

Planning Board Minutes

January 29, 2020

Present: Donald Cleary, Chair; Richard LeBlanc, Clerk; Beth Ashman-Collins, Michael
McClanahan, Michael Feck, Ralph Penney, Joseph Cerretani; Sharon Friedman, Alternate
Shaun P. Burke, Director of Planning and Development; Jennifer Davis, Administrative
Secretary; Maria de la Fuente, Planning Department Intern
Master Plan Committee members: Frank DeVecchio, Diana Bren, William Clemmey, Brendan
Roche, Ryan Maxwell, Allen Bryer
Arek Galle, BETA Group

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

2. Correspondence

1. Minutes January 15, 2020
Spellcheck "Friedman"
Movie theater, Friedman vote – "This will be a wonderful addition to the mall and a good
and reuse of the existing building." Take out extra "and."
Motion: To accept as amended (Penney-Cerretani) All in favor. PASSES
2. 287 School Street Movie Theater Special Permit to be signed
Motion: To sign the special permit (Friedman-Feck) All in favor. PASSES
3. January 22, 2020 memo from Mr. Burke re: Updates to January 15, 2020 Planning Board
questions
4. Public Hearing notices – Attleboro
5. January 28, 2020 letter from William Clemmey re: 2020 Zoning – to allow fast food and
service station in B4. Mr. Cleary said the idea of not allowing drive-throughs within 200 feet
of an intersection sounds like a reasonable idea. Mr. Clemmey said the Planning Board
supported fast food in the B4 the last time he proposed it, but at that time it did not include the
200-foot and stacking restrictions, which he said would limit where to use could go. Mr. Feck
said there have been concerns about Wendy's traffic backing up onto Chauncy Street. Mr.
Penney said banks and pharmacies with drive-throughs do not have the same kind of problem.
Mr. Feck said Honey Dew sometimes has that issue. Mr. Clemmey said a big issue would be
to keep traffic off the street. Mr. Penney said this change has been discussed numerous times;
Mr. Clemmey said the board supported it the last time. He said if they were to do the use on
their Copeland Drive land, they would loop the traffic inside the site, put in some retail and
condominiums, but he said retail is struggling everywhere. He said he thinks Copeland Drive
is more of a service or restaurant area than retail. Mr. Penney said the main concerns at Town
Meeting in the past have been about traffic and littering, and asked if the lack of drive-through
is hindering the ability to develop the property. Mr. Clemmey said retail needs an anchor. He
said Honey Dew and Wendy's are the only fast food uses with drive-throughs, but there are
several banks on Copeland Drive with drive-throughs. He said Starbucks wanted to come to
town, but only wanted one-third of the Cork's space, and ended up going to Foxboro. He said
the Finance Committee and IDC have been talking about growth and new development, and
said he doesn't think it would ruin the town to have one or two more fast food uses.

Ms. Friedman said there are so many areas being discussed for development with
retail/commercial, but the town also wants pedestrian friendly areas; she said she is concerned

the town doesn't have a comprehensive plan for all of those things. She said the town should think about what it needs and what will last; she said she understands Mr. Clemmey's idea of having an anchor, but is concerned a lot of retail anchors are going out. She said she is worried about the impact of increased density on neighborhoods.

Mr. Feck said he thinks it is worth exploring; he said the town has been talking about increasing development and growth and needs to find ways to encourage growth.

Mr. Cerretani asked about other lots on Copeland Drive that could be developed. Mr. Burke said there is a vacant lot next to Patriot Supply, and property on the corner of Chauncy and Copeland is for sale. He said further north on Copeland, the land is wet.

Mr. Clemmey said the setbacks in B4 were changed to provide buffering for neighboring residential properties. He said it would make more sense to build residential adjacent to existing residential uses.

3. Form A (ANR) Plans

None

4. Discussion of Potential Planning Board Zoning By-Law Amendments for 2020 Annual Town Meeting

Mr. Burke said four of the five potential zoning articles have been discussed at Master Plan or have come up in the past. The fifth article is "5G," which was on the 2019 Annual Town Meeting warrant but was withdrawn.

Mr. Burke distributed copies of the correct Downtown Overlay District map, which was amended at 2019 Annual Town Meeting; the map in the Zoning By-Law is the old map. He said there have been no applications submitted since 2019 Town Meeting that would have been impacted by the map amendment.

