

**Planning Board Minutes**

**September 8, 2021**

**“HYBRID” MEETING HELD IN PERSON IN MEETING ROOM 3 A/B AND  
VIRTUALLY USING GOTOWEBINAR PLATFORM**

Present: Beth Ashman-Collins, Chair; Sharon Friedman, Acting Clerk; Ralph Penney, Adrian LeCesne and Diana Bren, Alternates  
Shaun P. Burke, Director of Planning and Development; Jennifer Davis, Administrative Secretary

RECEIVED  
TOWN CLERKS OFFICE  
SEP 10 2021 P 2:34  
MANSFIELD  
MASSACHUSETTS

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

**Motion:** To appoint Ms. Friedman Acting Clerk (Penney-Bren) All in favor. PASSES

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

Gilbert Street

The plan seeks to create two lots. Mr. Burke explained there will be an access easement for the new lot across the existing 375 Gilbert Street to avoid a wetland crossing. He said the lots have the requisite frontage and recommended endorsing the plan.

Mr. Penney asked about the long-term plans for the new lot. Mr. Cygawnoski said this property was originally part of a proposed six-lot subdivision, but construction would require so much fill, the owner now plans to building one home there.

**Motion:** To endorse the Form A plan (Penney-LeCesne) All in favor. PASSES

**2. Correspondence**

1. July 14, 2021 minutes

Mr. McClanahan’s motion to appoint Ms. Bren Clerk was withdrawn “because of Ms. Bren’s status as an alternate member.”

p. 3 – 3d para, last sentence – the benefit to the town would be “one” additional house lot.

p. 4 – Mr. Penney asked if the board had ever allowed a similar roadway extension. Mr. Penney asked Mr. Burke if the proposed roadway extension offered any such benefit to the public; Mr. Burke said it did not.

**Motion:** To approve the July 14, 2021 minutes as amended (Penney-Bren)

Four (4) in favor. LeCesne abstained. PASSES

2. Draft letter to Select Board regarding tree trimming along Routes 140 and 495 for visibility for Mansfield Crossing signage

The owner of Mansfield Crossing would like the board’s support for their application to MassDOT to trim and prune trees within the MassDOT right-of-way of Routes 140 and 495. There is no proposal to change the existing sign height, but only to selectively, prune and trim trees.

**Motion:** To support the tree trimming and pruning along Routes 140 and 495 to improve visibility for Mansfield Crossing signage along the highways

(Penney-Bren) All in favor. PASSES

#### 4. Special Permit Public Hearing - 20-22 Pleasant Street – 7-Unit Residential Development

The clerk read a request from the applicant to continue the public hearing to October 13, 2021.

**Motion:** To continue the 20-22 Pleasant Street special permit public hearing to October 13, 2021 at 7:15 p.m. (Penney-Bren) All in favor. PASSES

#### 5. Appoint Planning Board Representative to “TIF” Committee

Mr. Burke said former Chair Don Cleary had been the board’s representative to the TIF committee. He explained TIF stands for Tax Increment Financing, which is a discount the town gives to businesses relocating to town or expanding, which would ask for a TIF on its new construction. The committee negotiates the TIF with the business owner and Town Meeting makes the final decision about whether to grant the TIF. Mr. Burke explained a TIF also makes the business eligible for things like state tax incentives and job training. He said the time commitment depends on the applications; the committee may meet three or four times when a new application is submitted, then send a recommendation to Town Meeting.

**Motion:** To appoint Mr. LeCesne as the Planning Board representative to the TIF Committee (Friedman-Bren) All in favor. PASSES

#### 6. Discussion of Potential 2021 Special Town Meeting Issues

Mr. Burke explained Special Town Meeting has been scheduled for November 4. He said there is sometimes limited attendance at a Special Town Meeting, and the Select Board can reduce the quorum during the Covid emergency. He said he spoke with the Assistant Town Manager, who said that although at this point there are mostly financial articles on the warrant, there is no opposition to submitting zoning articles.

Ms. Bren said she would not be opposed to bringing the housekeeping articles to Special Town Meeting. Ms. Friedman asked if the board should vote to go forward on each article. Mr. Burke said it should vote so the articles can be submitted for the warrant and public hearings can be scheduled.

#### Medical Marijuana

Ms. Ashman-Collins said the medical marijuana by-law is simply to reflect the state’s enabling legislation.

Ms. Friedman asked if the medical marijuana article has to differentiate between medical and retail marijuana uses. Mr. Burke said it does not because those are two different uses. He explained the medical marijuana by-law changes are based on changes to the enabling legislation. References to “non-profit” must be deleted; references to the use as “Medical Marijuana Dispensary” must be changed to “Medical Marijuana Treatment Center;” references to “the Department of Public Health” must be changed to “the Commonwealth Cannabis Control Commission;” and references to “105 CMR 725.100” must be changed to “935 CMR 501.101.

**Motion:** To submit the amendments to the medical marijuana by-law as drafted (Friedman-Bren) All in favor. PASSES

### **Building Height**

Mr. Burke said the building height changes are intended to better define how building height is measured, and allows the board to make exceptions for architectural features.

Mr. Penney said the amendment references the sidewalk and asked what would happen if there is no sidewalk. Mr. Burke said with new commercial construction, the board has been requiring sidewalks. The board discussed that if no sidewalk is present, measure from the curb; if no curb is present, measure from the road.

