specific percentage for "Adequate Coverage" or leave it flexible. The use of subjective terms like "vast majority" was flagged as potentially problematic.
- In "Effective Prohibition," references to "here and above" were changed to "Section 6.3" for clarity.
- "Ionizing radiation" was removed from RF Radiation definitions.
- There is concern about protecting the town's fiber network investment from competition by 5G providers. Delaying changes could leave the town unprepared if companies seek to install 5G infrastructure soon. The potential for revisiting the Wireless/5G bylaw in the future remains, but there is no defined plan for additional changes.
- The draft will be reviewed by Hilma and then sent to town counsel. All board members should review and submit legal questions promptly. A final decision will be made after receiving legal feedback.

Next Steps:

- The Select Board needs to vote on the changes, and there's an effort to finalize definitions by the end of the month to meet the town meeting deadlines.
- The final step is to compile all these changes into one properly formatted warrant. Once that's complete, it will go through legal review and be ready for public hearing and town meeting. Only one public hearing is necessary for all changes but separating them into distinct articles makes it clearer for voters and the Attorney General's review.

NEXT MEETING: April 2nd, 2025 @ 7:00 pm.

Doug made a motion to adjourn the meeting at 7:46. Bill second the motion. All in favor, Doug "Aye" Bill "Aye" Steve "Aye" Will "Aye".

Meeting adjourned at 7:46 pm.