

## MINUTES - Heath Planning Board Meeting

Town of Heath  
Planning Board

Via Zoom

April 02, 2025, at 7:00 pm

Meeting called to order by the Chair at 7:04 pm

### ATTENDANCE:

Douglas Mason - Chair  
Cindie Garland – Boards Clerk  
Will Emmet  
Bill Fontes  
Steven Thane  
Peter Charow

### Section 4.7 Accessory Dwelling Units (ADU's):

- The board reviewed comments from Town Counsel (KP Law) regarding the draft ADU bylaw. It was clarified that protected use ADU's (as defined by state law) must be allowed by-right and cannot require a special permit. The board agreed to remove language referencing special permits for protected use ADU's.
- Members discussed the potential to regulate local ADU's (those not covered by the state's protected use definition), including limiting size, setbacks, and other conditions. This will be clearly stated in a new subsection, 4.7.1, which will specify that local ADUs are not permitted at this time.
- The board updated the regulation table of use to reflect this distinction, replacing "accessory apartment" with "protected use accessory dwelling unit," and removing the need for special permits.
- The board discussed increasing the square footage limit from 800 to 900 sq. ft. for protected ADU's, to stay in compliance with state guidelines.
- Discussion also touched on how these changes affect properties in Mohawk Estates. It was noted that while ADUs must be allowed if they meet state and zoning requirements, practical limitations (e.g., Title V compliance, lot size) may still prevent them in certain locations.
- Decided to distinguish between "protected use ADU's" and "local ADU's".
- Doug made a motion to accept the changes made in Section 4.7 (ADU's). Bill Moved. Steve Second. All in favor, Doug "Aye", Will "Aye", Steve "Aye", Peter "Aye" Bill "Aye". Passes unanimously.

### Streets/Roads:

- The board went through the Zoning Bylaws v4 and systematically replaced references to "road" with "street". The board did not create a new definition for "road" but expanded

the definition of "street". "Road" will remain in the document only in specific contexts (e.g., off-road, named roads, internal or private roads not recognized as streets).

- Section-Specific Edits:
  - 4.8.1(D): Changed "public ways" to "streets".
  - 6.1.0.2.1: Addressed formatting and terminology; confirmed appropriate lettering.
  - 6.2.7(B): Updated "highways or roads" to "streets".
  - 8.3.4(G), 8.3.4(I), 8.3.6(D): Replaced "roadways" with "streets".
  - 8.3.5(B): Changed "public or approved subdivision road" to "street".
  - 8.3.6(A): Replaced "roads" with "streets".
  - 8.3.6(H): Clarified with insertion of "street"; removed "public way".
  - Frontage Definition: Replaced final sentence referring to "discontinued road" with "discontinued street".
  - 3.3.5: Changed "road right-of-way" to "street right-of-way".
  - 2.3.3: Clarified and revised for consistency with "streets".
  - 4.9 (Driveway Regulations): Confirmed F and G had updated language; added edits to 4.9.3.
- Doug made a motion to approve the street bylaw changes that were discussed. Steve Moved. Will Second. All in favor, Doug "Aye", Will "Aye", Bill "Aye", Steve "Aye", Peter "Aye". Passes unanimously.

#### Wireless Service Facilities:

- Doug discussed the revised wireless bylaw, which was condensed to one page for clarity and ease of review. The revision includes requiring special permits for all personal wireless facilities and adds requirements for drive test and dropped call data. All definitions were removed to simplify the language.
- Concerns were raised regarding the timing and complexity of the document.
- Steve stated under Massachusetts General Law Chapter 166, Section 25A, utility pole owners have exclusive authority over attachments in the public right-of-way. This limits the town's ability to regulate such installations via zoning, and attempting to do so may result in legal challenges.
- Will stated further legal review by Town Counsel would increase legal expenses, which are already high due to other issues this fiscal year. Additionally, there may not be sufficient time for legal review before warrant submission.
- After discussion about legal complications and potential costs, the board voted to table the proposed wireless service facility regulations. They noted Mass law significantly limits local control over antenna placement.
- Doug made a motion to table 5G bylaw updates until next fiscal year. Steve Moved. Will Second. All in favor, Doug "Nay", Will "Aye", Bill "Aye", Steve "Aye", Peter "Aye". Passes 4-1.

#### Previous Meeting Minutes:

- Doug led a review of previous meeting minutes from March 5<sup>th</sup>, 11<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> 2025.

- Doug made a motion to approve the minutes with to note select board attendance where appropriate. Bill moved. Will second. All in favor, Doug “Aye”, Will “Aye”, Steve “Aye”, Bill “Aye”, Peter “Aye”. Minutes passes unanimously.

Next Steps:

- Doug will send the revised documents to Hilma.

NEXT MEETING: May 7th, 2025 @ 7:00 pm.

Doug made a motion to adjourn the meeting at 9:38 pm. Steve Moved. Bill Second. All in favor, Doug “Aye”, Bill “Aye”, Steve “Aye”, Will “Aye”, Peter “Aye”.

Meeting adjourned at 9:38 pm.