

## MINUTES - Heath Planning Board Meeting

Town of Heath  
Planning Board  
Via Zoom

April 28, 2025, at 7:00 pm

Meeting called to order by the Designated Chair at 7:00 pm

### ATTENDANCE:

Cindie Garland – Boards Clerk  
Will Emmet  
Bill Fontes – Designated Chair  
Steven Thane  
Peter Charow

### Article 19 Accessory Dwelling Units (ADUs):

- The board reviewed comments from KP Law regarding the draft ADU bylaw changes.
- Town Counsel stated regarding 4.7.1 E that every property with a dwelling in a single-family zoning district may have 1 ADU as a right. The Town can't have a more specific minimum lot area. If a lot is existing non-conforming, that G.L. c. 40A, s. 6 will apply but the bylaw cannot prevent the use on a smaller lot. Bill made a motion to update 4.7.1 E as recommended by Town Counsel. Steve Moved. Will Second. All in favor, Will "Aye" Steve "Aye" Peter "Aye" Bill "Aye". Passes unanimously.
- Town Counsel recommended updating the definition of ADU to the state's definition. "Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress and (b) is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller." The board agreed to update the ADU definition in the bylaw.
- There was much discussion regarding the definition of Protective Use and Local ADUs. Town Counsel recommended removing these definitions from the bylaw because the state does not authorize a local and protective use ADU's. The board stated that the definition (s) should be included in the Zoning Bylaws regardless of the authorization.
- Bill made a motion to keep the definitions of Protective Use and Local ADU's and update the ADU definition to comply with state law and regulations. Steve Moved. Will Second. All in favor, Will "Aye" Steve "Aye" Peter "Aye" Bill "Aye". Passes unanimously.

Article 20 Streets/Roads:

- The board reviewed the KP Law's recommendations for the Article 20 Streets/Roads bylaw changes. Town Counsel recommended that the board review the comments to 2.3.3, 6.4.5 A, 6.5.6, 8.3.1 and 8.3.4 D.
- Bill made a motion to update Article 20 (change "public way", "private way" "statuary private way" and "road" to "street") recommended by Town Counsel. Steve Moved. Will Second. All in favor, Will "Aye" Steve "Aye" Peter "Aye" Bill "Aye". Passes unanimously.

Article 21 Definitions:

- KP Law recommended omitting Article 21 and add definitions ADU/Local ADU/Protective Use ADU to Article 19 and definitions Exterior Architectural Feature/Frontage/Lot/Lot Line/Public Way/Street to Article 20. Definitions 9.0 would be added to Article 19 and 20.
- Bill made a motion to omit Article 21 and add ADU definitions to Article 19 and the remaining definitions to Article 20 as recommended by Town Counsel. Steve Moved. Will Second. All in favor, Will "Aye" Steve "Aye", Peter "Aye" Bill "Aye". Passes unanimously.

Next Steps:

- Cindie will send the revised documents to Hilma.

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

Bill made a motion to adjourn the meeting at 7:43 pm. Steve second the motion. All in favor, Steve "Aye" Will "Aye" Peter "Aye" Bill "Aye".

Meeting adjourned at 7:43 pm.