

Planning Board Minutes

January 15, 2020

Present: Donald Cleary, Chair; Richard LeBlanc, Clerk; Beth Ashman-Collins, Michael Feck, Ralph Penney, Joseph Cerretani; Sharon Friedman and Adrian LeCesne, Alternates
Shaun P. Burke, Director of Planning and Development; Jennifer Davis, Administrative Secretary

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1. Planning Board Meeting called to order at 7:00 p.m.

2. Correspondence

1. December 12, 2019 letter from Bohler Engineering re: 905 South Main Street landscape berm
Mr. Burke explained one of the requirements of the original special permit was the installation of a landscaped berm in front of the gas station to protect the residential properties across the street. Those residential properties have now been replaced by IBEW. The applicant would like a field modification to lower the height of the berm approximately one foot and replant, which would give the gas station greater visibility. Mr. Penney asked about the existing vegetation; Mr. Burke said it would be removed and replaced with new vegetation.

Jesse Johnson, Bohler Engineering, explained the existing landscape buffer is 3.5-4 feet tall and obstructs the visibility of the gas station. They are proposing to remove 1.5-2 feet of the landscape buffer and replace the plantings. He said the trees would not survive being replanted, so they will replace them with the same species in the same place. He said they will be able to remove and replant the shrubs, so they will be trimmed and replaced in the same location.

[Mr. Cerretani arrived at 7:10 pm]

Mr. Johnson said the new trees will be 2.5-3 inch caliper; Mr. Burke said that is the caliper required for a subdivision tree. Mr. Johnson said the work will be done in the spring.

Mr. Penney said he thinks this plan makes sense, and thinks it will look the same as it does now when it is finished. He said it would help the business.

Motion: To find the proposal is a minor modification
(Penney-Feck) Six in favor. LeCesne abstained. PASSES

Motion: To grant the minor modification to the landscaped berm in accordance with the plan titled "Site Development Plans for: Global Landscape Improvements, Location of Site: 905 South Main Street, Town of Mansfield, Bristol County, Massachusetts" dated December 12, 2019 by Bohler Engineering (Penney-Friedman) Six in favor. LeCesne abstained. PASSES

2. Minutes December 11, 2019

Motion: To accept as submitted
(Feck-Cerretani) Four in favor. Cleary, Penney, LeCesne abstained. PASSES

3. Public Hearing notices – Attleboro, Easton, North Attleboro, Norton, Plainville

4. January 8, 2020 letter from Attorney Robert Pellegrini re: Map 4, Lot 3 Gilbert Street. Mr. Burke explained the board endorsed a Form A on this property several weeks ago, which cut out a part of the larger parcel to add to the existing house lot. The land is in Chapter 61C, which requires the land be offered to the town prior to sale. He said the owner is proposing to sell the 14,340 square foot parcel, and the town will receive the tax revenue when it is sold. Mr. Burke said the town does not have an interest in that small parcel of land and recommended declining the right to first refusal.

Motion: To decline the right of first refusal on the 14,340 square foot parcel at Map 4, Lot 3 Gilbert Street (Penney-LeBlanc) All in favor. PASSES

3. Form A (ANR) Plans

None

4. Special Permit Public Hearing continued – 62 Pratt Street – Conversion of Two-Family to Three-Family

The clerk read a request from the applicant's engineer to continue the public hearing.

Motion: To continue the public hearing to February 5, 2020 at 7:10 p.m.
(Feck-Penney) All in favor. PASSES

5. Special Permit Public Hearing continued – Sweetland Village Cluster Subdivision – Lots off Gilbert Street – Berlin Landing Realty Trust

The clerk read a request from the applicant's attorney to continue the public hearing.

Motion: To continue the public hearing to February 5, 2020 at 7:15 p.m.
(LeBlanc-Penney) All in favor. PASSES

Mr. Cleary welcomed Mr. LeCesne to the board.

6. Special Permit Modification - 1 Mansfield Avenue – Use of First Floor Space- MCG Mansfield, LLC

The clerk read the public hearing notice.

