



# City Of Attleboro, Massachusetts

ZONING BOARD OF APPEALS  
GOVERNMENT CENTER, 77 PARK STREET  
ATTLEBORO, MASSACHUSETTS 02703

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2020 APR 30 P 12: 54

## AGENDA MAY 21, 2020

1. **PUBLIC HEARINGS HELD OPEN:** DEADLINE\*
  - a. Marcus J. Vitali – 132 Dickens Street (Special Permit & Variance, Case #5497)
  - b. Pacifico Energy, NA – 0 Richardson Avenue & 0 Richardson Avenue Rear (Special Permit, Case #5492)
  - c. BCWC, LLC – 0 Chartier Street, 31 Chartier Street, 128 Bacon Street, & 0 Westminster Street (Special Permit & Variance, Case #5474)
  - d. SOWA, LLC – 1 Highland Avenue and 5 Route 1A (Special Permit & Variance, Case #5469)
  - e. Mark Rioux – 4 Stead Avenue (Special Permit, Case #5462)

\* Pursuant to Ch. 53a of the Acts of 2020
2. **PENDING APPLICATIONS:** NONE DEADLINE
3. **APPOINTMENTS TO SPEAK:** NONE
4. **STAFF REPORT:** NO REPORT THIS MEETING, SEE FEBRUARY 20, 2020 REPORT
5. **CORRESPONDENCE:**
  - a. Form Z1 – Request to continue a public hearing to May 31, 2020 submitted by attorney Edward Casey of Coogan Smith, LLP on behalf of Marcus J. Vitali, received April 2, 2020, relative to the special permit and variance application for 132 Dickens Street, Case #5497. **(See Agenda item #1a)**
  - b. Traffic Recorder data from the intersection of Westminster Avenue and Bacon Street, submitted by Police Chief Kyle Heagney via email, received February 28, 2020, to Director of Planning and Development Gary Ayrassian, relative to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
  - c. Memorandum from Francisco Lovera of McMahon Transportation Engineers & Planners, dated March 27, 2020, to President Blair Fish of Fish Advertising, providing traffic peer review response comments relative to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email; hard copies for distribution) (See Agenda item #1c)**
  - d. Second peer review submitted by Rebecca L. Brown of GPI, Inc., dated April 3, 2020, to Zoning Board Chairwoman Catherine Merkle, relative to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
  - e. Email from Rebecca Brown of GPI, Inc., received April 6, 2020, to Director of Planning and Development Gary Ayrassian, forwarding an email received from Joseph Drazek relative to the traffic peer review associated with the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
  - f. Memorandum from Francisco Lovera of McMahon Transportation Engineers & Planners, dated April 10, 2020, to President Blair Fish of Fish Advertising, providing a second round of traffic peer review response comments relative to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**

- g. Letter via email from attorney Benjamin H. Dowling on behalf of Joe Drazek, dated April 14, 2020, to Zoning Board Chairwoman Catherine Merkle, relative to the traffic peer review relative to special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- h. Letter from Richard A Desmarais, Sr., received April 2, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- i. Letter from Andrew P. Kyere, received April 2, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- j. Letter from David Salvias, received April 7, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- k. Letter from Adilson M. Decarvalho, received April 7, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- l. Letter from Kathleen A Dickinson, received April 7, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- m. Letter from Carlos and Helen Brasil, received April 7, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- n. Letter from Diane Drazek, received April 7, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- o. Letter from Joao Tavares, received April 15, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- p. Letter from Brian K. Margeson, received April 15, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- q. Letter from Virginia Entwistle, received April 15, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- r. Letter from Richard Boyajian, received April 15, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- s. Letter from Matthew J. Karol, Jr., received April 30, 2020, to the Zoning Board of Appeals, in opposition to the special permit and variance application of BCWC, LLC for 0 Chartier Street, Case #5474. **(previously distributed via email) (See Agenda item #1c)**
- t. Letter from attorney Jack Jacobi of Coogan Smith, LLP, received March 12, 2020, to the Zoning Board, requesting to withdraw without prejudice the special permit and variance application of SOWA, LLC for 1 Highland Avenue/5 Route 1A, Case #5469. **(See Agenda item #1d)**
- u. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated February 26, 2020, to City Clerk Stephen Withers, allowing SOWA, LLC to withdraw their front yard setback variance relative to 1 Highland Avenue/5 Route 1A, Case #5469. **(See Agenda item #1d)**
- v. Letter and supporting documentation from attorney Jack Jacobi of Coogan Smith, LLP, dated February 3, 2020, to the Zoning Board, requesting on behalf of Roberts Chemical Co., Inc. the permission to store additional chemicals at 330B Oakhill Avenue, Case #4958.
- w. Memorandum from Zoning Board Clerk Lauren Stamatis, dated March 2, 2020, to Fire Department Chief Scott Lachance, requesting comment on the request of Roberts Chemical Co., Inc. to store additional chemicals at 330B Oakhill Avenue, Case #4958.

