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Planning Board Minutes
February 5, 2020

Present: Donald Cleary, Chair; Richard LeBlanc, Clerk; Beth Ashman-Collins, Michael Feck, Joseph Cerretani; Sharon Friedman and Adrian LeCesne, Alternates
Jennifer Davis, Administrative Secretary

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

2. Correspondence

1. Minutes January 29, 2020

Mr. McClanahan was not in attendance

p. 4 – Ms. Friedman asked how to structure a by-law to encourage more bedrooms to attract “families.”

Motion: To accept as amended (Feck-LeBlanc) All in favor. **PASSES**

2. Public Hearing notices – Attleboro, Easton, North Attleboro

3. Form A (ANR) Plans

None

4. Around the Table

Ms. Friedman said the Cultural Council is meeting February 6 at 7:15 p.m.

Ms. Ashman-Collins said the Downtown Committee is planning some exciting things, like downtown banners.

Ms. Friedman said the Open Space and Recreation Committee website is up.

Ms. Ashman-Collins said there will be a new informational sign installed at Fulton’s Pond.

Mr. Cerretani asked how the town tracks conformance with the affordable housing requirement. The board discussed the various requirements to track that.

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

Craig Cygawnoski, RIM Engineering, owner Carole Yunis and realtor Trish Bergavine.

Mr. Cygawnoski presented the revised plan showing the six parking spaces on the pavement; they will not use the unconstructed Chilson Avenue for parking. Mr. LeBlanc asked if the only change to the plan is the location of the six spaces; Mr. Cygawnoski said it is.

Motion: To approve the special permit as drafted to convert an existing two-family residential building to a three-family residential building in accordance with the plan dated November 5, 2019 and revised December 12, 2019, prepared by RIM Engineering Co., Inc.

(Cerretani-Feck)

Feck - In favor. The benefits outweigh the detriments, it has existed as a multi-family for years, has adequate parking, will increase taxes and have a negligible impact on the neighborhood.

Friedman – In favor. The benefits outweigh the detriments, it is an existing home that matches the character of the neighborhood, the parking issue has been satisfied, there will be no impacts on municipal facilities or the environment.

LeCesne – In favor. The use is appropriate and desirable, will provide a higher tax benefit for the town with no increased burden on municipal facilities, and will have no environmental or neighborhood detriments.

LeBlanc – In favor. The benefits outweigh the detriments.

Cerretani – In favor. There will be no adverse effects to the community or public safety, and there will be a positive fiscal impact.

Ashman Collins – In favor. There will be no negative impacts to the town, traffic, the neighborhood or fiscally. It will be in the town's benefit to recognize this as a three-family.

Cleary - In favor. The benefits outweigh the detriments and there will be no negative impacts.

7 in favor. 0 opposed. 0 abstentions. PASSES

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

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

Craig Cygawnoski, RIM Engineering, introduced Scott Goddard, Berlin Landing Realty Trust and Attorney Edward Valanzola

Mr. Cygawnoski explained the owner has decided to designate one of the lots in the subdivision as the affordable unit. He said there was one other outstanding issue with the proposed open grass swale abutting property of Rapoza; that has been changed to a stone swale with a pipe so there will be no open water. He said the swale has been moved as far from the abutting property as possible, and a planted earthen berm will be added along the property line from Gilbert Street to past Rapoza's property. Mr. Cygawnoski said he dropped the revised plan off at the abutter's home, but has not heard back from him.

Department Head Comments

The clerk read a letter from Scott Goddard regarding the inclusionary housing conformance and a memo from Mr. Alves.

Motion: To direct Mr. Burke to prepare a draft special permit with the standard conditions (Ashman-Collins-Feck)

Ms. Friedman asked about the sidewalk on the new roadway. Mr. Cygawnoski said they will add a two-foot wide pedestrian walking lane parallel to the edge of pavement on the same side of the new roadway as the five house lots, ending at the driveway of the last house at the cul-de-sac in place of a sidewalk.

