



City Of Attleboro, Massachusetts

ZONING BOARD OF APPEALS
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MINUTES

FEBRUARY 20, 2020

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, as amended, the Zoning Board of Appeals held a public meeting on Thursday, February 20, 2020, at 6:30 p.m. in the Municipal Council Chambers , 77 Park Street, relative to the following:

Zoning Board Members Present: Chairwoman Cathy Merkle, Kathy Rautenstrauch, and Sandra Varrieur

Zoning Board Members Absent: Kent Richards

The Board heard CASE #5496, application of New Heart & New Spirit Evangelical Church for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-16.3 ADMINISTRATION to vary from the sign regulations pursuant to §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS. The subject premises being located at 1056 Oakhill Avenue, more specifically Assessor's plat #183, lot #2, located in the Single Residence -D zoning district .

Speaking in favor of the application was Pastor Saturnino Pinto who stated that the church is seeking relief to install a new sign in front of the church.

Cathy Merkle inquired about the size of the proposed sign.

Mr. Pinto replied 48"x96".

Planning and Development Director Gary Ayrassian asked whether the sign will be illuminated.

Mr. Pinto answered no.

Cathy Merkle asked whether there is an existing sign in the proposed location.

Mr. Pinto replied no, but noted that there is one on the other side of the frontage that will be taken down.

Senior Land Use Planner Stephanie Davies asked how close the sign is to the front property line.

Mr. Pinto answered 89-inches.

Mr. Ayrassian asked how far the sign will be from the building.

Mr. Pinto stated 5-inches to 6-inches.

Mr. Ayrassian asked whether it would make more sense to affix the sign to the building itself.

Mr. Pinto replied that the church is very old and is hollow and was concerned about any damage to the building. He stated that the only place to attach a sign would require that they remove the crucifix on the building.

Sandra Varrieur asked why they would want to install the sign parallel to the street instead of perpendicular so that it can be seen better when driving in either direction.

Speaking in favor of the application was José Torres who explained that due to the angle of the building, the current sign location is screened and difficult to see. He stated that they positioned the proposed sign to have maximum visibility.

There being no one else to speak, the public hearing was closed.

The Board heard Case #5495, the application of Ryan Crowell for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(E) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the required number of off-street parking stalls to accommodate the establishment of a church, the subject premises being located at 105 Maple Street, more specifically Assessor's plat #46, lot #415, #416, and #417, located in the Industrial zoning district.

Speaking in favor of the application was Ryan Crowell who explained that a church is very interested in occupying the building at 105 Maple Street. He stated that based on the congregation's 40 members, they would need ten off-street parking spaces, but that there are only nine spaces. He requested relief to reduce the number of parking spaces from ten to nine. He stated that the congregation expects to increase in membership to up to 60 members over the next 5 years. He stated that at that point, 15 parking stalls would be needed with the expansion of the congregation.

Ms. Davies sought confirmation that the nine spaces referenced are separate and dedicated to the building located at 105 Maple Street and not shared with the restaurant that is also located on the property.

Mr. Crowell confirmed that there is separate parking for each.

Mr. Ayrassian asked what the congregation plans to do for parking as it grows.

Mr. Crowell stated that O'Neil Boulevard has plenty of on-street parking.

Mr. Ayrassian stated that the Board cannot designate on-street parking to a private property owner to satisfy the minimum off-street parking requirements.

Mr. Crowell stated that the peak usage for the site will be on Sundays, when the businesses on O'Neil Boulevard are usually closed and that perhaps members of the congregation can park off-site.

Cathy Merkle inquired about the seating capacity of the church.

Mr. Crowell stated that he was unsure, as they have plans to break up the building to include classrooms and office space.

Ms. Davies agreed that the zoning requirement for parking relates to the seating capacity of the building and noted that the Board can, at most, grant a 50% reduction.

Speaking in favor of the application was Tamara Rigodon who stated that the congregation has taken the parking concerns into consideration and feel the on-street parking on O'Neil Boulevard will suit their needs.

Cathy Merkle clarified that the Board will need to grant a specific number of parking spaces to be reduced that is tied to the occupancy of the building.

Mr. Ayrassian asked whether they made any attempts to negotiate with any other businesses within 300-feet to lease parking spaces to cover the deficit.

Mr. Crowell stated that he had reached out to the owner of the parking lot across the street, but that they were an out-of-state business and not interested in leasing spaces.

There being no one else to speak, the public hearing was closed.

The Board heard Case #5498, the application of Linda McKearney for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing non-conforming use to convert a former gas station to an ice cream stand, the subject premises being located at 646 Pleasant Street, more specifically Assessor's plat #63, lot #190A, located in the Single Residence-D zoning district.

Speaking in favor of the application was Linda McKearney who stated that she would like to open an ice cream shop in a residentially zoned district.

Mr. Ayrassian noted that the applicant is seeking a special permit to alter a pre-existing, non-conforming situation. He stated that a gasoline station occupied the site several years ago even though the land is located in the Single Residence-D zoning district. He stated that the gasoline station has been closed for a very long time and that any interest to establish a business needs to obtain a special permit to alter a pre-existing, non-conforming situation.

