



City Of Attleboro, Massachusetts

ZONING BOARD OF APPEALS
GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
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2022 MAY 17 PM 12:05

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AGENDA

MAY 19, 2022

6:30 p.m.

- | | <u>DEADLINE</u> |
|---|-----------------|
| 1. NEW PUBLIC HEARINGS: LINK* | |
| a. David M. Turner – 235 Tiffany Street (Variance, Case #5612) | 7/6/22 |
| b. Keith Shepard – 741 North Main Street (Variance, Case #5613) | 7/16/22 |
| c. Jose Cruz – 0 Torrey Street (Variance, Case #5614) | 7/17/22 |
| d. YMCA of Attleboro – 44 Peck Street (Variance, Case #5615) | 7/28/22 |
| e. Tomasz and Anita Brojek – 0 & 9 Riverside Avenue (Variance, Case #5616) | 7/29/22 |
| 2. PUBLIC HEARINGS HELD OPEN: LINK* | |
| a. Anthony Properties Realty, Inc. – 754 Newport Avenue (Special Permit & Variance, Case #5582) | 6/30/22 |
| b. No Fossil Fuel, LLC – 179 Peckham Street (Special Permit, Case #5590) | |
| c. JS Fuller TIC, LLC & Etal – 50 Fuller Avenue (Special Permit, Case #5593) | |
| d. City of Attleboro – Pitas Avenue (Special Permit, Case #5598) | |
| e. S&A Fuels, Inc. – 939 & 947 Newport Avenue (Special Permit, Case #5600) | |
| f. Ashli's Farm, Inc. & Ashli's Extracts, Inc. – 76 Frank Mossberg Drive
(Variance & Special Permit, Case #5604) | 5/26/22 |
| g. H&L Bloom, Inc. – 947 Park Street (Special Permit, Case #5607) | |
| h. Brian Fischbach – 99 Magnolia Street (Special Permit & Variance, Case #5609) | 6/30/22 |
| i. Debra Carroll – 129 Bank Street (Special Permit, Case #5611) | |
| 3. PENDING APPLICATIONS: NONE | |
| 4. APPOINTMENTS TO SPEAK: | |
| a. Attorney David Manoogian – Bristol Place Shopping Plaza | |
| 5. STAFF REPORT: TO BE E-MAILED | |
| 6. CORRESPONDENCE: LINK* | |
| a. Letter from Maganbhai Patel of 15 Riverside Avenue, received May 16, 2022, to Zoning Board Clerk Lauren Stamatis, citing opposition to the variance application of Tomasz and Anita Brojek for 0 and 9 Riverside Avenue, Case #5616. (See Agenda #1e) | |
| b. Response comments submitted by Renee Codega of VHB, dated April 15, 2022, to the Zoning Board, relative to the architectural design peer review report for the special permit and variance application of Anthony Properties Realty, Inc. for 754 Newport Avenue, Case #5582. (See Agenda #2a) | |
| c. Supplemental response comments submitted by Renee Codega of VHB, dated May 11, 2022, to the Planning Board and Zoning Board, relative to the architectural design peer review report for the special permit and variance application of Anthony Properties Realty, Inc. for 754 Newport Avenue, Case #5582. (See Agenda #2a) | |
| d. Response comments submitted by Patrick Dunford of VHB, dated May 10, 2022, to the Zoning Board, relative to the traffic study peer review report for the special permit and variance application of Anthony Properties Realty, Inc. for 754 Newport Avenue, Case #5582. (See Agenda #2a) | |
| e. Response comments submitted via email by Haskell Werlin of Solar Design, received April 14, 2022, to Senior Land Use Planner Stephanie Davies, relative to the special permit application of No Fossil Fuel, LLC for 179 Peckham Street, Case #5590. (See Agenda #2b) | |

