

**Planning Board Minutes**  
**April 28, 2021**  
**MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM**

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MANSFIELD  
MASSACHUSETTS

Present: Beth Ashman-Collins, Chair; Joseph Cerretani, Clerk; Michael McClanahan, 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](http://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.**

**Motion:** To appoint Ms. Bren Acting Clerk (McClanahan-Friedman)

Friedman – In favor

Bren – In favor

Ashman-Collins – In favor

McClanahan – In favor      Four (4) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

**2. Correspondence**

1. April 14, 2021 minutes

**Motion:** To approve the April 14, 2021 minutes as submitted (Bren-Friedman)

Friedman – In favor

Bren – In favor

Ashman-Collins – In favor

McClanahan – In favor      Four (4) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

**3. Form A (ANR) Plans**

None

**4. Discussion of Annual Town Meeting 2021 Street Acceptance – Article 27, Julia Lane and Article 28, Lorraine Way**

Mr. Burke explained all of the punch list items have been completed and the town will retain \$20,000 cash surety until the streets have been accepted at Town Meeting. The Select Board voted to “Lay Out the Way” for each street at its April 21, 2021 public hearing.

**Motion:** To support the acceptance of Article 27, Julia Lane, and Article 28, Lorraine Way, at 2021 Annual Town Meeting (Bren-Freidman)

Friedman – In favor

Bren – In favor

McClanahan – In favor

Ashman-Collins – In favor      Four (4) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

[Mr. Cerretani arrived at 7:12 p.m.]

**5. Public Hearing – Citizens' Petition – Article 32, 2021 Annual Town Meeting  
Educational/Childcare Facilities in Residential Zones – Jill Keyes**

The clerk read the public hearing notice to amend the Town's Zoning By-Law, Chapter 230, Schedule 4.2BA Density and Dimensional Regulations, Residential Districts, to add a new Note regarding open space, maximum net floor area and maximum height of structures for Child Care/Educational Facilities in Residential zoning districts.

Petitioner Jill Keyes, 11 North White Pine Lane, explained this amendment would prevent neighborhood character from changing by regulating bulk and height on schools in residential zones. She said Mansfield is 94% residential with an average house size of approximately 1,900 square feet, and the amendment proposes a maximum size of 2,500 square feet for schools within residential zones.

**Board Comment**

Mr. McClanahan said he is concerned this would be counter to the Dover Act. Ms. Keyes said the Dover Amendment allows towns to regulate the size of schools. Mr. McClanahan said if the article passes at Town Meeting, the Attorney General's Office would review it.

[Mr. LeCesne arrived at 7:20 p.m.]

Ms. Keyes said any non-conforming structure has to get a variance or special permit from the Zoning Board of Appeals, and proposed schools over the 2,500 square foot maximum in residential zones would have to do the same things.

Ms. Keyes said schools on cul-de-sac roads will change the character of the neighborhood and said other towns have adopted by-laws to manage this use, including Norfolk, Wellesley and Acton. She said this amendment would help protect the neighborhood from traffic and noise, and would increase safety.

Mr. McClanahan asked Mr. Burke's opinion. Mr. Burke said the Attorney General's office will review the amendment if it is adopted and said adopting a special permit use could raise the possibility of problems with the Dover Amendment. He said he understands the motivation behind the proposed amendment. He agreed that if an existing facility were going to alter or extend a pre-existing, non-conforming use, it could go to the ZBA for a special permit. He said the standard is whether the change would be substantially more detrimental than the existing use.

Mr. Cerretani asked if the by-laws in other towns have been approved by the Attorney General's office; Ms. Keyes said they have been approved. She said the Norfolk by-law has been in place for 21 years.

Mr. LeCesne asked why the height would be limited to 35 feet; Ms. Keyes said 35 feet is the maximum height of a residential use. She said residential structures do not bring an increase in traffic and noise, and impact safety, the way commercial uses do.

Ms. Keyes said if a school in a residential zone wanted to be larger than 2,500 square feet, it would have to go to the ZBA for relief. She said she would like the location of schools to be reasonable. Ms. Ashman-Collins said schools are important community entities. Ms. Keyes agreed and said schools are the only commercial uses allowed in residential zones, and she is trying to protect the residential zones.

### **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.*

Rick Rosemark, 9 North White Pine Lane, thanked Ms. Keyes for presenting this amendment and thanked Mr. Burke for assisting. He said the zoning district Ms. Keyes is referring to, R1, is "scenic residential," and he thinks too much credit is being given to this use in the Dover Amendment. He said the Planning Board put together the town's Subdivision Regulations, which he said he doesn't think are being considered with this type of use.