Attorney Edward Valanzola introduced Jeffery Cohen and Greg Cohen from MCG Mansfield, LLC and, and explained the request to clarify and possibly modify the original special permit. He said Mr. Annino had submitted a package to the board in September 2019, at which time the board decided it was not a minor modification. Attorney Valanzola said the original special permit was issued in 2015 and leasing began almost immediately; his client bought the property in 2018. He said the residential units have rented as anticipated, and there is an accounting office and cell phone store along Crocker Street; however, they have not had success renting the corner commercial space. Attorney Valanzola said they have met with town staff several times, and there are issues with traffic direction, parking and the possibility of traffic backing up onto Route 106. He said real estate brokers have refused the listing because of the one-way street and parking situation. Attorney Valanzola said the original developer had a couple of restaurants

interested, but they did not work out because of the parking issue. He said people getting off the train do not stop at retail locations, they just go to their cars and leave. He said his client would like to put a restaurant or coffee shop in that space, but there has been no interest.

Attorney Valanzola explained the proposal to have residents' storage in the back, a fitness area, game room and a conference/office area. He said Mr. Blackman was asked about this type of use in 2018; Attorney Valanzola said Mr. Blackman said storage, gym and office are not residential uses and therefore meet the intent of the Zoning By-Law.

Mr. LeCesne asked if the facility would be open to the public; Attorney Valanzola said it would not. He said the gym would be for residents of the building, but would be a commercial use. Mr. Burke said the gym use would be analogous to a private club, like the Elks. Attorney Valanzola asked for a clarification that what Mr. Blackman said in 2018 is true and that the proposed uses would be allowed, or whether the special permit needs to be amended. Attorney Valanzola said he has been working on this site for over a year and said his client is not avoiding renting the space, they have not found one. He said the site is separated from downtown and parking is limited.

Board Comment

Mr. Cerretani asked if the MBTA construction is affecting the ability to lease out the space; Attorney Valanzola said it is not. He said they had been trying to rent the space since before the MBTA construction started.

Mr. Cerretani said when the special permit was approved, the board gave relief to the second building. He said that building faces Route 106 and two parking lots because it was felt the curved space would be a better situation for first floor commercial use. He asked if it is feasible to go back to the other building and make that first floor commercial instead; Mr. Cohen said that space is residential, and has already been leased. He said they would love to rent the curved space as commercial, but he said leaving it vacant is not good for the development or the town. Attorney Valanzola said everyone thought the site would be a great place for a commercial use, but they have been unable to rent it since 2015. He said coffee shops want drive-throughs, so the space will not be rented for that use.

Mr. LeCesne asked about pricing; Mr. Cohen said they have lowered the rent and still cannot get a tenant. He said they have spoken with three realtors, who all looked at the space and declined the listing. He said they are willing to subdivide the space, but have not been able to get interest. Attorney Valanzola said the floor is unfinished so tenants could finish it the way they want.

Ms. Friedman said the board gave relief to the second building, which she said was a difficult decision. She said the reason the board agreed was so that building could attract retail and have mixed-use. She said she thinks the lack of a grease trap could be a reason for the difficulty in renting the space; Attorney Valanzola said that is not the issue. Ms. Friedman said the reason for building large buildings with business on the first floor is to attract business to downtown, and she is concerned that model is not working. She noted there is parking behind the building; Attorney Valanzola said that is residential parking. Mr. Cohen said 79 of the 81 residential units are leased. Ms. Friedman said she is concerned about taking retail or commercial space and

changing it so it is only be available to the building's residents. She said the site is across the street from the train station and said during the planning process, one of the ideas was that foot traffic would be increasing. Attorney Valanzola said they are not trying to change the business model downtown, but are asking the board to consider this is a unique site. He said the board asked the building inspector his opinion on the commercial uses on the first floor of the new building at North Main/Thomas Street, and the board voted favorably on similar uses there.

Mr. Burke said this special permit was granted under the Downtown Overlay District, and the Zoning By-Law requires "business or other uses allowed in the underlying zone" to occupy the first floor, which is not only retail uses. Mr. Feck said the footnote in the Table of Uses requires retail. He said the second building should not be ignored during this process and he doesn't think the special permit should be changed because of the developer's poor decision. Attorney Valanzola said that side of Route 106 is on the fringe of downtown, and other buildings are also struggling with tenants. Mr. Penney said the town spent a lot of time and money reconfiguring parking and traffic patterns, and added a public parking lot, with Mr. Crugnale.