- f. Revised site plans submitted by Haskell Werlin of Solar Design, received April 13, 2022, to the Zoning Board, relative to the special permit application of No Fossil Fuel, LLC for 179 Peckham Street, Case #5590. (See Agenda #2b) (hard copies previously distributed)
- g. Cover letter and revised site plans submitted by Stephen Mayer of Allen & Major Associates, Inc., dated April 21, 2022, to Zoning Board Chairwoman Catherine Merkle, relative to the special permit application of JS Fuller TIC, LLC & Etal for 50 Fuller Avenue, Case #5593. (See Agenda #2c) (hard copies for distribution)
- h. Email and exhaust specifications submitted by attorney George Spatcher, received May 16, 2022, to Senior Land Use Planner Stephanie Davies, relative to the special permit application of S&A Fuels, Inc. for 939 & 947 Newport Avenue, Case #5600. (See Agenda #2e) (hard copies for distribution)
- i. Staff report response comments from attorney John F. D. Jacobi of Coogan Smith, LLP, dated April 14, 2022, to the Zoning Board of Appeals, relative to the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2f)
- j. Letter, revised elevations, & odor mitigation details submitted by attorney Jack Jacobi of Coogan Smith, LLP, dated April 15, 2022, to the Zoning Board of Appeals, relative to the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2f)
- k. Letter from attorney John F. D. Jacobi, III of Coogan Smith, LLP, dated April 15, 2022, to the Zoning Board of Appeals, proposing amendment to reduce the required number loading spaces to one for the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2f)
- l. Cover letter and revised security plans submitted by William Blais of OHI Engineering, Inc., dated May 2, 2022 (received May 4, 2022), to Zoning Board Clerk Lauren Stamatis, relative to the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2f) (copies for distribution)
- m. Revised site plans, submitted by Scott Rolfe of OHI Engineering, Inc., received May 9, 2022, relative to the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2f) (copies for distribution)
- n. Standard Operating Procedures submitted by attorney John F. D. Jacobi, III of Coogan Smith, LLP, to the Zoning Board of Appeals, relative to the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2f) (copies for distribution)
- o. Cover letter, floor plans, and elevations submitted by attorney John F. D. Jacobi, III of Coogan Smith, LLP, to the Zoning Board of Appeals, relative to the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2f) (copies for distribution)
- p. Response comments and revised plans submitted via email by Steven Medeiros of SPM Design, received May 4, 2022, to Zoning Board Clerk Lauren Stamatis, relative to the special permit and variance application of Brian Fischbach for 99 Magnolia Street, Case #5609. (See Agenda #2h) (copies for distribution)
- q. Email and floorplan submitted by Mario Gomes, received April 28, 2022, to Planning Board Clerk Lauren Stamatis, relative to the special permit application of Debra Carroll for 129 Bank Street, Case #5611. (See Agenda #2i)
- r. Email from attorney David Manoogian, received May 11, 2022, to Director of Planning and Development Gary Ayrassian, requesting an appointment to speak regarding the proposed subdivision of the Bristol Place Shopping Center. (See Agenda #4a)
- s. Letter from Chief Counsel Roberta L. Rubin of Department of Housing and Community Development, dated April 25, 2022, to the Zoning Board of Appeals, regarding the Chapter 40B Subsidized Housing Inventory.
- t. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated April 20, 2022, to City Clerk Kathleen Jackson, denying the request change in operating hours relative to the decision issued to Aspen Blue Cultures, Inc. for 40 Forest Street, Case #5484.
- u. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated April 20, 2022, to City Clerk Kathleen Jackson, denying the request change in operating hours relative to the decision issued to Aspen Blue Cultures, Inc. for 40 Forest Street, Case #5456.
- v. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated April 20, 2022, to City Clerk Kathleen Jackson, denying the request change in operating hours relative to the decision issued to Aspen Blue Cultures, Inc. for 40 Forest Street, Case #5455.
- w. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated May 2, 2022, to City Clerk Kathleen Jackson, approving the co-locating of antennas on the existing pole located at 55 Starkey Avenue.

7. MISCELLANEOUS PENDING CORRESPONDENCE: NONE

8. PENDING MINUTES:

- a. September 9, 2021
- b. September 9, 2021 (Executive Session)
- c. September 23, 2021
- d. October 28, 2021
- e. November 9, 2021 (Executive Session)
- f. November 10, 2021
- g. November 18, 2021
- h. December 9, 2021
- i. December 15, 2021 (Executive Session)
- j. December 16, 2021
- k. December 30, 2021 (Executive Session)
- l. January 13, 2022
- m. February 10, 2022
- n. March 3, 2022
- o. March 3, 2022 (Executive Session)
- p. March 24, 2022
- q. April 14, 2022
- r. April 28, 2022

9. PENDING APPEALS:

- a. Mark Rioux – 4 Stead Avenue, Case #5462 (Mark Rioux, v. City of Attleboro, et al.)
- b. Green River Cannabis Co., Inc. – 1815 County Street, Case #5502 (Green River Cannabis Company, Inc. v. City of Attleboro Zoning Board of Appeals and its Members)
- c. Maged Youseff, Trustee – 72 & 80 Pleasant Street, Case #5588 (Maged Youssef, Trustee of the Maged Realty Trust v. Attleboro Ice & Oil Co., Inc., Kenneth Errington, William A McDonough, Building Inspector, and Attleboro Zoning Board of Appeals and its members)

10. UPCOMING PUBLIC HEARING AND BUSINESS MEETING SCHEDULE/MISCELLANEOUS/OTHER

- a. Regular Meeting: June 9, 2022
- b. Regular Meeting: July 14, 2022
- c. Elections for Chairperson and Clerk

*Digital access links are taken down the day after the meeting. For access after that time, please make a request by emailing planning@cityofattleboro.us or stopping by the Office of Planning and Development during normal business hours.