

Planning Board Minutes
January 27, 2021
MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM

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

The chair read the following statement:

Whereas both the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19, Governor Baker has issued an order suspending certain provisions of the Open Meeting Law, Massachusetts General Law c. 30A, §20.

In order to satisfy the Open Meeting Law requirements, today's Town of Mansfield Planning Board meeting will available for to public via GoToWebinar and Mansfield Cable. The instructions for joining via GoToWebinar are in the Meeting Notice on the Town's Website at www.mansfieldma.com and then clicking on today's date on the calendar.

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

2. Correspondence

1. January 13, 2021 minutes

Motion: To approve the January 13, 2021 minutes as submitted (Friedman-Cerretani)

Friedman – In favor

Penney – Abstain

McClanahan – In favor

Ashman-Collins – In favor

Cerretani – In favor

LeCesne – In favor

Four (4) in favor. Zero (0) opposed. One (1) abstained. **PASSES**

2. March 4, 2020 minutes

Correct date in heading; p. 1, Sweetland Village 3d para - Mr. Penney said he thinks the wider road "with a walking space" beyond the fog line fog line in Lieu of a sidewalk was a good compromise."

Motion: To approve the March 4, 2020 minutes as amended (Penney-Cerretani)

Friedman – In favor

LeCesne – In favor

Penney – In favor

McClanahan – Abstained

Ashman-Collins – In favor

Cerretani – In favor

LeCesne – In favor

Five (5) in favor. Zero (0) opposed. One (1) abstained. **PASSES**

3. Form A (ANR) Plans

None

4. Site Plan/Municipal Clearinghouse – 125 High Street – MMED Storage Garage

Joe Sollecito, MMED; Annika Nilsson Ripps and Justin Humphreys, TBA Architects; Danell Baptiste, Samiotes; and Michael Sachs, McPhail Associates, were present.

Mr. Sollecito explained this project has been in the works for a few years because MMED's existing storage on High/West Church is outside, exposing the equipment to the elements. The proposal is for a equipment storage garage with heating blocks for engines and no office space.

Ms. Nilsson Ripps explained the storage building will not be insulated or heated, but noted the site has an AUL.

Mr. Baptiste explained the proposed 6,500 square foot utility garage/shed. The site will have two entrances/egress with an automatic fence. There will be a construction entrance and straw bales will be installed to protect the resource areas. The site is in the riparian zone, but has been previously disturbed. There will be no increase in impervious area. Catch basin will filter any debris. There will be a snow storage area on site.

Mr. Baptiste explained the building will meet the required 50-foot setback and will be 30 feet from no-disturb line at the right of the building. There will be four garage areas, and the existing landscaped areas will remain the same. There will be a rain garden adjacent to the main entrance, which will be used to handle stormwater, which will then go to a catch basin and a water quality unit. All existing structures will be inspected prior to use. A trench drain will be installed to the east of the site, behind the building, to capture water and move it through the building to an outlet control system. Drainage will go to a catch basin at the middle of the site, which has a gradual two-foot grade difference so there will be no ponding.

Mr. Baptiste explained the roof is pitched to collect water internally to roof leaders, then to the rain garden, which is directed to the existing infrastructure.

Ms. Nilsson Ripps explained the vehicle storage area, which will have an entrance door and an overhead door to access storage. The building will be 119'x40' and the roof will be sloped to capture rainwater to run toward the raingarden, which is important because the Rumford River is at the back of the site. The building will have a lot of windows and limited electric service to allow for block heaters.

Mr. Cerretani asked about snow load; Nilsson Ripps said the proposed roof will handle snow load. Mr. Cerretani asked about hvac; Nilsson Ripps said there will be no hvac equipment.

Ms. Nilsson Ripps presented the photometric plan and said the only addition will be LED wall packs at the entrance door and in between the overhead doors, which will not significantly impact site lighting.

Board Comment

Mr. McClanahan asked about parking spaces and turning radius. Mr. Baptiste said there is enough room for a vehicle to make a safe turn, and noted most of the equipment – cable rolls and transformers - currently stored outside will be moved inside. Ms. Sollecito said staff will back into the garage and use a forklift to load the trucks. He said he does not foresee any turning radius problems.

Ms. Ashman-Collins asked if the underground water system is existing or new; Mr. Baptiste explained water will enter the existing system through an existing catch basin, but now will be treated.

Mr. McClanahan asked if the system is a tight tank; Ms. Nilsson Ripps said there will be a tight tank under the slab, which will be separate from the stormwater system. Mr. Baptiste said the majority of the existing pavement on site will not be touched.