Mr. Penney said he understands potential tenants are concerned about parking; Mr. Cohen said there are parking issues for both customers and employees. Mr. Penney said he would hate to see a storage space across the street from the train station and the North Common; Attorney Valanzola said the storage area would not be visible. Mr. Cerretani said the parking spaces around the train station open up in the evening, which would be perfect for a restaurant.

Mr. Penney said he voted against this because he did not want to concede the retail space. He said he understands it would be difficult to convert the space back to residential, but said the board has been trying to keep a balance of retail and residential uses downtown. He said people want to know they will have a place to park when they get to their destination.

Ms. Friedman said she is concerned about Attorney Valanzola's statements that the market won't support the use and asked how the board can be confident what is being built will be successful.

Mr. LeBlanc said he understands the situation, but said he is concerned making this change would undermine the intent of zoning. Attorney Valanzola said he doesn't think anyone did anything wrong during the process, but the owners have simply not been successful renting the space. Mr. LeBlanc said he is concerned about setting a precedent with this change and said he doesn't think the proposed uses are a commercial application. Attorney Valanzola asked if the board would consider a change to a portion of the space. Mr. Cohen said he thinks cutting the space up would reduce the options for future tenants.

Mr. Cohen said this is a suburban location, and people want to drive to do their business. He said he would love to be able to do the mixed-use, but it is not working in this location.

[Ms. Ashman-Collins arrived at 8:25 pm]

Mr. Cohen said he thinks having life on the street is better than leaving the space vacant. Ms. Friedman said she understands, but is concerned about the precedent the board would be setting.

Mr. Cerretani said he is sympathetic to the problem, but he has a problem giving additional relief to this project.

Public Comment

Steve Schoonveld, 21 Newton Street, said the Looking Glass Café did very well on North Main Street and would fit well in this site, and mentioned several area restaurants that are doing well with limited parking, including Farmer’s Daughter in Easton. He said retail is flourishing in Mansfield, so saying it is tough to do retail is without merit. He said the train station construction has been going on for two years and he commended the owner for working with a bad build. He said the building inspector’s opinion did not intend for the entire development to become all residential, and the town needs to do market research. Mr. Schoonveld read and submitted a prepared statement.

Mark Tarlton, 32 Newton Street, said the town is in the middle of a Master Plan process right now, and this type of issue will be part of that. He said the new owners made the choice to buy this property, and he thinks they have not tried hard enough to get tenants. He said storage and a private gym would not liven up the storefront. He said he doesn’t think this site is on the fringe of downtown, it is in the center of downtown.

Attorney Valanzola said Looking Glass Café was not doing very well at the end of its lease. He said the Tahana site has a lot of parking and is easily accessible, so that site is not comparable. He said Farmer’s Daughter in Easton has a public parking lot next to it, but other restaurants in that area have not lasted. He said a commercial use like a dry cleaner or laundrymat would require a parking lot. He said the idea that the owners are not trying hard enough is not true; he said they are even willing to do the buildout for a tenant. He said they are here because the market has dictated what will go in, and said they are willing to work with small tenants, but none has expressed interest.

Mr. Schoonveld asked what the rent would be on the space. Attorney Valanzola said his clients are acting in good faith and trying to rent the space.

Ms. Ashman Collins said the developer understood commercial would be required and it was up to him to decide how many parking spaces would be required for the development.

Mr. Cleary asked when the MBTA construction would be done; Mr. Burke said it is supposed to be done by the spring. Mr. Cleary asked if parking there could be free after 12 pm; Mr. Burke said that is an MBTA-owned lot. Attorney Valanzola said even when the MBTA construction is done, it will still look like a train station parking lot. Mr. Cleary suggested small offices in the space; Attorney Valanzola said he doesn’t think that would meet what the board is trying to accomplish with the retail requirement.

Mr. Cleary asked if something could be done in lieu of taxes; Mr. Cohen said the value of the property would increase with the proposed uses. Mr. Burke said the value of the redeveloped property has increased dramatically. Attorney Valanzola said there are very few children in the residential units. Mr. Cohen said the property taxes on this site are \$360,000 a year.