Cathy Merkle asked how long the most previous use has been abandoned.

Ms. Davies noted that the lot has been vacant since at least 2013.

Mr. Ayrassian asked the applicant to demonstrate how the commercial use has continued despite the gas station being closed and the fuel tanks having been removed.

Speaking in favor of the application was Jason Bourne who stated that he has owned the property for six years and that the gas station opened back in 1926. He stated that the site has active electrical and water hook-ups, but that they are currently off.

Cathy Merkle asked if any other commercial activity had occurred on the site in the past two years.

Mr. Bourne replied only that the commercial real estate taxes have been paid.

Ms. Davies asked whether they have been actively attempting to rent/lease the site.

Mr. Bourne replied yes and stated that he has at least three to four calls a week about the site, but everyone gets scared off by the non-conforming situation.

Mr. Ayrassian advised the Board that this is sufficient documentation that the site has not been abandoned for the last two years.

Cathy Merkle agreed and asked the applicant if he could reduce the testimony into writing on business letterhead containing Mr. Bourne's name, credentials, and signature.

Mr. Bourne pointed out that he had already submitted a letter testifying to the history of the property.

Cathy Merkle stated that it is not on letterhead, that it does not reference any of his credentials, and most importantly, it was not signed.

Ms. McKearney stated that she is proposing a window service only ice cream shop with outdoor seating and no public restroom. She noted that they have a similar set-up for an existing ice cream business in Rhode Island.

Mr. Ayrassian encouraged the applicant to inquire with the Health Department regarding any requirements for a public bathroom.

Cathy Merkle inquired about the proposed parking.

Ms. McKearney stated that they are proposing to stripe an area for eight cars. She stated that they are going to have picnic tables with seating under the canopy.

Ms. Davies noted that one parking stall per every two seats would still be required, even if the seating is outdoors.

Ms. McKearney stated that they are proposing four tables of four and that in addition to the eight customer spaces, they are providing for four employee spaces at the rear of the building.

Mr. Ayrassian suggested that several more spaces may be useful to accommodate those utilizing the take-out service. He asked whether a drive-up window is proposed.

Ms. McKearney replied no.

Mr. Ayrassian inquired about the proposed business hours.

Ms. McKearney stated that they would be open weekdays from 2:00 to 9:00 p.m. and Saturday from 2:00 to 9:30 p.m. during the off-season and during the in-season, when the kids are out of school, they will be open 12:00 to 10:00 p.m. daily.

Mr. Ayrassian asked if any signage is proposed.

Ms. McKearney replied that a sign will be attached to the cinder block building and that there is also an existing sign post out front that could be utilized and that no lighting is proposed.

Mr. Ayrassian asked whether there was the potential to expand to other food offerings, like hamburgers or hot dogs.

Ms. McKearney answered no, that they will only offer ice cream and maybe frozen lemonade.

Mr. Ayrassian asked where deliveries would be made.

Ms. McKearney replied to the building's single entrance located on the side. She explained that trucks can do a full "U" around the building utilizing the existing curb cuts.

Speaking in favor of the application was Jackie Romaniacki who stated that she regularly drives down Route 123 and would much rather see an ice cream stand than a vacant, dilapidated building.

Speaking in favor of the application was Dominic Hernandez who stated that he has known the McKearney family for a long time and stated that they do a lot for their community. He stated that even though the site has been vacant for a number of years, it makes sense for a business like this to open. He stated that their current stand in Warwick is successful and everyone always feels at home there. He suggested that some sort of off-season offering such as hot drinks around the holidays would be great. He stated that he was in favor of a “mom and pop” type business like this opening on Pleasant Street.

Speaking in favor of the application was Tom Bolton who stated that the McKearneys have a passion for their small business and that he would love to see them bring that drive to Attleboro and be a success, much like they are in Warwick.

Speaking in favor of the application was Jay Dilisio who stated that the McKearneys are exactly the type of business owner the City wants - people who care about their City and give back. He stated that they already have an established business, so obviously have a business plan that works and could be easily transferrable to a main street of Attleboro. He stated his full support for the project.

Speaking in favor of the application was Kate Jackson who stated that the City is always looking for quality businesses and that this proposal will provide an opportunity for getting traffic off the main road. She stated that it is a “fun” business. She noted that Banditos down the road has been very successful and she would like to see another small business go in and thrive.

Speaking in opposition was Donald Governo who stated that he has lived directly across the street for the past 60 years and expressed his concerns about additional noise, lights, and traffic that this proposal will bring to the area. He pointed out that there is only one sidewalk on Pleasant Street in that area, which could be a hazard.

Mr. Ayrassian noted the sidewalk is on the same side of the road as the subject property and that is a good thing.

Mr. Governo argued that the site is zoned for housing, not business.

Ms. Davies stated that the Board has already upheld the pre-existing, non-conforming commercial use on the site.

Mr. Governo reiterated his opposition and stated that with Route 123 being a main route from Mansfield and Norton, there should be sidewalks on both sides.