Robert Smith, 82 Stearns Avenue, said it sounds like people are concerned about getting caught in traffic and having their views blocked. He said neighborhoods are going to change, and a school is a lot safer within a neighborhood because the students will not have to travel as far to go to school. He said he has seen how the Montessori school works, and parents do not leave their cars. He said traffic lasts a few minutes in the morning and afternoon, times he said do not coincide with people leaving for work or coming home. He said he doesn't think the whole by-law has to be changed for this one issue.

Xenia Smith, 82 Stearns Avenue, said this proposed amendment seems to be timed to make the facility at 19 Knight Way no longer allowable in that neighborhood.

Ms. Ashman-Collins noted this amendment would apply to the use in all residential zones.

Ms. Smith said there are two day care facilities on her street, and neither interrupt their lives.

Andrew Barr, 42 South Main Street, asked why the by-law should be changed now and said he remembers Balcom Street before the subdivision was constructed.

Vlad Zachary, 165 Central Street, said he lives next door to the Montessori school's current location, and there is sometimes some traffic, but he said it was a positive experience to hear the children playing outside. He said the school's current space is too small, and expanding uses like this and investing in students is a positive thing.

Bob Cavanaugh, 15 Justin Drive, said he supports Ms. Keyes. He said he was struck by a car as a child and noted there are still safety concerns even if there are only cars passing every few minutes.

Maureen Laroche, 19 Justin Drive, said she supports Ms. Keyes' proposal. She said everyone supports education, but this is a question of finding the right dimensions in the right location. She asked the board to consider this could happen in any neighborhood and she would like to be thoughtful about growth in the community as we move forward.

Nicole Mullin, 3 Knight Way, said she support this amendment and said her main concern is maintaining the integrity of the neighborhood. She said the existing Montessori school is under 2,500 square feet and this amendment would regulate much larger facilities in residential zones that would transform the neighborhood not just in terms of aesthetics, but safety.

Mr. LeCesne asked if people would feel differently if there were sidewalks on Knight Way. Ms. Mullin said she is on the corner of Knight Way, with no sidewalk. She said her main concern with this school, and the future larger school, is safety. She said the street is 24 feet wide and is even narrower in the winter, which she said is not safe. She said adding sidewalks would involve the removal of trees and light posts.

Mr. Cavanaugh said during snow events, there is no way two cars can travel down Knight Way. Ms. Ashman-Collins noted this proposed amendment would impact more than Knight Way.

Ms. Mullin said the square foot maximum would limit the number of students, which would limit the amount of traffic.

Ms. Keyes said Massachusetts law requires 35 feet per student. She said she wants to make sure where schools go is reasonable. She said through streets would have a better traffic flow, but cul-de-sac streets are different.

Mr. Barr asked about statistics on accidents at the existing school.

Ms. Smith asked if the current by-law has a maximum floor area ratio for residential uses. Mr. Burke said with residential uses, 50% open space is required, so after subtracting open space and setbacks, the zoning envelope would be the buildable area.

Ms. Smith said limiting square feet rather than number of students seems like it wouldn't address peoples' safety concerns. She said children should not be allowed to play in the street.

The board acknowledged the receipt of public comment from the following:

April 23, 2021 email from Dorothy Ellsworth, 12 Maverick Drive  
April 26, 2021 email from Rebecca Foster, 18 Mayflower Drive  
April 26, 2021 email from Dan Casamento, 7 Waldor Drive  
April 26, 2021 letter from Randy Miller, Miller Recycling Corporation  
April 26, 2021 email from Donna Tucker, 78 Ware Street  
April 26, 2021 email from Judee Marchionda, 7 Waldor Drive  
April 26, 2021 email from Corina Pfeffer, 63 East Street  
April 27, 2021 email from Julita and John Kowal, 2 Wayside Drive  
April 27, 2021 email from Oradee Adams, 15 Lantern Lane

**Motion:** To waive the reading of the written public comment and acknowledge the board members received and have read each one (McClanahan-Friedman)

Cerretani - In favor

LeCesne- In favor

Friedman - In favor

Bren - In favor

McClanahan - In favor

Ashman-Collins- In favor

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

Ms. Bren said she thinks this is an issue worth talking more about, but said she isn't sure the current iteration of the amendment would do what the petitioner intends.

Mr. LeCesne said he is concerned this may be spot zoning.

Ms. Keyes asked if frontage for an educational facility would have to be 200 feet like a residential lot. Mr. Burke said the Dover Amendment talks about reasonable regulations, which are typically things like parking, drainage and lighting, but does not get into landscaping and buffering. He said Mansfield's Zoning By-Law does not set frontage requirements for educational uses.

Ms. Keyes said the Town of Acton has a 2,500 square foot maximum for educational uses in residential zones.

