



# TOWN OF ROCKLAND

## Planning Board

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TOWN CLERK, ROCKLAND  
APR 28 '21 AM 9:11

### Planning Board Minutes Wednesday, March 31, 2021 at 7:00 pm Virtual/Remote Meeting Via Zoom

In attendance – Michael Corbett, Chairman; John Lucas, Charles Williams, Randy Hoblitzelle & James Wells

Call to Order: 7:00pm

*The audience, participants and general public should be aware that any and all portions of this open meeting may be recorded by audio and video resources. All or some of this meeting may be rebroadcast periodically by WRPS or other outlets. Persons wanting a DVD copy of this meeting should contact WRPS. A small fee will be charged. Chairman Corbett noted the meeting is being recorded for note taking purposes. The recording will be destroyed once minutes are recorded.*

**Chairman Corbett** to the audience participants and general public to be aware that if you would like to comment, please turn on your video and ask to be unmuted. You can do this by using the hand raise race feature or request through the chat function. Any person's calling it on the phone can hit star nine to raise their hand and you will be unmuted.

#### **Open Public Hearing – 7:00pm**

**Chairman Corbett** we have myself, John Lucas Vice Chairman, Charles Williams, Randy Hoblitzelle and new member James Wells.

**Chairman Corbett** first thing on the agenda advertised in the paper that public hearings for those Bylaw changes. Rockland Planning Board will hold a public hearing at 7pm Wednesday, March 31, 2021 via remote teleconferencing to consider the proposed changes amendments, the Rockland general Zoning Bylaw Zoning map. The proposed amendments related to the adding new district the Gateway Mixed Use Overlay District.

**Robert W. Galvin, Esq.** Chairman Corbett do you want me to kind of summarize what you got in front of you?

**Douglas Lapp** Mr. Chairman, I have a couple of introductory comments I was hoping to read if that's okay?

**Chairman Corbett** that's fine.

**Douglas Lapp** I am Doug Lapp the Town Administrator. I wanted to give a little bit of background about this proposal, this proposed bylaw and overlay district that was brought by developer AW Perry, who is interested in developing a mixed-use project in a district, where the underlining zoning does not allow for residential use and would include a currently underutilized site.

Over the course of the last 12 months the town, working with our Boards, Bob Galvin, as well as our consultants from MAPC who are also in the meeting tonight worked collaboratively to develop a comprehensive bylaw that's consistent with the town's goals and our current planning efforts. The Gateway Mixed Use Overlay District or GMOD as we're referring to it now is the Zoning Overlay District. I know the Planning Board is familiar with this, but for those in the public an overlay just means that the underlying zoning remains in place and that district about 140 acres of land of projects proposed an overlay district would be required to apply for a special permit. For these new uses the Zoning Board of Appeals is proposed to be the special permit granting authority, so the overlay district as intended to encourage mixed-use development, complex sites and put a redevelopment of underutilized properties. Examples of a permitted uses that are included in this proposal, including multi-family residential offices, retail services general commercial, cultural centers recreation community facilities and grocery stores for the bylaw was drafted to encourage development with creative efficient, high quality, design and planning and architecture in landscape design that will enhance the district's visual character.

We believe that this is amendment is consistent with the prior planning efforts, goals and interests of the town, it helps diversify the housing stock could provide for a walkable mixed-use development, the potential grocery store and expanded retail and it's consistent with the towns recently adopted Masterplan. They also believe that this development could also add your affordable housing stock, which is important, unless Attorney Galvin has anything more to add, I would recommend that you turn to MAPC Ralph and Chris to provide some additional introductory comments.

**Robert W. Galvin, Esq.**, the way the GMOD and the Floodplain District are organized is very specific that would be best explained by MAPC. We do have to make several different types of changes to our bylaws to effectuate a complete change and in the GMOD or the Gateway Mixed-Use Overlay District they had a lot of definitions that they wanted to apply specifically to their zoning district. I recommended, to take those definitions out and put them in the main definition section. The first part of the changes involve some new definitions this new use didn't exist when our bylaw went in to play and we make the change to the definition section, then we have a very simple change that adds the overlay district to list of districts of the town. Then we amend the map that's the third aspect of the change, the fourth change, which has, in the substance of the of the district requires a special permit for the uses and the last aspect is, we have a bylaw that kind of restricts particularly to have more than one single family residence on a property and because they're proposing multifamily uses, one of the permitted uses or mixed uses, including multifamily we had to change that aspect to the bylaw.

