

Planning Board Minutes

July 14, 2021

"HYBRID" MEETING HELD IN PERSON IN MEETING ROOM 3 A/B AND
VIRTUALLY USING GOTOWEBINAR PLATFORM

Present: Beth Ashman-Collins, Chair; Joseph Cerretani, Clerk; Sharon Friedman, Michael
McClanahan, Ralph Penney, Michael Feck; Diana Bren, Alternates
Shaun P. Burke, Director of Planning and Development; Jennifer Davis, Administrative
Secretary

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MANSFIELD
MASSACHUSETTS

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

2. Correspondence

June 9, 2021 minutes

Motion: To approve the June 9, 2021 minutes as submitted (Cerretani-Bren)

Five (5) in favor. Zero (0) opposed. Two (2) abstained. PASSES

3. Reorganization

Motion: To appoint Ms. Bren Clerk (McClanahan-

Motion withdrawn due to Ms. Bren's status as an alternate member.

Motion: To appoint Mr. Cerretani Chair (Penney-McClanahan)

Two in favor (2) in favor. Three (3) opposed. One (1) abstention. FAILS

Motion: To reappoint Ms. Ashman-Collins Chair (Friedman-Bren)

Four (4) in favor. Two (2) opposed. One (1) abstention. PASSES

Motion: To reappoint Mr. Cerretani Clerk (Penney-McClanahan) All in favor. PASSES

4. Forum A (ANR) Plans

None

5. Special Permit Public Hearing continued - 50 Reservoir Street - Coffee Shop Drive -
Through - Mansfield Landing, LLC

Owner Marco Crugnale and Engineer Bob Rego, RiverHawk Environmental

[Mr. Feck has missed two meetings and will not participate in this public hearing.]

Board Comment

Mr. Penney asked if a new traffic study was done; Mr. Burke said it was. Mr. Penney asked about peak traffic times; Mr. Burke said the peak traffic hours will be approximately 7am-11am, with a second, smaller peak later in the day.

Mr. Cerretani said the biggest question was about queuing and he thinks the 14 queuing spaces provided will be sufficient. Mr. Penney noted there are also two extra spaces after the pickup window.

Ms. Bren said some of the volume will be cars already traveling to the site to go to the hotel or medical offices.

The board members reviewed the draft special permit.

Ms. Friedman asked if it is reasonable to have deliveries made between 9pm-5am; Mr. Burke said deliveries are typically made early in the morning rather than at night to avoid delivery vehicles in or across the drive-through lane during business hours. Mr. Crugnale said he would be willing to put that in the lease.

Mr. Crugnale said he does not believe the business will cause queuing on Reservoir Street.

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 Chair 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.

Peter Wiggins, 157 Mansfield Avenue, Norton, said a coffee shop near the highway is a good idea and the business will be a good addition to the plaza.

Motion: To approve the draft special permit for a coffee shop with a drive-through on Pad 3 at 50 Reservoir Street as drafted (Friedman-McClanahan)

McClanahan - In favor. The benefits outweigh the detriments and the traffic concerns have been addressed.

Cerretani – In favor. Queueing was the biggest issue and I think the applicant has addressed that; there will be no financial burden to the town.

Penney - In favor. The benefits outweigh the detriments, and I appreciate the applicant working with the board to address the abutters' concerns. The traffic study shows the peak will be

primarily in the morning, and they have taken measures to prevent traffic backing up onto Reservoir Street.

Friedman – In favor. The benefits outweigh the detriments. This will provide revenue for the town, I think the traffic concerns have been taken into consideration, and there will be no detriments to health and safety.

Bren – In favor. The benefits outweigh the detriments, the applicant has done everything possible to address the abutters' concerns, and the traffic light will help the traffic situation.

Ashman-Collins –In favor. The benefits outweigh the detriments, the business will be an amenity for the development, and the biggest concern was traffic and the plan as proposed addresses that.

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

Mr. Crugnale said he expects the traffic light to be installed and operational by the end of July.

Motion: To close the public hearing (McClanahan-Cerretani) All in favor. PASSES

6. Preliminary Subdivision – 2 Lots off Knight Way – FOD LLC

Ms. Ashman-Collins explained the process for a preliminary subdivision and explained that while this is not a public hearing, the board will hear from the applicant, the board and the public.

Craig Cygawnoski, RIM Engineering; Attorney Mark Lanza; owner Emily Miller

Mr. Cygawnoski explained the preliminary plan for a two-lot subdivision, which would extend the existing Knight Way roughly 185 feet. He said they had requested a waiver to not build the road, but they would like to withdraw that request and propose to build the minimum pavement required that will conform to the Fire Department's turning radius detail. Mr. Cygawnoski said the existing road is 650 feet long and the benefit to the town would be one additional house lot. Ms. Miller said she intends to live there and to improve the existing house.