- x. Email from Fire Department Chief Scott Lachance, received March 5, 2020, to Zoning Board Clerk Lauren Stamatis, providing comment on the request of Roberts Chemical Co., Inc. to store additional chemicals at 330B Oakhill Avenue, Case #4958.
- y. Letter from Senior Land Use Planner Stephanie Davies, dated March 10, 2020, to President Robert R. McIntyre, Jr. of Roberts Chemical Co., Inc., providing approval for four (4) new chemicals to be utilized at your facility at 330-B Victor Road, Case #4958.
- z. Letter from Chief Executive Officer Derek Ross of Nova Farms, received January 24, 2020, to Mayor Paul R. Heroux, regarding the transition of the 34 Extension Street marijuana business from cultivation, manufacturing, and retail to just manufacturing and retail.
- aa. Email and revised plans submitted by attorney Edward Casey of Coogan Smith, LLP, dated March 18, 2020, to Zoning Board Chairman Catherine Merkle, relative to the Marijuana Business located at 34 Extension Street.
- bb. Memorandum from Director of Planning and Development Gary Ayrassian, dated March 30, 2020, to Building Inspector Mark Arruda, relative to the revised site plan and floor plan layout associated with Cannabis Establishment located at 34 Extension Street.
- cc. Notice of Violation, dated April 16, 2020 from Zoning Enforcement Officer William McDonough to Heng Chhungly of 635 Thatcher Street relative to parking within the required front yard setback.
- dd. Email and plan from Geoff Lewis of Ajax Partners, received November 9, 2019, to Director of Planning and Development Gary Ayrassian, proposing minor alterations to the New England Sports Complex site access.
- ee. Letter from Director of Planning and Development Gary G. Ayrassian, dated October 8, 2019, to Planning Board Chairman Paul Danesi and Zoning Board of Appeals Chairwoman Catherine Merkle, regarding proposed changes to processes relative to public hearing legal advertisements.
- ff. Memorandum from Wastewater Superintendent Thomas Hayes, dated April 6, 2020, to Zoning Board Clerk Lauren Stamatis, providing comment on the proposed Marijuana Business special permit application of Green River Cannabis Co., Inc. for 1815 County Street, Case #5502. **(previously distributed via email) (See Agenda item #9e)**
- gg. Memorandum from Water Superintendent Kourtney J. Wunschel, dated April 8, 2020, to the Zoning Board, providing comment on the proposed Marijuana Business special permit application of Green River Cannabis Co., Inc. for 1815 County Street, Case #5502. **(previously distributed via email) (See Agenda item #9e)**

**6. MISCELLANEOUS PENDING CORRESPONDENCE: NONE**

**7. PENDING MINUTES:**

- a. November 14, 2019
- b. December 12, 2019
- c. January 9, 2020
- d. February 20, 2020

**8. PENDING APPEALS:**

- a. Robert Geddes – 125 Tiffany Street, Case #5283 (Attleboro Sand and Gravel Corp., v. City of Attleboro, et al.)
- b. Peter Clark – 28 Martin Street, Case #5329 (Peter T. Clark., v. City of Attleboro, et al.)

**9. UPCOMING PUBLIC HEARING AND BUSINESS MEETING SCHEDULE/MISCELLANEOUS/OTHER**

- a. Tentative meeting date: June 25, 2020
- b. Robert Krauth & Lynda Shaw-Krauth – 158 Dexter Street (Variance, Case #5499)
- c. Attleboro Land Trust, Inc. – 577B Wilmarth Street (Variances, Case #5500)
- d. Ranganath Kharidi – 19 Raymond Drive (Variance, Case #5501)
- e. Green River Cannabis Co., Inc. – 1815 County Street (Special Permit, Case #5502)
- f. Bright Path Investment, LLC – 14 Fisher Avenue (Variance, Case #5503)
- g. Evan Cucé – 63 Veery Road (Variance, Case #5504)