Ms. Friedman asked about lighting; Ms. Nilsson Ripps said the new lighting will be wallpacks between the overhead doors and at the entrance door, and will be focused downward.

Mr. Cerretani asked about the contaminants. Mr. Sachs explained the site had a petroleum release, went through DEP to close it out and received a permanent solution statement and AUL. They have analyzed the site in regard to the soil removal, and found similar petroleum and metals in the soil, which were reported to DEP. Those issues will be handled in a release abatement plan to coincide with construction. The construction will follow all AUL practices and eventually be closed out by DEP.

Mr. Penney said he worked on the site 20 years ago and it was used as a dump by Card Manufacturing. He said the soils will probably be unsuitable for the foundation and may have to be removed; Mr. Sachs said they are prepared for that.

Mr. Penney asked if the project is in compliance with the Rivers Protection Act; Mr. Baptiste said it is.

Mr. Burke said the plans have been approved by the Conservation Commission.

Mr. Cerretani asked about moving the building to the west side of the lot; Mr. Sollecito said there is a lot of growth on the river side, and they do not want to disturb that. He said their proposed configuration would be better for their operations and for snow removal. He said the Conservation Agent agreed.

Department Head Comments

November 17, 2020 memo from Mr. Burke

January 20, 2021 memo from Joshua W. Reinke and Richard C. Alves, Jr., PE, Engineering Department

Mr. Baptiste said they will change to ductile iron pipe, use mulch socks and will look at matching the crowns because they will be governed by the elevations of existing catch basins. He

said they can make the trench drain work, but said adding a catch basin will disturb more area and they want to minimize disturbance. He said they can use a higher efficiency trench drain.

Mr. Penney asked about relocating the building to the other side of the site; Mr. Baptiste said engineering-wise, it could work. Mr. Sollecito said would be better for operations to put the building in the proposed location. Ms. Nilsson Ripps said moving the building to the other side of the site would reduce the open area, which would make the traffic pattern more difficult. She said the proposed building location is the safest and most functional. Mr. Penney said the PCB contamination was on the West Church Street side of the site; he said the proposed location will probably be the best to avoid encountering contaminants.

Mr. Cerretani asked about a fire hydrant; Mr. Penney said the closest one is on West Church Street.

Motion: To approve the MMED storage garage site plan with the condition the department head comments are addressed (Penney-Cerretani)

Friedman – In favor

LeCesne – In favor

Penney – In favor

McClanahan – In favor

Ashman-Collins – In favor

Cerretani – In favor

Six (6) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

Motion: To send the Select Board a positive recommendation as municipal clearinghouse on the MMED storage garage (Friedman-Penney)

Friedman – In favor

LeCesne – In favor

Penney – In favor

McClanahan – In favor

Ashman-Collins – In favor

Cerretani – In favor

Six (6) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

5. Special Permit Public Hearing continued – 571 Ware Street – Kennel – Anderson

Mansfield Animal Control Officer Jeff Collins was present.

Applicant Jobina Anderson was present and explained the proposed schedule. She said she plans to have three to five dogs outside at a time and three to five inside and said some dogs prefer to stay in. She said she has purchased vibrating remote collars so she can control the dogs.

Ms. Anderson said she plans to plant trees in her side yard, close to the road and halfway down her driveway, to avoid headlights shining onto neighbors' properties. She said she has prepared a video to show customers the route to enter and exit the driveway.

New Correspondence

December 16, 2020 email from Ms. Anderson re: schedule

January 18, 2021 email from Ms. Anderson re: trees

Ms. Anderson said she has spoken with a couple of attorneys to help with any complaints.

Ms. Friedman asked how many total dogs Ms. Anderson would like to have; Ms. Anderson said she has three older dogs, who do not interact with the other dogs, and she would like to have 10 dogs plus her own. Ms. Friedman suggested an incremental approach to the number of dogs.

Mr. Collins said a special permit should include a specific number of dogs. Mr. LeCesne asked if the permit should also include the owners' three dogs; Mr. Burke said the special permit is permanent and would not distinguish owners the dogs.

Board Comment

Ms. Friedman asked about a size restriction; Ms. Anderson said she does not have a size restriction, but she meets the dogs before she takes them on as clients.

Mr. Collins explained he takes noise complaints, which are sometimes escalated to the Select Board.

Mr. Cerretani asked about Ms. Anderson's time in Foxboro; she said she dog sat in Foxboro. Mr. Cerretani said he is concerned the kennel laws have not been followed in this case.