Mr. Cygawnoski said they would like to request the curbing be cape cod berm rather than granite and that the remainder of the paved area in the cul-de-sac remain as the existing gravel drive.

Mr. Cygawnoski said they would like to withdraw the request to not construct the drainage system and will design the minimum drainage system required for the pavement constructed in the cul-de-sac.

Department Head Comment

The board received comments from Chris Cox, MMED and Mr. Burke.

June 17, 2021 response letter from Craig Cygawnoski, RIM Engineering.

Board Comment

Ms. Bren asked where the cul-de-sac is in relation to the existing houses on Knight Way. Mr. Cygawnoski said this cul-de-sac would not impact the existing houses.

Mr. McClanahan suggested the applicant would consider extending the roadway for residential lots, perhaps in a residential compound. Mr. Burke said North and South White Pine were both cul-de-sacs when they were proposed, separated by town-owned land. That land was later sold for residential lots and the roads were connected. Ms. Miller said she had no comment on that at this time.

Ms. Miller said the proposed cul-de-sac would not be a public way and would create two lots. She said she has been contacted by schools in other towns that faced similar opposition, and when the schools were built, things were fine. She said this lot is over 13 acres.

Mr. McClanahan said the board has never approved a double cul-de-sac. Mr. Cygawnoski said the only people using that cul-de-sac would be people going to the school or the resident of the second lot. He said they have a 50-foot right-of-way and with the cul-de-sac, the two new lots would have frontage.

Mr. Penney said the proposed extension would be 185 feet off an existing 650-foot road. He said the by-law only allows a dead-end street to be 650 feet and asked if the board has ever allowed a similar extension. Mr. Burke said the board granted waivers on the length of a dead-end street at Bay Brook Farm to avoid two wetland crossings and on Fram Drive to avoid an egress next to a town-owned ancient cemetery. In those cases, the board found the public interest would be served in both cases. However, he said the board has not granted an extension to an existing roadway. Mr. Penney asked Mr. Burke if this proposed roadway extension offered any such benefit to the public; Mr. Burke said it did not.

Mr. Penney said there is one existing house at the end of Knight Way and asked what the landowner intends to do with the other lot. Ms. Miller said the lot for the school already exists and this plan would separate the existing house lot from the school lot and would create frontage for both lots. Mr. Cygawnoski said if the house were to be sold, it would have to be separated from the school lot. Mr. Burke said the only time one lot can be divided into two without relief is when there are two homes on a single lot that existed prior to the adoption of zoning in 1953. Under the statute, that lot has the right to be divided into two. However, he said that is not the case here.

Mr. Penney said he hears the argument but does not think he can support it. He said he doesn't see the benefit to allowing the waivers in this case. Ms. Miller said the existing subdivision would not exist if not for the right-of-way, which was needed to create the subdivision lots. Mr. McClanahan said that was not the case.

Mr. Cerretani said several abutters had written to request Ms. Ashman-Collins recuse herself from this issue. He said he does not see the need for that and said Ms. Ashman-Collins did not do anything wrong during the last meetings that would require her to do that. Ms. Ashman-Collins said she has spoken with Town Counsel, and there is no reason for her to recuse herself.

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.

Ms. Ashman-Collins recognized the board has received the following written comments:

June 22, 2021 email from Bob Cavanaugh

June 23, 2021 email from Rick Rosemark, 9 North White Pine Lane

July 13, 2021 email from Cynthia Cavanaugh, 113 Balcom Street

July 14, 2021 email from Bob Cavanaugh

July 14, 2021 email from Marco and Amanda D'Amato, 7 North White Pine Lane

July 14, 2021 email from Steve and Karen Purltell, 3 North White Pine Lane

July 14, 2021 email from James Perry, 10 North White Pine Lane

Bob Cavanaugh, 15 Justin Drive, said the board has not granted a roadway length waiver. He said how the existing homes acquired their lots is not relevant to this discussion. He said there will be no benefit to the approval of this subdivision.

Jay Brolin, 7 Claire Avenue, asked if the creation of a private way with the extension of an existing roadway to get additional lots has ever been successful. Mr. Penney said there is a reluctance to create dead-end streets; Mr. Burke agreed and said ideally, all streets would be through ways.