Mr. Burke said the draft amendments intended to start a discussion.

"Retail" Definition

Mr. Burke said the board has discussed this issue during a number of developments. He said the board has been trying to keep commercial activities that generate foot traffic on the first floor, and has discussed what a "retail" activity really means. He said the board wanted to preclude uses on the first floor that do not generate lively activity at street level. The draft would not allow things like storage lockers and private uses like tenant-only gyms. Ms. Ashman-Collins noted this would change the definition for all retail, not just retail downtown. Mr. Feck asked about amending the mixed-use definition to require business or commercial uses, which could include retail. Mr. Penney said he thinks it should include uses open to the "general public." Mr. Cerretani asked if it would preclude professional office uses; Mr. Burke said it would not, because all the uses allowed in the underlying zone would still be allowed in the overlay zone. Mr. Burke said the intent of the overlay zone was to kickstart downtown development by allowing additional density, providing an incentive for developers to build downtown.

Mr. Penney said the board looked at amending the retail definition in July 2018, but did not go forward with it that year. He noted the draft Downtown Overlay District includes a good definition of retail, which is *“For the purposes of the North Main Street Overlay Business District, first floor business and professional uses are defined as a mercantile activity, open to the general public, where goods or services are sold for financial gain. Specifically excluded from this definition are uses intended solely for the residents of the proposed mixed-use development, such as parking, storage and similar uses not promoting active pedestrian activity on the adjacent public way.”* Ms. Ashman-Collins suggested adding that language to the revised retail definition.

Mr. Penney said the board wants to firm up what it considers commercial use on the first floor. Mr. Schoonveld asked the board to request clarification from the building inspector on his memo regarding first floor retail use.

Mr. LeBlanc said the goal is to promote activity on the street level. Mr. Cerretani said the idea was not only to increase density, but to add activity downtown.

Residential Uses Definition

Mr. Burke said this issue came up when the board was talking about the purpose of the North Main Street Business Overlay District. The board had discussed whether at a certain number of residential units, a project warrants special permit, rather than site plan, review; he said 20 units had been discussed. He said there were also concerns about developers breaking large projects into several smaller ones with multiple buildings. Mr. Feck said he is concerned requiring a special permit for mixed-use developments based on the number of residential might discourage downtown redevelopment. Mr. Burke agreed that could be a downside to the change and could result in a lot of small parcels with smaller developments. Mr. Bryer said he thinks the only people who would go through the special permit process with a large number of units have significant funding, but said the development of smaller lots could create missing middle housing. Mr. Burke said he wouldn't mind seeing smaller buildings with fewer units.

Ms. Friedman said one of her concerns is the size of buildings with 20 residences by right, and said development should be scaled to the neighborhood; she said she is concerned about large development spreading beyond downtown. Mr. Feck said only B1 currently allows mixed-use by right. Mr. Burke said the number of units in a development is based on the ability to park it, which is determined by the lot size, which he said may change based on people's ability to buy and combine multiple parcels. He said the Downtown Overlay District was adopted in 2010 to help jumpstart downtown development, which he thinks has happened. He said he and Mr. French had previously discussed whether the district has done its job and could be eliminated. Mr. Feck said he thinks a lot of downtown development has been done to get the density bonus, but said the town gets some benefit with things like green space and bike racks. He said he could see eliminating the Downtown Overlay District and keeping a parking add-on. Mr. Burke said eliminating the overlay and leaving multi-family a special permit may take away the incentive to build mixed-use because there is no density bonus. Mr. Penney said the board has heard there is no market for commercial right now. Mr. Feck said the bonuses can provide a lot

of extra residential units. Mr. Burke said the only bonus incentive that has not been used is the LEED Certification bonus.

Ms. Ashman-Collins said she would like to have bike racks required with any downtown development.

Mr. LeBlanc said he thinks some of the older developments downtown are a good size, but some recent developments are too big. He suggested thinking about the square foot size of buildings rather than the number of units. Mr. Feck asked about having design standards in the overlay district, similar to what is required in the TOD. Mr. LeBlanc said he has not been as concerned about the size of some new development as about the design of the buildings; he said he would like to have seen the mass of the large buildings broken up.

