

✓

**Planning Board Minutes**

**June 10, 2020**

**MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM**

Present: Donald Cleary, Chair; Beth Ashman-Collins, Michael McClanahan, Ralph Penney, 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 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.**

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

None

**3.Correspondence**

Minutes June 3, 2020

**Motion:** To approve the minutes as submitted (Friedman-Cerretani)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

Penney - Abstained

McClanahan – Abstained

Ashman-Collins – Abstained

Cleary – In favor.

Four in favor. Three abstentions. PASSES

RECEIVED  
TOWN OF MANSFIELD  
JUN 10 2020 10 3:28  
PLANNING BOARD

**4. Discussion of Possible Withdrawal of Planning Board Zoning Articles from 2020 Annual Town Meeting Warrant**

Mr. Burke explained the legislature has voted to allow the quorum for Annual Town Meeting to be reduced to 10% of a town's normal requirement; he noted the Select Board has discussed reducing Mansfield's quorum to 50%, from 200 to 100. He said if that is the case, a zoning article would need only 66 votes to pass, and he is concerned that would not be a representative cross section of residents. He said Town Meeting will be held in the parking lot of the Xfinity Center.

Ms. Friedman said by the fall, we may have a better idea of how public gatherings could be held.

Mr. McClanahan said he thinks the board should go forward with its zoning articles.

Mr. LeCesne said a lower quorum may not accurately reflect the town's population, and noted some people may not feel comfortable attending public gatherings at this time, particularly senior residents who are more vulnerable to Covid-19.

Mr. Cerretani said if only a small number of people attend Town Meeting, the board has the option to withdraw the articles. Mr. Burke said the board could do that, but said because this is such a different way of holding Town Meeting, perhaps it should be focused on the essential business of the town.

Mr. McClanahan said more people may attend Town Meeting than we expect.

Mr. Penney said he doesn't think there will be a big turnout, and even if there is, he is concerned the format will not be conducive to good discussion. He said he has always been reluctant to proposed zoning articles at a Fall Town Meeting because there are typically fewer attendees.

Mr. Cleary said Norton recently changed its quorum to zero, and Town Meeting has been well attended.

**Motion:** To bring the zoning articles to Annual Town Meeting, with the option to withdraw them at the meeting (McClanahan-LeCesne)

McClanahan – In favor.

Cerretani – In favor.

Ashman-Collins – In favor.

Penney – In favor.

LeCesne – In favor.

Friedman – Opposed.

Cleary – In favor.

Six in favor. One opposed. PASSES

## **5. Public Hearing - Planning Board Zoning Articles – Annual Town Meeting 2020**

The clerk read the public hearing notice.

### **Article 27 5G Small Cell Wireless**

This zoning by-law would establish regulations for expanding wireless technology. The development of 5G technology requires infrastructure more closely spaced without the height of cell towers. This article, in conjunction with the existing Mansfield Municipal Electric Department's Technical Standards, seeks to establish design and technical requirements for this new technology.

Mr. Burke explained the 5G technology is small units on existing telephone poles and equipment cabinets on the ground, not monopoles or latticework structures.

### **Board Comment**

Ms. Friedman asked if three or four carriers would share pole space. Mr. Burke said this is typically proprietary equipment, but three could be one or two carriers on a pole. He said the by-law would help prevent that and would give the town some aesthetic review. He said the article is not intended to promote or stop 5G, but to provide a process in which to evaluate applications.

Ms. Friedman said other than the aesthetics, the town will not have much control over this technology because it will come under FCC regulations.

Ms. Ashman-Collins said she is comfortable with the draft by-law. Mr. Cerretani agreed. Mr. Penney said the board has discussed this at length, and said the technology is coming.

Mr. Burke noted the equipment cabinets would be on the sidewalk and the antennae will be mounted to a pole.

Ms. Ashman-Collins asked if the cabinets would be allowed to impede the ADA requirements on sidewalks; Mr. Burke said they will not.

Mr. Cerretani asked if town counsel has revised this by-law; Mr. Burke said town counsel's office has reviewed the by-law.

### **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.

**Motion:** To support Article 27, 5G Wireless, at 2020 Annual Town Meeting  
(McClanahan-Friedman)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

McClanahan – In favor.

Penney – In favor.

Ashman-Collins – In favor.

Cleary – In favor.

All in favor. PASSES

-----  
**Article 23 Retail Definition**

This intention of this article is to exclude resident-only service uses (eg: gyms) and tenant rental storage space from the definition of Retail.

**Board Comment**

Mr. LeCesne asked if this definition would prohibit businesses like hairdressers because they do not sell things; Mr. Burke said the does not think it would.

Mr. Penney said the board has discussed this with an eye to bringing life to downtown with retail on the first floor.

Ms. Friedman asked if this definition would also encompass the B4 zone; Mr. Burke said it would apply wherever retail is allowed.

**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."*

William Clemmey, 55 Fowler Street, said this would eliminate the possibility of putting any use other than retail on the first floor of a building, whereas now the board has the opportunity to review uses through a special permit.