Mr. Cerretani asked about wetland issues; Mr. Goddard said all the work will be kept out of the buffer zone.

Six in favor. LeCesne abstained. PASSES

Motion: To continue the public hearing to March 4, 2020 at 7:05 p.m.
(Feck-Ashman-Collins) All in favor. PASSES

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

Attorney Edward Valanzola introduced Jeffery Cohen and Greg Cohen, MCG Mansfield, LLC

Attorney Valanzola explained the revised proposal to keep the space facing Crocker Street as retail/office space, with the remaining space, about 3,400 square feet along the Mansfield Avenue/Crocker Street curve, will remain as resident storage, a gym, office and meeting space. Attorney Valanzola said those are similar uses to what the board allowed in 2018 at the North Main Street/Thomas Street building. He said he does not believe this change requires an amendment to the special permit, and asked the board to make a finding the special permit does not have to be amended and that this is a by-right use based on what the Planning Board has done recently. However, he said if the board finds the change does require the special permit to be amended, he asked it to approve the amendment to the special permit with the decision based on the proposal being consistent with what the board has already approved, as well as consistent with Mr. Blackman’s 2018 opinion.

Attorney Valanzola explained the January 31, 2020 letter from Rob Rabledo, CBRE, Inc., which he said indicates the same thing several other real estate agencies have told them about the space. He asked the board to keep in mind that the owners would not be here if they had a tenant interested in the space. He said the owner is willing to pay for the tenant fit-out and said the rent being asked is very fair. He said his clients want to rent the space, understand the history of this site and want to figure out a way to solve this issue. He said they have met with Mr. Burke and Mr. Dumas, talked about changing the traffic pattern, increasing parking times and discussed prospective tenants. He said they have been trying to rent the space for almost three years, do not want to be in front of the board, and the proposed first-floor uses will result in a financial loss for his client.

Attorney Valanzola said if they find a tenant who wants to use more of the first floor space, they would make it available.

Ms. Ashman-Collins asked if the corner space is the main entrance to the building; Mr. G. Cohen said it is not. He said the corner space will have its own egress, and residents would be able to take the elevator or back stairwell down, enter the amenity center and exit through the corner space.

Department Head Comments

The clerk read a February 4, 2020 memo from Robert J. Blackman, Inspector of Buildings/Zoning Enforcement Officer

Ms. Friedman said the board has received opinions from Mr. Blackman and CBRE, and said she thinks it is unfortunate the town does not have specific definitions of residential and commercial uses. She said putting mixed-use buildings downtown to create foot traffic was part of the idea of the overlay district; she said she is concerned about other large buildings with potentially the same issues and she has concerns about retail. She said she is reluctant to make decisions based on opinions without having a plan for building and development. She said these buildings were approved to develop downtown and create foot traffic, and the board granted density bonuses to help that happen. Ms. Ashman-Collins said she thinks the building inspector's opinion may not be in step with what the board has been doing and with the Master Plan.

Attorney Valanzola said the Planning Board asked the building inspector for his opinion and has to make its decision based on the existing by-law; he said for the board to rule differently than it did on the building across the street would be an error. Ms. Ashman-Collins said the two situations are not the same. Mr. Feck said the special permit for the second building on this site was granted based on this building having retail.

Mr. LeCesne said Section 5.10(K) of the by-law talks about one of the ideas of the overlay district is to provide development incentives to encourage the provision of community benefits. He said the Planning Board is trying to decide whether providing an amenity to the residents of the building advances that, and said while it may not violate the by-law, he has questions about whether it advances the by-law's goals. He said he thinks it would if the gym were open to the public, but said he is not sure it does if it is resident-only.

Attorney Valanzola said the owners are asking for some relief and said there was a discussion at last year's Town Meeting about the empty first floor space. He said the residential space is almost entirely rented, and they intentionally did not finish the first floor to allow future tenants to fit it out as needed. He said the building's Crocker Street frontage will remain office/retail.