Ms. Friedman suggested looking at building height, which can be increased by the design elements on the roof. She asked about looking at design standards. Mr. Penney said the building code defines how to measure the height of a building. Mr. Roche said he thinks the square foot idea may be better than the number of units. Mr. Feck asked if the board could deny an all-residential special permit; Mr. Burke said the board would have to look at each unique development. Ms. Friedman said the Master Plan Committee has talked about smaller residential units and asked how something like an inter-generational village would work; Mr. Burke said that could be a separate use. He said it would be better in a residential zone than in B1 and B2. He said the TOD zone would be a good place for a village-style development because of the available acreage.

Ms. de la Fuente asked if there would be a unit size requirement with the square foot standard; Mr. Burke said the board cannot regulate the interior of a structure unless it is in a historic district. Ms. Ashman-Collins said it would be good to let the market determine a mix of unit sizes rather than having the town regulate it.

Ms. Friedman said most of the new residential units have had one and two bedrooms, which do not support families; she asked how to structure a by-law to encourage more bedrooms to attract families. Mr. Feck said he thinks that kind of housing might be better in other places in town. Ms. Bren said larger units downtown might encourage development downtown, which would attract families.

Mr. Maxwell asked if the recent large buildings were all done through special permits; the answer was they were a mix of site plan and special permit.

North Main Street Business Overlay District

Mr. Burke asked if the board wants to consider eliminating the overlay district. Mr. Feck said he thinks it is worth considering because there hasn't been a project that has come close to the density maximum. Mr. Feck said the parking incentive is the bonus that results in additional units and suggested limiting the number of incentives a development can use. He suggested taking out (d), requiring commercial for an interior depth of 50% of the depth of the building, or reducing the percentage. He said the resulting commercial spaces are too narrow to allow many uses. Mr. LeBlanc suggested making it a percentage of the square foot size, and asked if commercial has to be all on the first. Mr. Feck said he would want to keep it on the first floor.

Ms. Ashman-Collins suggested deleting (d). Mr. Feck said he would want to keep the requirement for commercial at the front of the building because he would not want to see parking in front. Mr. Burke said the parking has to be accessed from the rear of the structure.

Mr. Feck asked if requiring street frontage for commercial space would disincentivize developers to do commercial uses. Mr. Burke said he does not think so.

Mr. Bryer said he would support eliminating the overlay district. Mr. Cleary said he would be concerned about unintended consequences, and he would not want to lose the design incentives. Mr. Burke said the incentives could be left in for mixed-use and taken out for residential and parking, so the only time a density bonus could be earned is with mixed-use. Mr. Feck said downtown developments can't get to the 2.5 now, so don't need an extra .5; he suggested leaving the parking incentive in and eliminating all the other incentives.

Mr. Burke said he thinks the overlay by-law has done the job it was adopted to do. He said there has been a lot of focus downtown, and thinks that will continue. He said he would like to focus on TOD next.

[Ms. Friedman left the meeting at 9:04 p.m.]

Mr. Burke said the nature of retail has changed a lot; Mr. Feck said retail is not easy to lease out anywhere. Mr. Penney said 20 years ago, every other store downtown was vacant. Mr. Feck said downtown is in better shape than it has been in years. Mr. Penney asked why eliminating the overlay district is a good idea when things are going well downtown; Mr. Burke said with downtown is doing well, the incentives may not be necessary any longer. Mr. Penney said he would be concerned about downtown becoming all residential. Ms. Bren said she doesn't think people want all residential downtown; Beth said mixed uses downtown are important. Mr. DelVecchio said he doesn't have a problem with all residential downtown and said whether downtown is residential or mixed-use, there will still be people on the street. Mr. Feck said he thinks the market has changed enough that the town is in a better position to use the overlay district to encourage the development it wants.

Mr. Galle asked if the town has considered a study to figure out what people like downtown and what is challenging about the new buildings (e.g.: a large building broken up to look like smaller buildings with architectural detail). He said a study could help define volumes and physical characteristics of buildings, assess what we have, what we like, what we want to keep and what aspects we don't like. Ms. Ashman-Collins said she thinks most of the buildings in the worst condition have been redeveloped, but she said she does not want to lose all of the remaining older buildings. Mr. Galle said those could be called "buildings of significance."

