

Planning Board Minutes
June 3, 2020
MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM

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Present: Donald Cleary, Chair; Richard LeBlanc, Clerk; Joseph Cerretani; Sharon Friedman and Adrian LeCesne, Alternates
Shaun P. Burke, Director of Planning and Development; Jennifer Davis, Administrative Secretary

The chair read the following notice:

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. Form A (ANR) Plans

340 Central Street/Copeland Drive. The ANR is a re-endorsement of a plan dated January 6, 1976, which was endorsed by the Planning Board on January 7, 1976, but never recorded. The new plan is dated April 20, 2020, prepared by RIM Engineering for Mayberry Holdings LLC and submitted by Atty. Robert F. Nugent.

The plan creates two lots: Lot AA, the existing 15,006 square foot lot at 340 Central Street; and Lot BB, with 21,874 square feet of area and 221 feet of frontage on Copeland Drive.

Mr. Burke said the lots have adequate frontage and area, and recommended the plan be re-endorsed.

Motion: To endorse the ANR plan (Friedman-Cerretani)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

All in favor. PASSES

1. Public Hearing – Maple Street Scenic Road – Town of Mansfield Engineering Department

The chair read the public hearing notice.

Richard C. Alves, Jr., P.E., Town Engineer/Assistant DPW Director, explained the proposal for the removal and replacement of approximately one hundred twenty feet (120') of stone wall within the right of way at 454 and 468-470 Maple Street.

Mr. Alves said he has spoken with the homeowners, who are in favor of the proposal. He said there will be some trees removed on private property, but no trees will be removed within the Maple Street right-of-way.

Mr. Alves said DPW has filed with the Conservation Commission for a proposed eight-space parking lot at the walking trail near Cate Springs.

Board Comment

Ms. Friedman asked how many spaces the Cate Springs parking lot currently has; Mr. Alves said people park on the trail now. He said the proposed parking will be off to the side and will have guardrails. Ms. Friedman said there is a fence that is closed most of the time, and asked if the new parking will allow pedestrian access but not motorized vehicles. Mr. Alves said he would check with Mr. Azinheira about that. Ms. Friedman asked that the Conservation Commission, Open Space and Recreation Committee and the Natural Resources Trust be notified, as they all have responsibilities there.

Public Comment

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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.

Motion: To approve the scenic road application as submitted (Cerretani-LeBlanc)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

All in favor. PASSES

Motion: To close the public hearing (LeBlanc-LeCesne)
 Friedman – In favor.
 LeCesne – In favor.
 Cerretani – In favor.
 LeBlanc – In favor.
 Cleary – In favor.

All in favor. PASSES

4. Public Hearing - Planning Board Zoning Articles – Annual Town Meeting 2020

The chair read the public hearing notice.

Article 28 Floor Area Ratio in B4

**Schedule 4.2B
 Density and Dimensional Regulations
 Business and Industrial Districts
 [amended 4-12-2016 ATM Article 16]**

Maximum Floor Area Ratio

	B1	B2	B3	B4	PBD	I1	I2	I3	TOD
Business/Residential	2.5	1.5	--	.80 2.0	--	--	--	.25	2.0

Mr. Burke explained this amendment was suggested by a business owner, but was sponsored by the Planning Board. He explained how Floor Area Ratio works and said this would be a significant change in density, similar to what is allowed downtown in the B1 and B2 zones.

Board Comment

Ms. Friedman said going from .8 to 2.0 would be extremely dense and could result in buildings more dense than buildings on North Main Street and at 1 Mansfield Avenue. She said 1 Mansfield has 1.5 FAR, and 2.0 was proposed for TOD, and that FAR on Copeland Drive would result in large buildings on small lots and would be too dense. She said she might be comfortable with 1.25 to make it more attractive for someone who wants to develop the land.

Mr. LeCesne asked the setback required in B4; Mr. Burke said 30 foot front yard, 20 foot side yard and 40 foot rear yard setbacks are required. Mr. LeCesne asked if developers would be required to install sidewalks; Mr. Burke said landscaping would be required, and parking must be at the rear, so a building could be set at the minimum front setback.

Mr. LeBlanc asked the height maximum; Mr. Burke said it is 45 feet in B4.

Mr. Cerretani asked about restricting the height to 32-33 feet; Mr. Burke said that would have to be done in a separate article, perhaps in the fall. Mr. Cerretani said there is residential along Copeland Drive, and 45 feet would result in very tall buildings. Ms. Friedman suggested that could be managed through FAR.

Mr. LeBlanc asked Mr. Burke’s opinion. Mr. Burke said he thinks 2.0 is too dense for that area of town and urged the board to use caution. He said the current .8 FAR increase in that zone came through a citizens’ petition as well.