Public Comment

The chair read the following statement:

It is important to us that you have a platform for your questions and comments during this meeting, therefore to ask questions or make a public comment during tonight's virtual meeting you must have registered and joined the meeting via GoToWebinar where you now have the ability to submit your question or comments through the questions option in your control panel, or you can use the raise your hand option to be allowed to speak.

*For those who have joined the meeting via telephone who would like to ask a question or make a comment, you are now welcome to unmute your phone. We ask that you only have your phone unmuted while you are asking your question. Please mute when you are no longer live. You can unmute your phone by pushing *6. Please then state your name and address, and when acknowledged by the Chairperson you can then state your question or comment. When you are done with your comment please mute your phone again by pushing *6.*

As with any public hearing we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you.

The clerk read the following public comments:

1. December 11, 2020 email from Robbie Bartlett, 35 Lancashire Drive
2. January 26, 2021 letter from Todd and Maria Borland, 579 Ware Street
3. Undated comment received through the Select Board's office January 27, 2021
4. January 27, 2021 email from Carlyn Johnson, 26 Windchime Drive

Laura Konick, 569 Ware Street, said she lives next door and does not have a problem with the dogs. She said Ms. Anderson introduced herself when Ms. Konick moved in, provided her

contact information and has taken barking dogs inside when necessary. She said she has had no problems with headlights.

Larry Troy, 570 Ware Street, asked about insurance; Ms. Anderson said she will be insured if the permit is granted. Mr. Troy asked why the business was not closed until a permit was granted. Mr. Collins said he issued three violation notices and told Ms. Anderson she would have to get a special permit, which was delayed due to Covid-19. Mr. Troy said the neighborhood is residential and not zoned for business. Ms. Anderson said there is a business across the street from her with a sign; Mr Troy said that is an accounting business.

Eric Swansburg, 18 Tracy Circle, said the discussion is about the expansion of the business in a thickly settled neighborhood, and the board should think about the future. He said while some of the neighbors may be happy now, things change and new neighbors may not be happy.

Samantha Huffenus, 55 Deer Path Lane, said she drives by this house multiple times a day, does not see cars in driveway or hear dogs barking and has taken her dog to Ms. Anderson's business. She said she does not see that three or four dogs outside would be detrimental.

Robert Bartlett, 35 Lancashire Drive, said noise was a non-issue when he lived next door to Ms. Anderson. He said small businesses often start out without a license, and get one if they are successful.

Patrick Johnson, 26 Windchime Drive, said Ms. Anderson has a six-foot fence dogs could not jump over and he has never heard dogs barking outside. He said people he talks to are surprised there is a kennel there and said Ms. Anderson treats dogs well.

Mr. Collins said his concern was only about the business not being licensed and about barking complaints, not about Ms. Anderson's care of the dogs. He said the business has continued to run unlicensed since he first got a complaint last March, when Covid hit. He said he spoke with Foxboro Animal Control officer, who said she had been to Ms. Anderson's house in Foxboro; Ms. Anderson said the Foxboro Animal Control Officer or Police Department were never at her house. Ms. Ashman-Collins said a special permit would have to have specific conditions so Mr. Collins has support in the event of violations.

Mr. McClanahan said Ms. Anderson seems to be running a good business, but a special permit would have to have conditions. Ms. Friedman said she concurs, but said it is difficult because in this case, things were not in place when they should have been. She asked Ms. Anderson if she is looking for a decision that grants a license for 10 dogs or 13 dogs; Ms. Anderson said her clients need a flexible schedule and said she is asking for 10 dogs and her own three. She said she has plenty of room for the dogs to spread out without barking all the time.

Mr. LeCesne said he thinks the questions are whether the board could have issued the permit if it was applied for in the first place, do the benefits of the business outweigh the detriments, and what can be done to mitigate the issues.

Mr. Penney asked if Ms. Anderson has looked at alternate locations. Ms. Anderson said she was hoping that when the pandemic is over and her business is settled she will be able to find commercial space.

Motion: To ask Mr. Burke to draft a special permit decision (McClanahan-Friedman)

Ms. Friedman said it would be important for Mr. Burke and Mr. Collins to discuss the conditions. She said she would like to try to avoid frivolous calls for Ms. Anderson's, Mr. Collins's and the Select Board's sakes. Ms. Ashman-Collins said that could help set a standard for other dog day cares, a use that may be increasing.

Friedman – In favor
LeCesne – In favor
Penney – Opposed
McClanahan – In favor
Ashman-Collins – In favor
Cerretani – Opposed

Four (4) in favor. Two (2) opposed. Zero (0) abstained. PASSES

Motion: To continue the public hearing to February 10, 2021 at 7:05 p.m.
(McClanahan-Friedman)

Friedman – In favor.
LeCesne – In favor.
Penney – Opposed.
McClanahan – In favor.
Ashman-Collins – In favor.
Cerretani – Opposed.