**Motion:** To **support** Article 23, Retail Definition, at 2020 Annual Town Meeting  
(Friedman-Penney)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

McClanahan – In favor.

Penney - In favor.

Ashman-Collins – In favor.

Cleary – In favor.

All in favor. PASSES

-----

### **Article 24 Multiple Residence**

The intention of this article is to require a Planning Board special permit for multi-family developments with more than 20 units (the amendment must be referenced in several sections of the Zoning By-Law).

Mr. Burke explained this came about as a result of concerns about by-right, large mixed-use developments. This by-law would require a special permit for 20 or more residential units.

### **Board Comment**

Ms. Friedman asked why the recommendation was for 20 or more residential dwelling units and not a smaller number. She said 20 units would be a relatively large building. Mr. Burke said 20 came from a former Planning Board member.

Mr. McClanahan said he thinks 20 is a good number, and said there are not many buildings with more than 20 units. Ms. Friedman said she would like the board to have some control over the mass and density of buildings going up.

Mr. Cleary said right now, an all-residential building could be built by right, so this is a place to start.

Mr. Cerretani said by-right uses still have to comply with the zoning requirements.

Mr. LeCesne said the use is allowed by right in only a few zones and asked about I3. Mr. Burke said that area has many older industrial uses and is close to downtown. He said the area near the train station area on the west side of the railroad tracks is I3.

Mr. Penney said the board had previously talked about this in terms of square footage, but changed to number of units. He said he thinks 20 is a good number.

Mr. Cerretani said he thinks this will give the board more control and 20 is a good number.

Ms. Ashman-Collins said this seems like the direction the board has discussed previously.

### **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 acknowledged 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."*

No public comment

**Motion:** To support Article 24, Multiple Residence, at 2020 Annual Town Meeting  
(McClanahan-Penney)

Friedman – In favor.

LeCesne – In favor.

Cerretani – In favor.

McClanahan – In favor.

Penney - In favor.

Ashman-Collins - In favor.

Cleary – In favor.

All in favor. PASSES

-----  
**Article 25 North Main Street Overlay District**

The intention of this article is to require a Planning Board special permit for multi-family developments with more than 20 units in the North Main Street Business Overlay District; to amend density incentives in the NMSBOD; to remove the option to count on-street parking spaces toward a project's parking requirements in the NMSBOD; and to exclude resident-only service uses on the first floor in the NBSBOD.

Mr. Burke explained there are many moving parts in this overlay district. He said when it was adopted, it was intended to encourage downtown development by allowing things like density bonuses and the ability to count on-street parking within the frontage, which were incentives to bring developers downtown. The board discussed eliminating the district, but decided to propose things like scaling back the density bonuses, eliminating the ability to count on-street parking as on-site parking and eliminating the ability to stack density bonuses on top of one another. He noted Town Meeting amended the overlay district map to reduce the size of the district in 2019.

**Board Comment**

Mr. Penney said the board discussed the fact that the original intention of the overlay district was to help encourage development in B1 and B2 through the use of incentives. He said there was consensus that some of those objectives have been achieved, which started the discussion about scaling back the incentives. Mr. Penney said he is concerned about eliminating the ability to count on-street parking in front of the building. Mr. Burke said that would apply to new developments and the redevelopment of existing sites.

Ms. Friedman said the parking requirements downtown have recently been reduced, and this would give the board a bit more control in shaping what a building will look like.

Mr. Penney said this would reduce the size of a building that could be built downtown.

Mr. LeCesne said a lot of existing downtown buildings are built close to the street.

Ms. Friedman said we have been trying to make downtown pedestrian friendly.

Ms. Ashman-Collins said this may help encourage the redevelopment of existing downtown buildings.

Mr. Penney said he thinks it would be unfair to prevent building owners from counting the parking spaces in front of their buildings.

Mr. LeCesne said under this by-law, developers will not be able to stack density bonuses, so will use the most advantageous one.

Mr. Cerretani said the building currently being built on North Main Street was able to count on-street parking spaces; Mr. Burke said that building has frontage on three streets, so the developer was able to use some of the existing spaces, which allowed a couple of additional units. Mr. Cerretani said he thinks that is one of the reasons the board is discussing this issue.

Mr. LeCesne asked if the retail definition change would impact this. Mr. Burke said it would not and said this change goes to the density bonuses specifically in the overlay district.

### **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."*

Mr. Clemmey said he likes the change from 100% compact parking. He said he doesn't think the density bonuses have an impact because a development is limited by how much parking it has. He said he thinks parking in front of the building should be used toward the retail parking count, not the residential parking count, because people parking on the street are likely going into the retail uses.

Mr. Penney suggested the article could be withdrawn.

Ms. Friedman said she thinks the by-law is comprehensive and speaks to a lot of things the board has been discussing.

**Motion:** To **withdraw** Article 25, North Main Street Business Overlay District, from the 2020 Annual Town Meeting warrant (McClanahan-Penney)

Mr. LeCesne said the proposed change would do a couple of different things, some of which may need separate treatment, such as parking impact, density bonuses and retail. Mr. Penney agreed this is complicated and may be better broken up into separate articles. He said parking is a big issue downtown and he is concerned removing it may curtail downtown development.