Similarly, with the Floodplain bylaw, we had to add the Floodplain bylaws to the list of districts that are allowed, and then we have another bylaw that amends the map, then we have a third one, which is the substance of the change. The change that you have here tonight is the same change, we would have approved last year, but because of the pandemic and some mapping changes we actually went through that article, it never went forward, but what we have here today is really similar to what we would have passed or offered for passage last year except the fact that the maps a bit further updated. I hope that gives you just a general overview on those procedural parts of it.

**Ralph Willmer** I am the Technical Assistance Program Manager and Principal Planner at MAPC the Metropolitan Area Planning Council. We are going to focus on the Gateway Mixed-use Overlay District. There are several reasons why this rezoning is being proposed, as was mentioned the overall goal is try and create a vibrant walkable mixed-use neighborhood and an area that is currently underutilized the overall, the goal is to try and contribute to economic revitalization of the area by allowing a range of uses that currently are not allowed in your current zoning bylaw it helps achieve town goals that are identified in the housing production plan and the master plan. The end result is that this kind of change is going to provide some positive tax revenue benefits to the town.

This overlay district does address a number of different goals. The town recently prepared a housing production plan which includes helping the town reach the 10% affordable housing goal that's identified in in State law. The town was looking for a variety of ways to make that happen and the provisions of this overlay district, will help to advance the towns attempt to reach that goal. It would increase diversity and supply of housing stock, so it will

be allowing and different type of housing type in the in the district and overall, the plan identified a number of different demographic changes and allowing the types of housing uses and other uses within this district it helps to better meet the goals of the changing demographic profile and then the recently adopted master plan a refers to this district as well and identifies a number of goals again relating to housing, but also, developing high quality open spaces and there are some provisions within the design guidelines that focus on trying to create some opens space within any development that occurs in the overlay district.

**Chris Kuschel** this is an overlay district, the base zoning is the Industrial Park Hotel District. The creation of a mixed-use district, to really create a neighborhood in a sense of place in this corner of town, when we say mixed-use we're actually talking about sort of two things we're talking about vertical mixed-use, which means that a single building usually with commercial often a retail or restaurant on the ground floor than with residences or office above that, as well as horizontal mixed use meaning so multiple buildings of different uses on a site.

Allowing creation of a mixed-use district it actually essentially mandates it and it does that, by having a user profile so that for example, a developer could not come in and do a completely residential project because that's limited to in this case 60% of the square footage same thing for all the other uses so, for example, retail is limited to know more than half of the district. In terms of some of the dimensional density requirements we're looking at up to four story buildings in terms of the residential density it's limited to 15 units per acre. The floor area ratio of AR is 1.0 which you know tends for sort of a walkable suburban area that that I think is quite appropriate and it allows for a sufficient sort of density, to create a clustered in walkable neighborhood while also allowing for enough open space and area for parking and it allows for/or requires at least 15% of the residential units to be affordable. Since you're below that you need to actually be starting a new development needs to have more than 10%, this by law also allows for a density bonus, so a development through approval by the CDA could go on an additional story higher and it could also have residential density increases to 20 units per acre and that density bonus on could be applied if the developer provides certain benefits such as providing 20% of units as affordable or providing various public around and public benefits such as infrastructure improvements, either on or off site in excess of what's already required in the bylaw or providing various sustainable and green building standards into the development.

**Chairman Corbett** I want to mention again so that people that have joined in late the audience participants in general public to be aware that if you if you would like to comment please turn on your video and asked to be unmuted can do this by using the wave hand feature or make a request through the chat function any persons calling on their phone can hit star nine to raise their hand and you will be unmuted.

**Chairman Corbett** does the Board and or anybody have any questions before we go through all the articles and then we can go to the public meeting?

**Chairman Corbett** John? **John Lucas** No. **Charlie?** **Charlie Williams** I don't have any questions. I just would like to comment that I think that this is going to be a great thing for the town, I think it's extremely important to make this change, because this is the future, this is where smart development and smart planning is going to go and I'm in favor it. **Randy?** **Randy Hoblitzelle** I'm not going to repeat what everybody else said because that's what I wanted to say, I think it's a great idea and I have nothing at this time. **James?** **James Wells** No questions. I'd like to get up to speed with it, but I like what I see and I love the smart development I'm a big proponent of that, and especially when I hear a supermarket involved because we've needed a supermarket in town, for a long time so like what I'm seeing hearing.