Public Comment

The clerk read a February 3, 2020 letter from Steve Schoonveld, 41 Newton Street

The clerk read a January 31, 2020 letter from CBRE. Attorney Valanzola said the CBRE letter points out a number of retail vacancies in the area.

Mr. Cerretani asked when these owners bought the property; the answer was November 2018. The residential was at about 45% leased when they bought it, and is almost 100% leased now. Mr. Cerretani said he doesn't think the original owner marketed the corner commercial space the way it should be; he said the new owners have done a good job marketing residential, but think the commercial space needs more time.

Mr. LeBlanc asked if the changes were made as proposed, would the space still be available to rent for retail. Mr. G. Cohen said the space could be available. He said they have had calls about parking on the site, but have to tell potential tenants there is no dedicated parking on the site.

Ms. Friedman said there has been a perception there is no parking downtown, but the recent parking study showed there is a lot of parking downtown, as well as a municipal lot, but which may require patrons to walk some distance. Attorney Valanzola said 214 Rumford Avenue had a restaurant interested, which did not work out because of parking issues. He said the municipal lots next to Mansfield Bank and behind Jimmy's Pub do have ample parking, but are too far from this site for people to walk. He said the parking lot at the bank tends not to be full in the evenings, and the train station lots, which are free after 3 pm, are still full of commuter parking until 5 or 6 pm, would not help with a restaurant use in this space.

Mr. Cleary asked if it would help if some of the train parking could be converted to public parking. Attorney Valanzola said they have talked about that with Mr. Dumas. Mr. Cleary said things are changing around the train station, which may impact the parking situation for this site.

Ms. Ashman-Collins noted the parking is exactly as the original developer built it. Mr. Feck said he is concerned about setting a precedent by allowing the change from retail to residential use. He said the board didn't feel there was enough parking in the first place, and he understands these owners were not the original developers, but said he is concerned about how this change could affect future developments that come before the board.

Attorney Valanzola said they have talked about changing the two-hour parking to four hours, and about changing the traffic direction, but neither has happened.

Ms. Friedman asked how the owners would use the space to help promote downtown and make it a pedestrian friendly environment. Attorney Valanzola said if someone came in and wanted to use some or all of the storefront, they could minimize or eliminate the storage area. Ms. Friedman asked how the owners would make the area more pedestrian friendly. Attorney Valanzola said it is difficult because of train traffic; he said at the end of the day, commuters do not stay downtown, they want to get home. He said his clients are not catering to the commuters, they are catering to downtown residents. He said existing businesses have increased since all the new residential has gone in.

Mr. J. Cohen Sr. asked if the 1 Mansfield Avenue building has already increased the pedestrian friendly environment. Ms. Friedman said the board has been approving downtown development, but now developers seem to be finding it is not working. Attorney Valanzola said he would like downtown Mansfield to have more restaurants and boutique stores, but said we aren't there yet and thinks we need more density.

Mr. LeCesne asked at how much of a discount the property is being marketed at; Mr. G. Cohen said 20-40% below market. Attorney Valanzola said they are also willing to pay for the buildout. Mr. G. Cohen said there is a rent range, depending on the experience of the tenant. Mr. J. Cohen said retail has changed globally. Mr. G. Cohen said there is a shift with retailers being unwilling to rent space to sell clothes when they could sell online.

Ms. Friedman asked what would stop that space become a professional office. Attorney Valanzola said an office use may be the best chance they have to rent the space, and they already have an accountant on the first floor. Ms. Friedman said the space could be built out as

professional space; Attorney Valanzola said they have been trying to market that, but there is limited parking.

Mr. Cleary said he is concerned that if storage is not allowing in the underlying zone, the building inspector may not be able to permit it. He suggested installing a grease trap and plumbing if office space or meeting space goes in.

Mr. Cleary suggested a renting to a non-profit and writing off the difference. Attorney Valanzola that has been discussed, but there are concerns about that sort of business being able to pay even reduced.