Ms. Friedman said she thought the parking discussion was about residential parking, not retail parking. Mr. Burke said it would apply to both uses.

Friedman – Opposed.

LeCesne – In favor.

Cerretani – In favor.

McClanahan – In favor.

Penney – In favor.

Ashman-Collins – In favor.

Cleary – In favor.

Six in favor. One opposed. PASSES

-----  
**Article 26 TOD**

The intention of this article is to require a Planning Board special permit for any proposal seeking to utilize the density bonus provisions of the TOD by-law; to reduce the parking requirement in the TOD; increase the minimum number of units per acre in the TOD; to establish minimum frontage in the TOD; to increase the maximum building height in the TOD; and to amend the possible density bonuses that can be granted when a proposed project provides community benefits or amenities.

Mr. Burke said this is basically a complete overhaul of the train station area zoning, including increasing density from 10 to 40 units per acre, reducing the parking requirement, changing uses from special permit to by-right and increasing height. He said this came about as a result of the TOD by-law being in place since 2014 but not being used and is a way to help make development in that area easier. He said purpose of the 55-foot height closest to the train station is to allow a possible parking garage and to place a sound barrier between the railroad tracks and the adjacent existing neighborhood. He said the heights would be stepped back from the train station closer to the residences to the west and north.

**Board Comment**

Mr. Cerretani said the with 55-foot building height and the existing Route 106 underpass, the height would be more like 75 feet, and suggested stepping the height back from Route 106.

Mr. Cleary said there are residences across the street on Draper Avenue next to the 55 foot building height. Ms. Friedman said it might make sense to bring the 35-foot height down to Route 106. She said she thinks 55 feet is too high next to the tracks.

Ms. Friedman asked if the density should be 20 units by right to be consistent with the previous article. Ms. Ashman-Collins said the board has discussed allowing higher density in the TOD.

Mr. LeCesne said he thinks there is some merit to adding a noise barrier for the residences. He said he is concerned the traffic impact of additional units, especially at the intersection of Route 106 and Highland Avenue.

Mr. McClanahan asked where the 40 units per acre came from and said 30 might be better.

Ms. Ashman-Collins said the height over the catenary wires will help with pedestrian access.

Mr. LeCesne said he is concerned about the existing traffic issues on Route 106. Mr. Burke said the town plans to do a MassWorks grant application to address traffic issues. He said DPW has a contract with a design engineer for the new grade crossing, roundabout and new access road to this site. He said the board has always been concerned about securing a second means of egress before it would support additional density in this area.

Mr. Cerretani suggested tabling this by-law and spending more time discussing it. Ms. Ashman-Collins agreed.

Mr. Penney said this has been a sensitive issue for a number of years, and the residents have long been concerned about traffic. He said he thinks things are progressing, but it is a slow process. Mr. Burke said there is a design in the works for the grade crossing relocation and the roundabout. Mr. Penney said he would feel more comfortable giving the residents an opportunity to talk to the board about their concerns, and said he thinks 40 units per acre is too high.

Ms. Friedman said there has been a lot of discussion about scaling this to the neighborhood and suggested looking at extending the 35-foot height further toward Route 106.

### **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 acknowledged 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."*

**Motion:** To **withdraw** Article 26, TOD, from the 2020 Annual Town Meeting warrant and discuss bringing it back for the Fall 2020 Special Town Meeting.

(McClanahan-Friedman)

Friedman – In favor

LeCesne – In favor

Cerretani – In favor

McClanahan – In favor

Penney – In favor

Ashman-Collins – In favor

Cleary – In favor

All in favor. PASSES

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

Friedman – In favor.

LeCesne – In favor

Cerretani – In favor

McClanahan – In favor

Penney - In favor

Ashman-Collins - In favor

Cleary – In favor

All in favor. PASSES

Mr. W. Clemmey said he has attended several meetings with the Town Manager and landowners around the train station and said he thinks it would be beneficial to have a workshop with BETA and the neighbors to discuss the options, including what is there now and how the new road connecting Chauncy Street to County Street could work. Ms. Ashman-Collins said she thinks that is a good idea and suggested a structured workshop to allow people to discuss specific issues. Mr. Penney said he would welcome residents' comments and a workshop would be a good way to get a lot of questions answered ahead of town meeting.

## 6. Adjournment

**Motion:** To adjourn at 8:40 p.m. (McClanahan-Cerretani )

Friedman – In favor

LeCesne – In favor

Cerretani – In favor

McClanahan – In favor

Penney - In favor

Ashman-Collins - In favor

Cleary – In favor

All in favor. PASSES

Next Master Plan Committee Meeting: June 17, 2020 at 7:30 p.m.

Next Planning Board Meeting: June 24, 2020 at 7:00 p.m.

Signature of Clerk

*Joseph Cerretani*

Date of Approval

*August 19, 2020*