**Chairman Corbett** your percentage that you are trying to project with the housing- if somebody comes in and wants to develop say six acres trying to hit at the Max 60% of the housing-that maximum do they have to include basically housing and every aspect of what it comes down to? **Chris Kuschel** it is written that you do not have to have a certain percentage of any one use it is more of a maximum that you can't have any more than anyone certain use. **Chairman Corbett** if there is basically no minimum, is there a total for the whole overlay district? basically anybody could come in and propose any housing. **Chris Kuschel** yes technically that is possible.

**Chairman Corbett** again we defeat the whole purpose of this whole thing I mean to get people in there and having everything close. Does anybody in the audience, the general public have any questions?

**Robert W. Galvin, Esq** in response to your question, the development area can contain more than 60% residential use though so there is a maximum residential use. **Chairman Corbett** in the whole overlay district yes.

*Article Numbers: TBD of the May 3, 2021 Annual Town Meeting*

**The Subject of Proposed Changes are as follows:**

Public hearing for May 3, 2021 Town Meeting proposed Zoning By-Law changes as posted in Public Hearing Notice date week of March 15 (Articles #TBD for GMOD & FEMA Floodplain).

*Proposed Zoning Amendments to Add Gateway Mixed-use Overlay District:*

**Article# TBD** Will the Town vote to amend Article II, Definitions, § 415-2, Definitions and Word Usage, of the Rockland General Code Zoning By-laws, by inserting the several new additional definitions described in the proposed Article 49 in appropriate alphabetical order in the existing Zoning By-laws.

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Williams

John Lucas Yes, Charles Williams Yes, Randy Hoblitzelle Yes, James Wells yes and Chairman Corbett Yes

Voted 5-0

**Randy Hoblitzelle** quick question if we are voting on the first article, it says article to be determined. Is that going to be as we are reading it? **Robert W. Galvin, Esq.**, to make it clear, you could say that vote was taken in relation to the change to the definition section of the bylaw. If I see anything like that I'll make sure that we take the appropriate vote as you go through.

**Chairman Corbett** at the time when all this was written up the article numbers had not been determined the warrant was still open, so the numbers could have changed that is why there is no article number.

**Article# TBD** (Will the Town vote to amend Article III, Establishment of Districts, §415-3 of the Rockland General Code Zoning By-laws, by adding a new district entitled the Gateway Mixed-Use Overlay District to the existing list of zoning districts, as follows:

Q. Gateway Mixed-Use Overlay District.

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Williams

John Lucas Yes, Charles Williams Yes, Randy Hoblitzelle Yes, James Wells yes and Chairman Corbett Yes

Voted 5-0

**Article# TBD** Will the Town vote to amend Article III, Establishment of Districts, §415-4, Zoning Map of the Rockland General Code Zoning By-laws, that depicts the boundary lines of the existing zoning districts by adding to the map a new zoning overlay district entitled the Gateway Mixed-Use Overlay District to include all areas on the map entitled “Gateway Mixed-Use Overlay District, dated February 2021, as adopted by the Town of Rockland”, which said map is on file with the Town Clerk.

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Williams

John Lucas Yes, Charles Williams Yes, Randy Hoblitzelle Yes, James Wells yes and Chairman Corbett Yes

Voted 5-0

**Article# TBD** Will the Town vote to amend Article IV, Permitted Uses, of the Rockland General Code Zoning By-laws, by inserting a proposed new zoning overlay district known as the Gateway Mixed-Use Overlay District. § 415-21.5 – Gateway Mixed-Use Overlay District. Amend - Change 415-21.5 to 415-21.6

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Williams

John Lucas Yes, Charles Williams Yes, Randy Hoblitzelle Yes, James Wells yes and Chairman Corbett Yes

Voted 5-0

**Article# TBD** Will the Town vote to amend Article XI, Enforcement, § 415-89.B(1), Special Permits, of the Rockland General Code Zoning By-laws, by amending the existing language to delete the words that are stricken and inserting the following underlined language, as follows:

The Zoning Board of Appeals is designated as the granting authority for special permits as required under Article IV, Schedule of Permitted Uses, Uses Requiring Special Permit (except for Planned Unit Developments), § 415-22E, Land alteration regulations, ~~and~~ § 415-38, Shopping centers, and § 415-21.5, Gateway Mixed-Use Overlay District. Special permits may be granted upon application to the Zoning Board of Appeals and after consideration of recommendations as appropriate from other Town Boards and Agencies.