**Motion:** Not to support Article 32 at 2021 Annual Town Meeting (McClanahan-Cerretani)

Cerretani - In favor

LeCesne - Abstained

Friedman - Abstained

Bren - In favor

McClanahan – In favor  
Ashman-Collins – In favor

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

**Motion:** To close the public hearing (McClanahan-Bren)

Friedman – In favor  
Bren – In favor  
LeCesne – In favor  
McClanahan – In favor  
Ashman-Collins – In favor  
Cerretani – In favor

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

**6. Public Hearing – Citizens' Petition – Article 30, 2021 Annual Town Meeting –  
Billboards in PBD – Nick Riccio**

**ARTICLE 30 WAS WITHDRAWN BY PETITIONER APRIL 27, 2021**

**7. Public Hearing – Citizens' Petition – Article 29, 2021 Annual Town Meeting - Rezone  
Walnut/Chauncy – Nick Riccio**

**ARTICLE 29 WAS WITHDRAWN BY PETITIONER APRIL 27, 2021**

**8. Public Hearing – Citizens' Petition – Article 31, 2021 Annual Town Meeting – FAR and  
Rear Setback in B4 – Jeffrey Vigeant**

The clerk read the public hearing notice to amend the Town's Zoning By-Law, Chapter 230, Schedule 4.2B, Density and Dimensional Regulations, Business and Industrial Districts, to change the maximum Floor Area Ratio in the Business 4 (B4) Zone from .80 to 1.50; and to add a new Note 6 to allow a 20-foot rear setback when the rear property line abuts a Business or Industrial Zone line or a Business or Industrial use.

Petitioner Jeffrey Vigeant explained he and his partner own Patriot Supply, 170 Copeland Drive in the B4 zone. He said several years ago, they wanted to do an addition with condos above, but the zone did not allow mixed-use. In 2016, he presented an article to increase the FAR in B4 to .08 and add mixed use. He said the 40-foot setback in B4 constrains what can be done on his one-half acre lot. He said he thinks 1.5 FAR in B4 would be fair. He said the 40-foot setback is important to protect residential abutters, but he is proposing a 20-foot setback if the lot abuts a commercial use. He said he hopes the board supports his article because he thinks people at Town Meeting rely on the Planning Board's recommendations.

**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.*

There was no public comment.

### **Board Comment**

Ms. Friedman asked if this is spot zoning. Mr. McClanahan said it is not because it would impact the whole B4 zone. Mr. LeCesne said he doesn't think this would be spot zoning because it would apply to all of the buildings in the zone. He said it appears reducing the setback may have impacts on the redevelopment of existing parcels in the zone.

Mr. Vigeant said the setback on any property abutting residential would remain at 40 feet and noted there are no setbacks in the B1 and B2 zones. He said losing 40 feet on his property would make redevelopment financially unfeasible. He said he thinks this is the right way to do this and thinks the zoning should reflect what really exists in town.

Ms. Bren said she thinks the board was supportive of this idea when Mr. Vigeant came to the board to discuss it previously.

Mr. Cerretani said he likes the proposal to leave the setback at 40 feet for lots abutting residential and he thinks it makes sense to provide relief for lots with commercial abutters.

**Motion:** To support Article 31 at 2021 Annual Town Meeting (McClanahan-Bren)

Cerretani – In favor

LeCesne – In favor

Friedman – In favor

Bren –In favor

McClanahan – In favor

Ashman-Collins – In favor      Six (6) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

**Motion:** To close the public hearing (Bren-Friedman)

Cerretani – In favor

LeCesne – In favor

Friedman – In favor

Bren –In favor

McClanahan – In favor

Ashman-Collins – In favor      Six (6) in favor. Zero (0) opposed. Zero (0) abstained. PASSES

**9. Around the Table**

Ms. Friedman asked if the previous article passes at Town Meeting, what the maximum FAR would be for a lot in B4; Mr. Burke said the maximum FAR would be 1.5.

Ms. Bren said she will be interviewing Ms. Ashman-Collins for the first "board member spotlight."

Mr. LeCesne said he walked along Route 106 with his daughter today, which was difficult because of the narrow sidewalks and lack of separation from the street. Mr. McClanahan said there are plans to renovate that area. Mr. LeCesne said connecting West Street to Route 106 would help alleviate traffic, but that would be a long-term issue.

**10. Adjournment**

**Motion:** To adjourn at 8:35 p.m. (Bren- )

Cerretani – In favor

LeCesne – In favor

Friedman – In favor

Bren –In favor

McClanahan – In favor

Ashman-Collins – In favor

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

Date of Next Planning Board Meeting: May 12, 2021 at 7:00 p.m.

Signature of Clerk

*Joseph Cerretani jr*

Date of Approval

*May 12, 2021*