Mr. Brolin asked the impact of the proposed future school if the lots are subdivided. Ms. Ashman-Collins said the subdivision would not change the zoning of the land. Mr. Burke said the site plan for the school showed a 1,200 square foot building and included a life tenancy for Mrs. Knight, which created two uses on one existing lot. He said he looks at drawing the lot line as a more formal way of delineating the life tenancy and said the school site plan would not be changed with the new lot line. The school would be located on Lot 2.

Mr. Brolin said the site plan approved the small school building, but asked if creating a second lot changes the character of the residential use. Ms. Miller said the two uses were approved

years ago by the court. Mr. Feck said the zoning is still residential and the school building would not change that zoning designation.

Andrew Frenette, 12 South White Pine Lane, asked if the grant of the waivers and creation of frontage would that change the Dover Amendment argument. Mr. Burke said he thinks the Dover Amendment would still apply; changing the lot line would not affect the protection the Commonwealth extends to this use. Mr. Frenette said the proposed roadway extension would be a 30% increase over what the town allows.

Ms. Bren asked if the subdivision would change anything in relation to the future school. Mr. Burke said the issue is whether frontage was created by the subdivision plan, so if that were approved, it would be different because currently, access is through the 50-foot easement. He said the cul-de-sac would create the frontage. He said if this were to go to a definitive subdivision plan, that decision would be a recordable document and the frontage would be created at that point. Ms. Bren asked if the creation of frontage would impact anything with regard to the Dover Amendment. Mr. Burke said if the question is whether the creation of Lot 2 with frontage would make creating the larger future school building possible, the answer is yes. Ms. Miller said the frontage isn't needed to allow the larger school. She said that decision has already been made by Land Court.

Cynthia Cavanaugh, 113 Balcom Street, said the Land Court approval was under the Dover Amendment, which is for a day care or non-profit school, which she said does not exist. Ms. Ashman-Collins said that does not pertain to the preliminary subdivision issue and would be more appropriately discussed at next week's Zoning Board meeting

Bob Cavanaugh said a preliminary subdivision with four lots on this site was denied in 2007 and said if that had been approved, there would be four homes there instead of the school proposal.

Mr. Burke asked about the waiver requests. Mr. Cygawnoski said the waiver requests are for the length of a dead-end street, not to pave the cul-de-sac island, to use cape cod berm instead of granite, and to install sidewalk on one side.

Ms. Friedman said it probably makes more sense to use granite curbing, which is more durable than cape cod berm.

Waivers

Length of dead-end street

Motion: To not grant the waiver to extend the length of the existing street

(McClanahan-Cerretani) Seven in favor. Zero (0) opposed. Zero (0) abstained. PASSES

To not grant the waiver to construct the cul-de-sac island, one sidewalk, cape cod berm

Motion: To grant the waiver to not pave the cul-de-sac island, to install one sidewalk and to use cape cod berm because those are waivers the board has granted in the past when they have been reasonable (Feck-McClanahan)

Mr. Penney said the board has not routinely granted those waivers.

Motion withdrawn

Motion: To not grant the waivers to not pave the cul-de-sac island, to install one sidewalk, and to use cape cod berm (Penney-McClanahan)

Six (6) in favor. One (1) opposed. Zero abstentions. PASSES

Mr. Burke noted that these votes do not obligate board members to vote no on waivers that may come in with a definitive plan.

7. Around the Table

Mr. Burke said the board's meetings will likely continue to be hybrid and will be held in Meeting Room 3 a/b on the second and fourth Wednesday of the month, opposite the Select Board's schedule. Mr. Feck said the hybrid option is a good one for people who cannot attend in person. Mr. Cerretani asked if board members can be virtual; Mr. Burke said that will be possible if there are extenuating circumstances.

Mr. Cerretani said the Select Board will be discussing the former Police Station at 50 West Street at its August 4 meeting and asked what their plans are. Mr. Burke said the town has applied for a grant to rehab the building into a Council on Aging, which was discussed during the Master Plan process. Mr. Penney said the 200-foot Rivers Act may not apply to that site because it is already developed. He said the existing building was poorly designed and the roof leaked frequently; he said it may be better to level it and rebuild.

Mr. Cerretani asked about the North Main Street Fire Station; Mr. Burke said some oil was found when the test holes were dug, but after an extensive study, there was much less pollution than expected. He said the sale has not gone through yet.

8. Adjournment

Motion: To adjourn at 8:50 p.m. (McClanahan-) All in favor. PASSES

Date of Next Planning Board Meeting: August 11, 2021 at 7:00 p.m.



Signature of Clerk

9.8.2021

Date of Approval