Four (4) in favor. Two (2) opposed. Zero (0) abstained. PASSES

6. Special Permit Public Hearing – 31 Oxford Road – Recreation Facility – 31 Oxford Mansfield LLC

The clerk read the public hearing notice.

Jay Peabody, Partridge Snow & Hahn, LLC; John Parsons, SVN Parsons Commercial; Matt Quinlan, SVN Parsons Commercial; John Kucich, PE, Bohler Engineering; Allie Fleet, Partridge Snow & Hahn, LLC; David Geaslen, Three Step Sports

Attorney Peabody explained the proposal for a recreational use in part of the building; the other part has an existing warehouse tenant. He said he thinks this is a good use for the building, the benefits outweigh the detriments and the use is in keeping with the commercial area. He said they would need a parking finding because the use is not included in the parking table.

Attorney Peabody explained the proposed interior renovations and noted there will be no rental space.

Mr. Parsons explained this building is ideally suited for this use, which will have turf fields over which basketball courts can be laid. There are no interior columns in the building, which has high ceilings.

Attorney Peabody said one of the best parts of the project is that there will be no changes to the existing structure, no parking expansion and only restriping. He said they have an option for some off-site parking.

Mr. Geaslen explained his business is based in Wilmington and this would be their twenty-seventh recreation facility. He said they do not rent out the space or leave it unattended, but use their programming and their staff all the time. He said they control it and keep it clean and safe and said it is less expensive to own the whole space than to rent space at someone else's business.

Mr. Kucich explained the existing parking, which is not changing. He said at full operation, they project there will be 196 people in the facility at a time. Based on full occupancy, they expect to need approximately one parking space per two participants, one per staff member and one per three visitors. He explained the existing warehouse space on the right side of the building has low usage but does have 10 parking spaces. He said they will need 93 spaces for the recreational recreation use and 10 for the warehouse for a total of 103. They have 118 on site, which Mr. Kucich said will work for both operations. He said they have also secured a lease for 25 additional overflow parking spaces at 171 Forbes Boulevard.

Board Comment

Mr. Penney said the recreation use is not in the parking table, but the applicant knows what they will need and he is comfortable with what they are proposing. He said the former Dana Barrows basketball facility also had a lease with an abutting property owner for overflow parking. Mr. Burke said he doesn't think the applicant would plan to undercount parking and expect to do a good business.

Department Head Comments

January 19, 2021 memo from Joshua W. Reinke and Richard C. Alves, Jr., PE, Engineering Department

January 4, 2021 email from Chris Cox, MMED

January 26, 2021 memo from Mr. Burke

Mr. Quinlan said they would address the Engineering comments, including sealing the sewer line.

Mr. Penney asked if power consumption would be different. The answer was they will have lights and four scoreboards, and will use more efficient LED lighting.

Ms. Friedman asked about the minimum turning radius for Fire Department equipment; Mr. Kucich said they are not making any changes to the parking lot and they have not heard there are any current issues.

Public Comment

The chair read the following statement:

It is important to us that you have a platform for your questions and comments during this meeting, therefore to ask questions or make a public comment during tonight's virtual meeting you must have registered and joined the meeting via GoToWebinar where you now have the ability to submit your question or comments through the questions option in your control panel, or you can use the raise your hand option to be allowed to speak.

*For those who have joined the meeting via telephone who would like to ask a question or make a comment, you are now welcome to unmute your phone. We ask that you only have your phone unmuted while you are asking your question. Please mute when you are no longer live. You can unmute your phone by pushing *6. Please then state your name and address, and when acknowledged by the Chairperson you can then state your question or comment. When you are done with your comment please mute your phone again by pushing *6.*

As with any public hearing we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you.

Mary Miller, 202 Green Street Foxboro, said she lives directly across from this building's back entrance and was concerned about that taking a right onto Route 106 from the small parking lot is very difficult and suggesting making it a right-turn only exit.

Mr. Geaslen said they plan to have staff, coaches and people who will be there for a long time park in that back lot. Mr. Kucich said they are not planning to make any traffic pattern changes. Ms. Miller said Route 106 is very busy, and the facility will be busy at night and on weekends, with many people leaving at virtually at the same time. She said it would be easier for people leaving the site to make it a right-turn only exit.

