

Planning Board Minutes

March 10, 2021

MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM

Present: Beth Ashman-Collins, Chair; Joseph Cerretani, Clerk; Michael McClanahan, Ralph Penney, Sharon Friedman; Diana Bren, Alternate
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. February 24, 2021 minutes

p. 3, 4th paragraph from bottom "meetings"

Motion: To approve the February 24, 2021 minutes as amended (Friedman-Cerretani)

Friedman – In favor

Bren – In favor

Penney – In favor

Ashman-Collins – In favor

Cerretani – In favor

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

2. February 24, 2021 email from Maureen O'Hagen, MCO Housing Services re: 2020 rents at 1 Mansfield Avenue affordable units

Mr. Burke explained rents on affordable units are pegged at 80% of the median area income, which has gone up, so the rents are allowed to go up. He said the rents at 1 Mansfield Avenue have not changed since 2019. The proposed increase is \$70 for one-bedroom units and \$77 for two-bedroom units.

Ms. Ashman-Collins asked why the board is only being asked to approve a rent increase for one development. Mr. Burke said MCO is a consultant working for the owners of 1 Mansfield Avenue, and is not connected to the Town or the Housing Authority.

Mr. Cerretani asked who tracks the affordable housing numbers and makes sure the developers are charging the correct rents. Mr. Burke said DHCD keeps the official list and tracks them through housing consultants like MCO.

Motion: To approve MCO Housing Service's proposed 1 Mansfield Avenue affordable unit rent increase (McClanahan-Cerretani)

Friedman – Opposed

Bren – Opposed

Penney – In favor

Ashman-Collins – In favor

Cerretani – Opposed

McClanahan – In favor **Three (3) in favor. Three (3) opposed. X (x) abstained. FAILS**

Mr. Burke said it is unusual to come to the PB rather than go right to DHCD for a rent increase. Ms. Ashman-Collins said she would be more comfortable with DHCD reviewing requests like this because as a state agency, it can look at the request in a larger context.

3. Form A (ANR) Plans

None

4. Planning Board Workshop on Business 4 Zone Issues

Mr. Burke said at its last meeting, the board decided not to submit the B4 article it had discussed or 2021 Annual Town Meeting, but rather to hold workshops for B4, B1 and TOD issues.

Mixed-Use in the Business 4 (B4) Zone

Mr. Burke said at the last meeting, the board discussed a 40-foot rear yard setback when a mixed-use property in the B4 zone abuts another commercial property and 20 feet when it abuts a residential use or zone.

Ms. Ashman-Collins said part of the discussion at the last meeting was about how to help increase the value of the land and therefore the tax base versus respecting the boundaries of the abutting residential neighborhoods. She said the board did not reach consensus, but had a lot of good ideas. The board discussed the fact that the FAR was changed from .5 to .8 at 2019 ATM through a citizens' petition.

Ms. Ashman-Collins said most of the commercial lots on the north side of the Chauncy/Copeland intersection are small and she would support the idea of different setbacks for lots abutting commercial versus residential properties.

Mr. Penney said the B4 front yard setback was reduced and the rear setback was increased to provide additional buffering for the residential abutters.

Mr. McClanahan said the board had planned to submit an article for 2020 Annual Town Meeting with a 2.0 FAR for mixed use in B4, but that was withdrawn prior to Town Meeting. He suggested a 1.5 FAR. He said there are only a few lots in the zone that could be developed. Ms. Bren said she thinks 1.5 is a good option.

Mr. Penney noted this FAR would be specifically for mixed-use. He said the change could be done concurrently with increasing the setbacks to protect the residential neighborhoods. Ms.

Ashman-Collins said the FAR and setbacks could have different implications for differently-shaped lots.

Ms. Friedman asked if the properties in B4 meet the minimum lot size and square foot requirements. She said B4 has no open space requirement; Mr. Burke said none of the business zones have an open space requirement. Ms. Friedman said that is why it is important to protect the residential neighborhoods abutting the B4 lots. Mr. Penney said the setbacks would help to do that.

Mr. Penney said the Patriot Tool parcel on Copeland Drive abuts the post office at the back and commercial properties the side. Mr. McClanahan said Dr. Mendez's property on the corner of Chauncy Street and Copeland Drive abuts commercial zones, although there are residential uses on some of those lots. Mr. Penney said he had proposed the rear setback remain at 40 feet if the property abuts a residential use or zone.

Ms. Friedman said there should be some control over the height of the buildings. Mr. Penney said all the business districts allow a 45-foot height. Ms. Ashman-Collins said she is comfortable leaving the height at 45 feet. Ms. Friedman said she doesn't have a problem with 45 feet, but does have a problem with the rooftop features that make the building much higher than 45 feet. Mr. Penney suggested better defining how building height is measured, partly because different building inspectors use measure that differently. Mr. Burke said he would work on a height definition to include rooftop equipment. Mr. Cerretani said 45 feet allows for a four-story building and asked what height the board would be comfortable with.