Ms. Friedman asked about the 10 feet above the maximum building height; Ms. Ashman-Collins said non-habitable elements can be 10 feet above the maximum building height, except by special permit. Ms. Friedman said 10 feet is almost another story, which was what the board was trying to get away from. She said she remembered the discussion being five feet above, not 10. Mr. Penney said that would only apply on a flat roof, not to a pitched roof.

Consensus was to allow five feet above maximum building height by right.

**Motion:** To submit the changes to Section 1.5, Definitions, Building Height, changing 10 feet above the maximum building height to five feet (Friedman-Penney) All in favor. PASSES

### **Site Plan**

Mr. Burke said the site plan article is simply to correct “review” to “change” in two places, which should have been done when Site Plan approval was adopted in 2013.

Mr. Penney said prior to 2013, the Planning Board made a recommendation to the Building Inspector. In 2013, site plan approval was changed to the Planning Board. When the amendment was adopted, there were two places where “review” should have been replaced with “approval.”

**Motion:** To submit the site plan amendment as drafted  
(Penney-LeCesne) All in favor. PASSES

### **Signs**

Mr. Burke explained the Select Board has submitted an amendment to 230-4.7, Signs, to address temporary signs and Digital Message Boards. He said the town currently allows illuminated, but not animated, signs. He said he understands the need for this type of sign for public safety issues, notices at the school campus, or at gas stations.

Mr. LeCesne said he is more concerned about the sign’s distance to the street than with content; Mr. Burke said setback is addressed in the General By-Law.

Mr. Penney asked if this would affect the MMAS sign; Mr. Burke said it would not.

Ms. Bren said the by-law lacks a standard of appropriateness of the sign’s content.

Ms. Friedman said she thinks there is a small step between allowing digital signs like this and digital billboards. Ms. Ashman-Collins said because this is in the sign by-law, the digital sign can only advertise things sold on the property. Ms. Friedman said the board has previously

discussed monument signs and what they should look like, and the digital component should be looked at carefully.

Mr. LeCesne said he would be uncomfortable with directing the content of the sign. Mr. Burke said an applicant would have to file a sign permit with the building inspector, and the Planning Board would hold a meeting similar to site plan.

### **Educational/Day Care Facility Uses in Residential Zones**

Mr. Burke said the draft amendments were based on conversations and zoning by-laws from other communities submitted by resident Jill Keyes.

Ms. Keyes said the maximum building size in the draft may not work in all residential zones.

Mr. Burke said the issue is limiting the size of the structure, adding new definitions and performance standards.

Ms. Ashman-Collins said she would feel more comfortable if this applied to the Residential 1 zone rather than all residential zones. Ms. Keyes said she thinks the relationship of bulk and height should apply to all residential zones. Ms. Ashman-Collins asked if a school could build larger than that zone's height and FAR maximums; Mr. Burke said it could. Ms. Keyes suggested using 2,500 square feet in R1 and "bulk and height" standard in the other residential zones.

Ms. Ashman-Collins noted the Primrose School is significantly larger than 2,500 square feet and is in a residential zone.

Mr. Burke asked if Ms. Keyes intends to submit this as a citizens' petition to Special Town Meeting, which requires 100 voters' signatures, or if the Planning Board would submit it.

Mr. LeCesne said the "bulk and height" relationship is important, but said the specific floor area limitation relates to the number of students who can fit in a building. Ms. Keyes said it is an issue of impacting the neighborhood. She suggested the 2,500 square foot limit in R1 and "in relationship to the surrounding buildings" in other residential zones. She said it could also be at the board's discretion based on the relationship with the surrounding buildings. Mr. LeCesne said he thinks 2,500 square feet may be too restrictive, but would be comfortable with the "bulk and height." Ms. Keyes agreed.

Ms. Friedman said she thinks it is worth bringing to a public hearing to get public comment. She asked how this dovetails with the Dover Amendment. Ms. Keyes submitted an SJC decision indicating Dover Amendment uses have to be in balance with local zoning.

Mr. Burke said if the board wants to go to Special Town Meeting with the article, the advertisement has to be submitted to the newspaper next week; the article could be amended after discussion at the public hearing.

**Motion:** To submit the article as submitted (Bren-Friedman) All in favor. PASSES

**7. Around the Table**

Ms. Friedman said the Open Space and Recreation Committee is starting to use the Master Plan to update the Open Space Plan. She said the Capital Improvements Committee is meeting tomorrow.

Ms. Bren congratulated the LeCesne family on their new member.

Mr. Penney asked if the joint meeting about Master Plan issues with the Select Board on October 13 would include the 50 West Street property; Mr. Burke said it may, and noted the Select Board has voted to retain the building. Mr. Penney said a COA and community center were part of the Master Plan discussion and would be worth bringing up at that meeting. Ms. Friedman said there have been a number of studies about the benefits of inter-generational programming. Mr. Penney asked if the Planning Board should prepare a presentation; Mr. Burke said he thinks it will be more of a conversation between the boards.

**8. Adjournment**

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

Date of Next Planning Board Meeting: October 13, 2021 at 7:00 p.m.

  
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Signature of Clerk

10/13/2021  
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Date of Approval