Mr. Penney said the board tried to work with the original applicant, but he hears the new owners saying there is a need for employee parking. He said the original applicant should have set aside employee parking spaces behind the building; Mr. Cohen said they are completely full with residents. Mr. Penney said one of the items of discussion during the original permitting was the idea that not all residents would own cars; Mr. Cohen said that has not been the case. Mr. Feck said businesses can get downtown parking passes for its employees. He asked how many train station parking spaces are available on Mansfield Avenue; Mr. Burke said around 80. Mr. Feck asked about the public lot in front of the second building on this site; Mr. Burke said those are two-hour spaces, and are supposed to go to four-hour parking. Mr. Feck asked about swapping train station spots with the lot facing North Main Street.

Mr. LeBlanc said he thinks the board wants to work with the owner, and he understands they are in a tough position, but said he thinks there may be some other creative proposals. Attorney Valanzola suggested continuing this discussion.

Mr. LeCesne suggested getting some data, and said everyone has an idea of what they would like to see on this site. Mr. Cerretani said the three real estate companies the owner has worked with deal with mainly big-box retailers; he said there may be other real estate companies focusing on smaller businesses.

Ms. Friedman said she would like to see market research data that indicates what could happen in different situations. Attorney Valanzola said they would get more rent from a business use than from the proposed gym and storage space, and if the board has ideas, they would love to talk about it. Mr. Burke said there are firms that do market research that could help the owners determine what could be possible.

Mr. Feck said the original project was two buildings, and all the current problems with leasing the space do not exist in the other building. Mr. LeBlanc said the board would be interested in any creative proposals.

Mr. Penney asked where the on-street parking is located; Mr. Burke said there are seven parking spaces on Crocker Street. Mr. Penney said there is no off-street parking for business tenants. Mr. Feck said the original applicant told the board he would only be leasing one parking space per unit, so there should be extra spaces.

Mr. Burke said mixed-use zoning is good, traditional zoning and it works. Mr. LeBlanc agreed.

Motion: To continue the public hearing to February 5, 2020 at 7:30 p.m.
(Penney-LeBlanc) All in favor. PASSES

7. Special Permit – 280 School Street - Mansfield Crossing - Apple Cinema Movie Theater

The clerk read the public hearing notice.

Victoria Maguire and Cameron Veidenheimer from WS Development were present. Ms. Maguire explained the application to convert an existing 38,063+/- square foot retail space, formerly Sports Authority, into a movie theater with an accessory food use. They will be

applying for an alcohol license. She said they are very excited about the new use, which will bring activity to the property at different times of day than most of the existing businesses. Ms. Maguire explained the tenant will be Apple Cinemas, which specializes in small, boutique movie theaters with first-run movies, in-seat food and a café. The building's façade will be refaced.

Department Head Comments

The clerk read memos from Health Agent Amy Donovan-Palmer and Mr. Burke. Mr. Burke said the proposal conforms to the parking requirements. The traffic analysis, done by Ron Mueller Associates, indicates the traffic impact will be similar to the Sports Authority and therefore be negligible, hours of operation will be similar to the restaurant uses on the site, the proposal conforms to the amended definition of "Amusement," adopted at 2019 Annual Town Meeting, and it conforms to special permit regulations. Mr. Burke said he is pleased to see this proposal.

Board Comment

Ms. Ashman-Collins asked about signage; Ms. Maguire said the cinema does not feel the old-fashioned movie theater signs are necessary any longer.

Mr. Feck said as long as the department head comments are addressed, he thinks this would be a good use of that space.

Ms. Friedman asked if a boutique theater will last; Ms. Maguire said she feels strongly it will. She said WS's properties have a mix of large and small movie theaters, and the small theaters do very well.

Mr. Penney said this is a good use, is needed, and he hopes it does well. He said he thinks it will be an asset to the community.

Mr. LeCesne said as long as the application complies with the department head comments, it seems to have a reasonable number of parking spaces and the exterior looks good.

Mr. Cleary asked about parking; Ms. Maguire said the movies will not all start at the same time. She said they have one space per four seats at the theater, and there is plenty of parking on the property. Mr. Cleary asked if there is parking around the back of the building; Ms. Maguire said there is parking to the left of the theater, but not behind it. She said they would not want patrons parking in dark areas and they are working with the Police Department on security.

Mr. Cerretani said he thinks this is a great use.

Pat Lestan, 125 Willow Street, asked the hours for the movie theater. Ms. Maguire said the last show will be at 10:45pm on weekdays and 11:45pm on weekends. She said no more than a couple of times a year, they will have midnight shows for blockbuster movies. She said they would notify the Police Department if that was to happen; Mr. Burke said the Police Chief has to approve hours outside of normal operating hours. Ms. Maguire said they want to work with the town and do not want to cause problems.