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Williams

John Lucas Yes, Charles Williams Yes, Randy Hoblitzelle Yes, James Wells yes and Chairman Corbett Yes

Voted 5-0

**Article# TBD** Will the Town vote to amend Article V, Building, Lot and General District Regulations, § 415-29, Number of buildings on single lot, of the Rockland General Code Zoning By-laws by amending the existing language to delete the word(s) that are stricken and inserting the following underlined language (to include reference to § 415-21.5, Gateway Mixed-Use Overlay District), as follows:

Only one principal residential building shall be allowed on a single lot except as provided in Article VII, Planned Unit Developments, ~~and~~ § 415-22F, Multi-family developments, and § 415-21.5, Gateway Mixed-Use Overlay District (GMOD) Special Permit. Only one principal structure shall be allowed on a lot except in the Industrial 1 and Industrial 2 Districts upon the granting of a Special Permit from the Zoning Board of Appeals for more than one principal structure per lot, or in the GMOD upon the granting of a GMOD Special Permit from the Zoning Board of Appeals.

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Hoblitzelle

John Lucas Yes, Randy Hoblitzelle Yes, Charles Williams Yes, James Wells yes and Chairman Corbett Yes

Voted 5-0

**Chairman Corbett** do you have anything else to say on this Bob about the Floodplain Overlay District?

**Robert W. Galvin, Esq.**, yes this is very similar to what we have just done, we were going to add that overlay district to the list of our districts in the town. Then we're going to amend the map, because what we have right now is a health regulation which wasn't sufficient for us to maintain our resident's eligibility and federal flood insurance programs. What we are doing is creating a zoning bylaw, which is what FEMA has asked us to do, and which they say, is acceptable, so that our residents can maintain eligibility to participate in the federal flood insurance Program. Then the last thing is the substance of the bylaw change and basically it says what is allowed to exist in a floodplain. How we construct things in a floodplain consistent with the requirements of the law and some of the things that are prohibited in a floodplain. This is a standardized bylaw that almost every Community

that is located either along a river or along the coast is obligated to adopt and we would have done this last year on its own, except the pandemic came in.

**Robert W. Galvin, Esq.** The maps had to be revised the maps have been revised. This is a new state of the art bylaw when we when we designed this by law, last year, and when we redesigned it this year we sent it up to the state for their review and they've already given a blessing on this too.

**Chairman Corbett** an advanced version of last year that was canceled at town meeting.

**Robert W. Galvin, Esq.** it is an equivalent version with the updated map.

**Chairman Corbett** just so people are aware, the audience participants and general public should be aware that if you like to comment, please turn on your video and asked to be unmuted. You can do this by using the hand raise future or make a request through the chat function and if someone is calling in on their phone can hit star nine to raise their hand and you will be unmuted.

### *Proposed Zoning Amendments to Add Flood Plain Overlay District*

**Article# TBD** Will the Town vote to amend Article III, Establishment of Districts, §415-3 of the Rockland General Code Zoning By-laws by adding a new district entitled the "Floodplain Overlay District" to the existing list of zoning districts as follows:

P. Floodplain Overlay District.

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Williams

John Lucas Yes, Charles Williams Yes, Randy Hoblitzelle Yes, James Wells yes and Chairman Corbett Yes  
Voted 5-0

**Article# TBD** (Will the Town vote to amend Article III, Establishment of Districts, §415-4, Zoning Map of the Rockland General Code Zoning By-laws that depicts the boundary lines of the enumerated zoning districts by adding the zoning district entitled the Floodplain Overlay District to include includes all special flood hazard areas within the Town of Rockland designated as Zone A, AE, AH, AO, A99, V, or VE on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated of July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, Conservation Commission and Board of Selectmen.