Douglas Miller, 202 Green Street Foxboro, said the Dana Barrows facility was noisy and neighbors were disturbed by noise when the facility was closing. Attorney Peabody said the management will make sure that isn't happening; he said this operator runs a quality facility, so he thinks any noise problems will abate. He said they have a nine-year lease, so they will be there long-term. Mr. Geaslen said if noise issues happen, it will only happen once and they will take care of it immediately. He said they run games on 29 weekends a year, and for most of the day during the week there will be only employees in the back parking lot. He said neighbors can be assured they will do everything they can to make sure there is no noise out back. Mr. Miller asked if neighbors can contact staff instead of the Police Department; Mr. Geaslen said he will provide a contact number.

Mr. Miller asked if new lights will be added to the back parking lot; he said there are currently five lights directed at his house. Mr. Geaslen said he will look at that when he gets into the building. He said they need enough light for safety, but do not want to light the neighborhood.

Mr. Penney asked hours of operation. Mr. Geaslen said during the week they will be open 2pm-10pm, Saturday 8am-10pm and Sunday 8am-8pm, with reduced hours in the summer. He said they will have basketball as well as baseball training on the turf field.

Motion: To find the proposed parking is adequate for the proposed use (Penney-McClanahan) Friedman – In favor

LeCesne – In favor
Penney – In favor
McClanahan – In favor
Ashman-Collins – In favor
Cerretani – In favor

Six (6) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

Mr. Penney asked if the building is currently being used for warehouse; Mr. Burke said part of the building is a warehouse, which is a use by right. Attorney Peabody said they believe the on-site spaces will be adequate for their use and asked the 25 off-site spaces not be included in the special permit.

Consensus of the board was to vote on the special permit.

Motion: To approve the special permit with 118 parking spaces and the standard special permit conditions (Penney-McClanahan)

Friedman – In favor. The benefits outweigh the detriments. This will be a wonderful use for the building in this zone and will add a nice amenity to the town. I think the owner will have adequate monitoring and controls over after-event noise in the parking lot. There are adequate municipal facilities and services, the use will have a minimal effect on the natural environment and will have positive fiscal aspects.

Penney – In favor. The site has already been used as recreation facility with few issues other than traffic and this will be half the size of the previous recreation facility. There will be minor detriments with traffic entering onto Route 106, but I believe they are outweighed by the benefits of giving children the chance to play sports.

Cerretani – In favor. The benefits outweigh the detriments, this is a good location and the times will not conflict with adjoining premises for parking and traffic. Traffic will be far less than with the former recreation use, which had a lot of camps and tournaments. There will be a positive fiscal impact and I think they will be good neighbors if they run the business the way they have described.

LeCesne – In favor. This will provide a useful cultural amenity, makes good use of existing space, will possibly reduce power consumption, and I think the applicant will take care of the neighbor's parking lot light concerns.

McClanahan – In favor. The benefits outweigh the detriments, the applicant will run a first-class operation, this will be a positive for the town's tax base, the applicant has agreed to seal the sewer line, and this will be a good location for the use.

Ashman-Collins – In favor. The benefits outweigh the detriments, there will be a positive health benefit with added access to sports, the reuse of an existing building is a positive, the use will have minimal effects on adjoining premises, the traffic will not be at same peak times as the

business park, there are adequate municipal facilities, the use will have minimal impacts on the natural environment and will have positive fiscal impacts.

Six (6) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

Motion: To close the public hearing (Penney-McClanahan)

Friedman – In favor

LeCesne – In favor

Penney – In favor

McClanahan – In favor

Ashman-Collins – In favor

Cerretani – In favor

Six (6) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

7. Around the Table

Mr. Penney asked about Zoning By-Law amendments and suggested looking at limiting the number of units in a building in TOD and the B4 zones.

8. Adjournment

Motion: To adjourn at 10:15 p.m. (McClanahan-)

Friedman – In favor

LeCesne – In favor

Penney – In favor

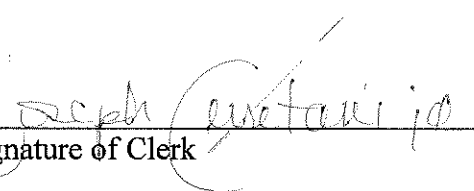
McClanahan – In favor

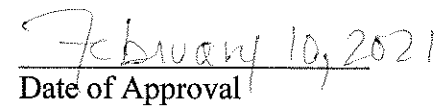
Ashman-Collins – In favor

Cerretani – In favor

Six (6) in favor. Zero (0) opposed. Zero (0) abstentions. PASSES

Date of Next Planning Board Meeting: February 10, 2021 at 7:00 p.m.


Signature of Clerk


Date of Approval