Mr. Cerretani asked if people would leave the movie theaters from the emergency doors; Ms. Maguire said they would not.

Ms. Lestan said she is concerned about the noise of dumpsters being emptied late at night. Ms. Maguire said the trash haulers know they are not supposed to do that, but said she is available if there are problems.

Mr. LeBlanc asked how many screens there will be; Mr. Burke said there are 10 proposed. Mr. Feck asked if all the theaters have two exits; Ms. Maguire said they do. She said one of the theater did not have a second entrance on the original plan, but that has been added.

Mr. Burke said the department head meeting was very productive and recommended approval of the special permit application.

Motion: To approve the special permit application pursuant to Zoning By-Law Sections 230-5.5, Special Permit and 3.5(O), Amusement Facility, to convert an existing 38,063 +/- square foot retail space into a movie theater with an accessory food use at 280 School Street (Map 12, Lot 31) in the Industrial 1 (I1) zone (Feck-Friedman)

Feck – In favor. The benefits outweigh the detriments; the new tenant will have a negligible impact on traffic and a positive financial impact. This is a good reuse of the space and will attract families and help the other businesses in in the mall. The site has adequate municipal facilities and will have no environmental impact because it will reuse an existing structure.

Friedman - In favor. This will be a wonderful addition to the mall and a good and reuse of the existing building. The impacts on health, safety and general welfare have been addressed, the effects on adjoining premises will be positive. The traffic and pedestrian safety issues have been addressed, the applicant will work with the town on the management of municipal facilities, especially the Police Department for late night shows. There will be positive fiscal impacts for both town and the applicant.

Penney - In favor. The benefits outweigh the detriments. This is a good reuse of that space and will be an asset to the community.

Cerretani – In favor. This is a great reuse of the building, will be a good use for Mansfield Crossing and will have positive fiscal impacts.

Ashman-Collins – In favor. The benefits outweigh the detriments in terms of all the special permit issues.

LeBlanc – In favor. The benefits outweigh the detriments, the proposal will have no impacts on health, safety or traffic. This will be a positive amenity for the community and the surrounding businesses.

Cleary – In favor. The benefits outweigh the detriments. The use will help other businesses in the mall and may encourage development of the empty building pads.

All in favor. PASSES

Motion: To close the public hearing (Penney-Feck) All in favor. PASSES

Ms. Maguire said it would take 8-12 weeks for the interior design, then around 10 months for construction; she said they hope to open the theater early next year. She said she is also hopeful they will have a new tenant for the Cosi space.

8. Public Comment

9. Around the Table

Mr. Penney asked about clarifying the definition of first floor retail for 2020 Annual Town Meeting.

Mr. Cleary asked about the arch at the North Main Street/Thomas Street building; Mr. Burke said the opening for the arch has been framed.

Mr. Cleary said the new trails guide with maps have been printed; Mr. Burke said this is the first time all the trail maps are in the same place.

Mr. Burke said the Master Plan Committee will meet on February 12 to discuss implementation. He said the IDC plans to come to that meeting to talk about economic development.

Mr. Penney said the middle section of Maple Street has not been repaved; he talked to Mr. Azinheira about adding sidewalk, which will not work because of the grade change. He said a lot of people use the Cpl. Hardy conservation area, but there is no parking. Mr. Azinheira told him he is planning public hearings about the redesign of Maple Street; Mr. Penney said this would be a great opportunity to look at the area, and possibly add some parking at Cate Springs. Ms. Ashman-Collins said Maple Street would be a good place for the multi-use paths mentioned in the Master Plan vision statement. Mr. Penney said it could just be gravel for pedestrians.

Ms. Friedman said all the trail maps will be on the Open Space and Recreation Committee's web page.

10. Adjournment

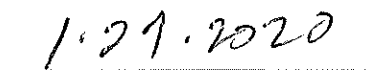
Motion: To adjourn at 10:00 p.m. (Feck-) All in favor. PASSES

Next Planning Board Meeting: January 29, 2020 at 7:00 p.m.

Next Master Plan Meeting: February 12, 2020 at 7:00 p.m.



Signature of Clerk



Date of Approval