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Williams

John Lucas Yes, Charles Williams Yes, Randy Hoblitzelle Yes, James Wells yes and Chairman Corbett Yes  
Voted 5-0

**Article# TBD** Will the Town vote to amend Article IV, Permitted Uses, by inserting a proposed new zoning overlay district, described in the proposed Article 48 as follows: **§415-21.5, Floodplain Overlay District.**

Motion to recommend to the Board of Selectmen – Mr. Lucas

Second – Mr. Williams

John Lucas Yes, Charles Williams Yes, Randy Hoblitzelle Yes, James Wells yes and Chairman Corbett Yes  
Voted 5-0

**Chairman Corbett** when the town vote warrant article for committed uses by inserting a proposal was already overlay district as follows, and it was listed as a Floodplain Overlay District. Is the reference number section for 415-21.5, is the same as Gateway Mixed-use Overlay District? I think that is a typo.

**Robert W. Galvin Esq.**, 415-21.5 we may need to adjust that. I think we had the floodplain draft before we had the final draft to the GMOD and that could be my mistake if that's the case will make this 415-21.6. I may have to figure that out because consecutively we made one P, and one Q, whichever one is P should get the lower number so with that amendment, I think you can take a vote to approve it.

**Chairman Michael Corbett** can we approve that with the amendment change.

John Lucas Yes, Charlie Williams Yes, Randy Hoblitzelle Yes, James Wells Yes and Chairman Corbett yes.

Unanimous

Voted 5-0

**Robert W. Galvin Esq.**, the gateway substance when it appears in the bylaw will be 21.6 behind the Floodplain. **Chairman Corbett** that will be behind the Floodplain okay. **Robert W. Galvin Esq.**, other than that it was just a numerical mistake clerical error. **Chairman Corbett** not a problem.

**Chairman Corbett** that closes the portion of the public hearing.

**Robert W. Galvin Esq.**, I'll prepare a draft report, and perhaps the moderator would permit you to read one report that mentions each vote that was taken so you don't have to stand up multiple times but I'll prepare that for the Planning Board to read when the article comes up and the moderator asks for the recommendation, sometimes the moderator reads the recommendation himself, but I'll prepare a report for one of the Planning Board members to read.

**Chairman Corbett** get a vote to approve the Minutes at the February 23, 2021 meeting.

Motion to approve minutes from February 23, 2021 meeting – Mr. Williams

Second – Mr. Lucas

Charlie Williams Yes, John Lucas Yes, Randy Hoblitzelle Yes, James Wells Yes & Chairman Corbett yes.

Unanimous -Voted 5-0

Motion to pay Amory Engineers in the amount of \$111.00 for Plan Review 0 Dyer – Mr. Hoblitzelle

Second – Mr. Williams

Randy Hoblitzelle yes, Charlie Williams yes, John Lucas yes, James Wells yes & Chairman Corbett yes

Unanimous -Voted 5-0

Motion to pay Amory Engineers in the amount of \$222.00 for Plan Review 1015 Hingham – Mr. Wells

Second – Mr. Lucas

James Wells yes, John Lucas yes, Charlies Williams yes, Randy Hoblitzelle yes and Chairman Corbett yes

Unanimous -Voted 5-0

Motion to pay Amory Engineers in the amount of \$74.00 for Plan Review 365 Concord – Mr. Hoblitzelle

Second – Mr. Williams

Randy Hoblitzelle yes, Charlie Williams yes, John Lucas yes, James Wells yes and Chairman Corbett yes

Unanimous -Voted 5-0

Motion to pay Amory Engineers in the amount of \$238.00 for Construction Services 0 Delahunt – Mr. Hoblitzelle

Second – Mr. Williams

Randy Hoblitzelle yes, Charlie Williams yes, John Lucas yes, James Wells yes and Chairman Corbett yes

Unanimous -Voted 5-0

Motion to Pay Secretary in the amount of \$225.00 for meeting March 31, 2021 as amended – Mr. Williams  
Second – Mr. Hoblitzelle  
Charlie Williams yes, Randy Hoblitzelle yes, James Wells yes, John Lucas yes and Chairman Corbett yes  
Unanimous - Voted 5-0

**Chairman Michael Corbett** can I get a motion to adjourn?

Motion to adjourn – Mr. Lucas  
Second – Mr. Williams.  
John Lucas yes, Charlie Williams yes, Randy Hoblitzelle yes, James Wells yes, and Chairman Corbett yes  
Unanimous - Voted 5-0

Adjourn 7:55pm

For the Planning Board:



**Michael Corbett, Chairman**