Mr. Penney said a 45-foot maximum would likely result in more flat roofs. He asked if the definition could be crafted to allow the board the flexibility to allow decorative accents. Mr. Burke said that can be done through a special permit, but if the board wants a specific definition, the definition would have to be rigid.

Ms. Friedman asked about special permit uses in the business zones; Mr. Burke said there are special permit uses in business zone, including mixed-use in B4. Ms. Friedman asked if the ceilings on a first-floor commercial use would be taller than the other floors. Mr. Burke said that is usually the case but said it would not impact the 45-foot height restriction.

Ms. Friedman asked what impact this would have on the TOD zone. Mr. Burke said the two zones are very different, with TOD proposing taller building height adjacent to the train tracks and scaling down to 35 feet closest to the residential neighborhoods. Ms. Friedman said she thinks there should be some consistency among zones that are close to residential areas. Ms. Ashman-Collins said lowering the height and increasing setbacks closer to residential homes makes sense.

Ms. Ashman-Collins asked if allowing higher FAR for mixed-use would incentivizes that use; Mr. Burke said it could, and could put the B4 zone in competition with the traditional downtown.

The board discussed making the FAR the same in B4 as B2 for retail, office, other non-residential (1.0) and mixed use (1.5) to avoid incentivizing mixed-use. Ms. Ashman-Collins said B2 is very much a residential neighborhood with a mix of businesses.

Mr. Penney noted the citizen's petition submitted for 2021 Annual Town Meeting proposes FAR of 1.5 in B4.

Ms. Friedman said she likes Ms. Ashman-Collins's idea to make the FAR similar in B2 and B4. Mr. Cerretani said with the required setbacks, there are only be a few lots that could take advantage. Ms. Ashman-Collins said there is the potential for future lot consolidation.

Mr. Penney said there are no setback requirements in the B2 zone; Ms. Ashman-Collins said downtown has a much more compact character than B4. Mr. Burke said in a downtown, you want the buildings right up at the sidewalk so people can see into storefronts.

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 acknowledge 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.

Jeff Vigeant, 15 Lancelot Lane and owner of Patriot Supply, said he has submitted a citizens' petition to increase FAR in B4 to 1.5 and reduce the setback from 40 feet to 20 feet when the lot abuts a commercial use or zone. He said 10 years ago, the FAR was .25, was raised to .5, then was changed to allow FAR of .8 and to allow mixed use. He said he had plans to add onto his building with retail and condos for himself and his partner. He said gas, drive-through and fast food had not been allowed in B4, though those uses already existed in the zone and the uses were approved at the 2020 Annual Town Meeting. He said the Planning Board was going to 2020 Annual Town Meeting with an increase in FAR to 2.0 in B4, but the article was withdrawn prior to Town Meeting. He said FAR in B2 is 1.5 and B4 should be 1.5. He said there are no setbacks in B2 but a 40-foot rear setback in B4. He said his lot is small and 40 feet would make a big difference. He said the existing businesses in B4 are not going to make any changes and he wants

the Planning Board's support for his article. He said he has been in business for 35 years and has always supported everything the town has asked, and now he is asking for some help.

Mr. Penney said he thinks there may be a consensus to maintain the height at 45 feet and come up with a better definition of building height. He said he thinks FAR for mixed use in B4 should match B2 at 1.5, and retail, office and non-residential uses should be the same as B2 at 1.0. He suggested the rear setback be reduced to 20 feet when the B4 property abuts a commercial use.

Ms. Friedman said she appreciates Mr. Vigeant's position, but noted the change would not be for his property specifically, it would change the requirements for all B4 properties. Mr. Vigeant said he thinks the 40-foot rear setback for residential abutters would be fair. He said the reason Dr. Mendez's property is undeveloped is because of the restrictive zoning and said he doesn't think this will result in any change for other properties.

Bob Barry, 174 Spring Street, owner of Patriot Supply, said he is happy to hear the board is considering the changes.

5. Around the Table

Mr. Burke said the ZBA will be reviewing a request for a variance at 575 West Street/20 Cabot Boulevard to construct a new 60,000 square foot flex building.

Mr. Penney asked about progress on the Chocolate Factory; Mr. Burke said Mr. Blackman has called the developers to talk about their timeline. He said they are working on the interiors and have temporary occupancy permits. He said he had heard there would be a dentist and a gym in one of the buildings, but hasn't seen them yet.

Mr. Penney asked if Mr. Canova has acquired the Elm Street Garage; Mr. Burke said he believes he has. He said there are existing curb cuts for the lower parking lot and the upper lot, but he has not seen a new curb cut application for the adjacent property. Mr. Penney said parking in the upper lot is difficult because of all the takeout activity.

Ms. Bren said Bar Pizza has opened in Mansfield Crossing.

6. Adjournment

Motion: To adjourn at 8:20 p.m. (Cerretani-McClanahan)

Friedman – In favor

Bren – 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: March 24, 2021 at 7:30 p.m.

Signature of Clerk

Joseph Cerretani jr

March 24, 2021
Date of Approval