Ms. Friedman said 1.0 FAR would be a 20% increase, which would be substantial in that area, where there are still some single-family houses.

Motion: To amend Zoning By-Law Section 230 Schedule 4.2B, Density and Dimensional Regulations, Business and Industrial Districts, to change the Maximum Floor Area Ratio [FAR] in the Business 4 [B4] zone from .80 to 1.0 (Friedman-

The motion did not receive a second.

Mr. Cleary said the board's options are to support this article as written, support it with a lower FAR, or withdraw the article.

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William Clemmey, 55 Fowler Street, said the Select Board just discussed holding Town Meeting outside at Xfinity Center and streamlining it. He suggested the board consider pushing articles it is not 100% behind to the fall.

Mr. Clemmey said nobody will be able to get to 2.0 FAR because of the setback and parking requirements, and said B4 can't be compared to downtown, which has no setback requirements. He said someone may be able to get a tall building in the middle of the lot, which would be architecturally difficult.

Ms. Friedman withdrew her motion.

Motion: To withdraw Article 28 from the 2020 Annual Town Meeting warrant
(Cerretani-LeBlanc)

Friedman – In favor.

LeCesne – Opposed.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

Four in favor One opposed. PASSES

Article 29 Accessory Apartments

230-3.9 Accessory Apartments as a special permit use

The special permit granting authority shall not issue a special building permit for a newly created accessory apartment in a detached, one-family dwelling unless the following conditions and requirements are met:

A. The owner of the dwelling in which the accessory apartment is created shall occupy either of the dwelling units in the structure. For the purposes of this section, the "owner" shall hold title to the dwelling, and for whom the dwelling is the primary residence for voting and tax purposes. ~~In addition, at least one of the two units shall be occupied by a person(s) at least 55 years of age or older.~~

Mr. Burke said affordable housing has come up as a topic during the Master Plan process. He said removing the last line of the current by-law and keeping the other special permit requirements in place would allow additional housing stock to be created without regard to the age of the occupant.

Board Comment

There was no board comment

Public Comment

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There was no public comment.

Motion: To support Article 29 at 2020 Annual Town Meeting (Friedman-LeCesne)

Mr. LeBlanc asked if the intent is to eliminate the age restriction to allow more apartments; Mr. Burke said removing the 55 and over requirements would open up the accessory apartment option up to all age groups.

Friedman – In favor.

LeCesne – In favor.
 Cerretani – In favor.
 LeBlanc – In favor.
 Cleary – In favor.

All in favor. PASSES

Article 30 Open Space in PBD

**Schedule 4.2B
 Density and Dimensional Regulations
 Business and Industrial Districts
 [amended 4-12-2016 ATM Article 16]**

	B1	B2	B3	B4	PBD	I1	I2	I3	TOD
Minimum Open Space	--	--	--	--	35% 25%	35	35	35	--

[Town Counsel suggested change: Add a “5” after **25%** to indicate the footnote [25%⁵]

Mr. Burke said this was suggested as a way to encourage redevelopment in the Planned Business District, the business park, only. He said all the other zones in town have 35% open space.

Board Comment

Mr. LeCesne asked how this came about; Mr. Cleary said the board has heard for years that the park is getting tired, and more should be done to encourage uses like life sciences and offices.

Ms. Friedman asked about the recently approved building on West Street; Mr. Burke said they are still trying to market that site.

Ms. Friedman said the business park is unique and she is not in favor of giving up open space; she said she would like to keep it at 25%.

Mr. Cerretani said the reduction might be an incentive to bring people in to fit what they need, which may not be what we see there now. He said it would require a big investment and would likely be a redevelopment of an existing site.

Ms. Friedman said several large buildings have been built in the business park in the last few years, and they were able to manage at 35%.

Mr. LeBlanc asked if any other boards have seen this proposal. Mr. Burke said it has been advertised and discussed at Planning Board meetings, but has not been widely circulated.

Public Comment

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William Clemmey, 55 Fowler Street, said with an ten percent, would allow 5,000 square feet of additional space for a 50,000 square foot building, which would allow additional office space and parking in a building conversion.

Motion: To support Article 30 at 2020 Annual Town Meeting (Cerretani-LeBlanc)

Friedman – Opposed.

LeCesne – In favor.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

Four in favor. One opposed. PASSES

Motion: To close the public hearing (Friedman-Cerretani)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

All in favor. PASSES

[Mr. Burke left the virtual meeting at this time.]

5. Public Hearing – Citizens’ Petitions – Annual Town Meeting 2020

The chair read the public hearing notice.