Motion: To find this proposed use is not a minor modification to the special permit (Ashman-Collins-Cerretani) Motion Withdrawn

Mr. LeBlanc asked why the applicant is here if they feel they can do this by right; Attorney Valanzola said because of the history of the site, the building inspector advised them to come before the Planning Board.

Motion: To find the application is allowed by right (Feck-LeBlanc) Motion Withdrawn

Motion: To find that if the building inspector finds a non-retail use is allowed, the developer has the right to do this by right (LeCesne-

Ms. Ashman-Collins said she would like to have Mr. Burke's advice on this motion.

Motion fails for lack of a second.

Motion: To not approve the special permit modification (Ashman-Collins-Cerretani)

Mr. LeBlanc said he thinks the main issue is about parking and traffic flow; he said the direction of the one-way street will probably not be changed, which means the same conversation will continue to be necessary. He said he feels like the board gave up 50% of the first-floor commercial requirement is to help start redevelopment in the area, and now would lose another 50%, so he was concerned we are getting further away from the intent of the by-law. He said he thinks the property was maximized and now we are trying to figure out the consequences of that.

Motion: To **not** approve the special permit modification to make approximately 3,400 square feet along the Mansfield Avenue/Crocker Street curve resident storage, a gym, office and meeting space. (Ashman-Collins-Cerretani)

Feck – Opposed to the modification to the special permit. There were two buildings in this project, so this results in three quarters of the project not being commercial, which goes against the by-law.

Friedman – Opposed. I do not see that this supports the intent of the by-law and the overlay district and it would not support pedestrian traffic. I am hoping there will be some other

conversations around resolving the more immediate parking issues and we can get something in the building to benefit the town.

LeCesne – Opposed. The owner has received opinions about market viability, but I think there may be other opportunities if we give it more time as the parking situation across the tracks changes. I think the board members are concerned about a piecemeal approach.

LeBlanc – Opposed. I believe the impacts regarding amenities to the town are negative, the proposal does not meet the objective of zoning regarding mixed use, though there will be no impact on vehicular traffic or municipal facilities. I feel the intent of the zoning is not being met.

Cerretani – Opposed. When the board approved relief for the original developer, one of the things he promoted was the circular space; he was excited about it and the board was excited as well. I think the new owners need to spend more time on it. The intent of mixed use and density bonuses was to create a vibrant downtown and this goes against that.

Ashman-Collins – Opposed. The benefits do not outweigh the detriments and I think this would be giving up the mixed-use character of the neighborhood. I think the town has given up density bonuses to accommodate the original developer.

Cleary – Opposed. I do not see any benefits, and while there may be no real detriments, it goes against the Master Plan.

Therefore, with Seven (7) members present and voting, Seven (7) in favor and None (0) opposed, the Special Permit was **DENIED**.

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

7. Public Comment

None

8. Around the Table

Ms. Ashman-Collins asked about the possibility of doing a Complete Streets project on Copeland Drive from the underpass to the Paine School, which is seeing more foot traffic, but is a difficult place for pedestrians. She suggested looking into adding sidewalks and street trees through the Complete Streets program. The board discussed whether that stretch of Copeland Drive is town or state-owned. Mr. Cerretani said there are a lot of residences in that area, with more and more pedestrians.

Mr. LeBlanc suggested asking the building inspector to clarify his opinion; the board discussed inviting the building inspector to a meeting. Ms. Ashman-Collins suggested that would be a good discussion to have during the zoning article discussions. Ms. Friedman said she would be concerned about making decisions based on opinions. The board discussed bringing the issue up at the February 12 Master Plan meeting, or having the discussion with Mr. Burke.

9. Adjournment

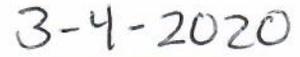
Motion: To adjourn at 9:15 p.m. (Ashman-Collins-) All in favor. PASSES

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

Next Planning Board Meeting: March 4, 2020 at 7:00 p.m.



Signature of Clerk



Date of Approval