Mr. Penney said when the new condos were proposed on Church Street, the neighbors were concerned. The board worked with the developer to add some details, and he was accommodating, which made the neighbors more comfortable. Mr. Penney said that was a good process; Ms. Ashman-Collins said that type of process would have to be worked into a by-law.

Mr. Cleary asked if the value of existing buildings would decrease if the overlay district is eliminated because developers wouldn't be able to get as many units, so would not offer the owners as much.

[Mr. Penney left the meeting at 9:30 p.m.]

TOD

Mr. Burke said TOD density is currently 10 residential units per acre; the draft change is 40 units an acre by right, with density bonuses to get to 45 and 50 units per acre. He said that would be 400-600 units; comparable units on similar acreage downtown is around 350-400 units. He noted TOD will be mixed use.

Mr. Burke said maximum height in TOD is 45 feet; the maximum height in the underlying I3 zone is also 45 feet. He said the parking garage/elevator to get over the tracks would be 55 feet, with 45 feet in middle of site and 35 feet next to existing residential neighborhood. Mr. Cerretani asked if those changes can be made before the second access goes in; Mr. Burke said the by-law can be amended, but the board wouldn't approve a special permit on the site without the access constructed. Mr. Feck asked the size of 1 Mansfield Avenue; Mr. Burke said that is 63 units/acre, and the North Main/Thomas Street development has a similar density. He said for TOD to work, the density has to increase; he said the by-law has been in place for six years and no one has used it.

Mr. DelVecchio said this would be a dramatic change; he said the TOD Committee stopped meeting while the Master Plan process is going forward. He said increasing the density is a means, not an end. He said we want a viable project, but he is concerned 40 units an acre is a big number when the by-law is at 10 now. Mr. Galle said the road takes away some building footprint; he said there have been discussions about "packaging" the site with an exterior roadway and leaving some treed open space for a buffer. He said 40 sounds like a big number, there noted there will not be 40 units on every acre. He said BETA has a conceptual plan, but said he is not sure all the owners are still in agreement with the approach.

Mr. DelVecchio asked about affordable housing; Mr. Burke said any development would have to conform to the affordable housing requirement. Mr. DelVecchio asked about incentives. Mr. Burke said TOD allows live-work. Mr. Galle suggested considering incentives for three-bedroom residential units, which could help create more diversity in housing. Mr. Cleary said the board cannot require that, but could make it an incentive. Mr. Gale said that could encourage someone to develop larger portions of the site. Mr. DelVecchio said the school population is starting to grow a bit. Mr. Cleary said people with single-family homes may want to stay in town, and this sort of housing stock would allow them to downsize, and leave single-family homes available for families to buy.

Mr. Feck asked if .75 parking spaces per unit is realistic; Mr. Burke said that number is less than one because of the proximity to the train station. Mr. Cerretani said people who live near the Mansfield train station will still have cars. Consensus was to go back to one space per unit and to change the parking ratio to the same as the new downtown requirement.

Mr. Cleary asked about the “abutting residential neighborhood;” Mr. Burke said he would refine that. Mr. Feck suggested adding setbacks. Mr. Galle said BETA’s plan shows the road along the western edge of the site, so a 35’ height may not be necessary; because of the built-in buffer of the roadway and existing trees, 45’ may be realistic. He said the road would be the limit of any buildout. He said the road was proposed on the west side because of issues like proximity to the intersection, sight distance, the track location and less vehicle-pedestrian conflict.

5G

Mr. Burke said the draft is the same by-law as last spring, but because the use has to be allowed by right in some zones, he changed it to by right in the Industrial and Business zones. The board discussed not specifying “5G” in the by-law because the technology changes so rapidly.

5. Public Comment

None

6. Around the Table

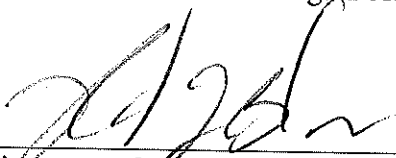
Mr. Burke said there will be closings soon on the triplex units on Willow Street; they will be deed restricted as affordable units in perpetuity.

7. Adjournment


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

Next Planning Board Meeting: February 5, 2020 at 7:00 p.m.

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



Signature of Clerk



Date of Approval