Article 35 Auto Service Station in B4

William Clemmey explained the proposal to allow auto service stations in the Business 4 (B4) zone. Mr. Clemmey said there are two service stations in B4 now, and the use would require a special permit.

Mr. Clemmey explained the definition of an auto service station, which requires service to be done inside the building. He said other allowed uses in the B4 zone include auto repair, car wash and car dealerships. He said the rear setback would be 40 feet.

Mr. Clemmey said a full-service gas station would be a good opportunity to develop

undeveloped land in the B4 zone and would generate tax revenue and jobs. He said the board supported the amendment in 2018.

Board Comment

Ms. Friedman asked if the full service gas station would have repair bays. Mr. Clemmey said an auto shop is already allowed in the zone and this definition is really for a gas station. He said it would probably be something like a Mobile or Cumberland Farms with gas and a convenience store, and possibly a Dunkin Donuts attached. He said the big difference between auto service versus and auto shop is the gas pumps.

Mr. LeCesne asked if this would require infrastructure changes in things like stormwater systems. Mr. Clemmey said this amendment is only to allow the use. Mr. Cleary said Mr. Alves would review any specific applications for the use.

Mr. Cerretani said he doesn't really have a problem with this, since the use is there already with Sunoco and Mobile. Mr. Clemmey said they have both been there at least 20 years; the zoning was put in place after they were there.

Mr. Cleary said he doesn't have a problem with this, and it would be a special permit use.

Public Comment

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There was no public comment.

Mr. LeBlanc said he was trying to picture where this use would go, and said there are already four or five gas stations along Route 106. He said he recognizes it would be a special permit use. Mr. Cleary said the former Paine School on Copeland Drive may be a good site for this use; Mr. LeBlanc said he would not be in favor of a gas station at that corner. Mr. Cleary said it might be an opportunity to get help reconfiguring that intersection.

Ms. Friedman said she is on the fence about the use and asked what is going on at the former Paine School now. Mr. Clemmey said that site is being used for storage for a town project.

Mr. Clemmey said this would be a special permit use, so the board can be plenty of discussion. He said he doesn't think retail is coming back, and this use may be something that could be built in the future.

Motion: To support Article 35 at 2020 Annual Town Meeting (Cerretani-LeBlanc)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

All in favor. PASSES

Article 34 Fast Food in B4

William Clemmey explained the proposal to allow fast food in the Business 4 (B4) zone. He said the proposal has been changed to allow a maximum of eight cars to be queued. He said it would be a special permit use and said the board supported the article in 2017.

Mr. Clemmey said a restaurant use is currently allowed in the B4 zone, and this amendment would require a 40-foot setback.

Mr. Clemmey said there are existing drive-throughs at Honey Dew and Wendy's, and Subway, Dominos and D'Angelo are already in the B4 zone.

Mr. Clemmey showed the board a plan showing the potential layout of a fast food use on his Copeland Drive lot, which he said would be as close to the street as possible, with a 40-foot rear setback. He said he thinks there is limited retail opportunity, but this type of fast food is more in demand and would provide tax revenue and jobs.

Board Comment

Mr. LeCesne said Mr. Clemmey appears to have a vision for the B4 district, and said as long as the board can look at each project to make sure it has the right character, he would be more comfortable with it.

Ms. Friedman asked if the B4 includes the former doctor's office on Copeland Drive; Mr. Clemmey said it does. Ms. Friedman said the corner of Chauncy and Copeland includes a large piece of land that could be developed as fast food.

Mr. Cleary said he thinks this is a good idea and thinks it will help divide the existing fast food traffic in the corridor.

Public Comment

The chair read the following statement:

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The chair read letters supporting the articles from residents Barry Cioe, John Rivard, Gregory Arnold, Kevin Thornton, John Bogdan, Joseph West and Christine West.

Ms. Friedman noted the use would be allowed on any lot in the B4 zone.

Motion: To support Article 34 at 2020 Annual Town Meeting (LeBlanc-Friedman)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

All in favor. PASSES

Motion: To close the public hearing (Friedman-Cerretani)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

All in favor. PASSES

Mr. Cerretani asked about Master Plan; Mr. Cleary said that meeting will be June 17.

Mr. LeBlanc suggested adding a discussion about FAR in the B4 zone to a future agenda.

6. Adjournment

Motion: To adjourn at 8:45 p.m. (Cerretani-LeCesne)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

LeBlanc – In favor.

Cleary – In favor.

All in favor. PASSES

Next Planning Board Meeting: June 10, 2020 at 7:00 p.m.

Donald L. Cleary
Signature of Chair

June 10, 2020
Date of Approval