Mr. Ayrassian agreed about the sidewalks, but also noted that Route 123 is a state-numbered highway under local jurisdiction and is designed to carry a high volume of traffic.

Mr. Governo stated that the proposal is located on a curve and that the speed limit is 40 miles per hour. He argued that a country road would be a more appropriate venue for this business.

Mr. Ayrassian disagreed and noted that the site is a very good location for just a business like an ice cream store.

Ms. Davies noted for the record that the application identifies the property as being 644 Pleasant Street but that the Assessor’s Office actually list the address as being 646 Pleasant Street. She stated that proper plat and lot were advertised and the Certified Abutter’s list was accurate. She noted that staff will correctly identify the lot in the decision.

Mr. Ayrassian noted that the scrivener's error was in no way misleading and that there was sufficient information contained in the advertisement for all to know the location of the site.

Cathy Merkle agreed.

There being no one else to speak, the public hearing was closed pending the submission of the revised letter.

The Board heard the Case #5497, the application of Marcus J. Vitali for a variance pursuant to §17-8.9 VARIANCES under §17-10.15(G)(3)(A) STANDARDS FOR THE GRANTING OF A SPECIAL PERMIT to allow a building containing a Marijuana Business to be located within 100 feet of a "Residential" zoning district and a special permit pursuant to §17-9.0 SPECIAL PERMITS to modify the minimum bufferyard requirement under §17-4.4.5 REQUIRED SCREENS AND BUFFERYARDS, the subject premises being located at 132 Dickens Street, more specifically Assessor 's plat #16, lot #22, #23, and #24, located in the Industrial zoning district.

The Board reviewed the letter regarding buffer distances and the revised site plan from Paul A. Sylvia of Ayoub Engineering, Inc., dated January 14, 2020 and received February 20, 2020, respectively, as well as the email from Earle Giggey, dated February 15, 2020, citing opposition in the form of a newspaper article relative to the special permit application of Marcus J. Vitali for 132 Dickens Street.

Speaking in favor of the application was attorney Edward Casey of Coogan Smith, LLP with an office at 144 Bank Street in Attleboro. He stated that given the amount of money involved with the permitting for a marijuana business, the applicant decided to apply for the required ancillary relief now and return for the marijuana cultivation use at a later time if the Board seemed in favor of the project. He stated that this site is technically only accessible from Pawtucket and is surrounded by a number of industrial operations, including a scrap yard, and an auto repair shop. He noted that on the right, there are a number of residential homes in the City of Pawtucket, but that the building is a former shoelace factory with about 4,000 square feet of floor area.

Cathy Merkle expressed concern with the Board being asked to consider a variance without a complete application that includes a special permit and plan for the use.

Attorney Casey argued that the Board has been informed that the use will be for marijuana cultivation and that it is not different from other previous applications whereby the Board approved variances even though the use was granted by the Municipal Council. He stated again that the proposed use would not be invasive to the area because the building only contains 4,000 square feet of floor space. He reiterated that no retail sales will be proposed and that it will be strictly for growing marijuana. He stated that behind this property is the rail line and beyond that are more residences. He stated that he understands the Chairwoman's reservations about the variance and suggested it may be helpful to hear feedback from the neighbors.

Speaking in favor of the application was owner the property, Marcus Vitali, who stated that he is looking to operate a marijuana cultivation facility premises located on Dickens Street. He stated that he purchased the property at the beginning of the month. He stated that he also has the abutting residential duplex under a purchase agreement.

Ms. Davies asked what he plans to do with the abutting residential dwelling.

Mr. Vitali replied that he would likely rent the property.

Ms. Davies stated that if the structure is going to remain a dwelling, then his ownership of it is irrelevant. She stated that the property would still be used as a residential use and thus the bufferyard and screening requirements would apply.

Attorney Casey suggested that the Board could entertain public feedback and that he and his client could then put together a complete application to file relative to the marijuana business use and that the hearing for both matters could be held open concurrently.

Mr. Ayrassian requested that before the applicant goes any further with his presentation that he provide a justification for the granting of the variance.

Attorney Casey suggested that the lot in question contains an existing factory building and that the neighboring duplex was likely in existence prior to the adoption of the Zoning Ordinance, making the situation one that is pre-existing non-conforming. He stated that the building is in an industrial zoning district and that he should be allowed to pursue an industrial use.

Mr. Ayrassian asked where that rationale for the granting of a variance exists in the Zoning Ordinance. He stated that he understands that the applicant is constrained by the pre-existing nature of the residential dwelling, but that its existence does not change the fact that the existing residential use and the proposed marijuana use are not in harmony. He reiterated that the applicant needs to provide a rationale contemplated by the Zoning Ordinance to justify the variance.

Attorney Casey stated that his rationale is predicated on the pre-existing reference to structures in addition to configurations of lots and structures. He stated that if undeveloped land had tried to apply for a variance to construct a grow facility, there would be no justification. He stated that in this case, they are looking to use an existing industrial building that is 60-feet away.

Cathy Merkle sought to confirm that Mr. Vitali would be proposing to utilize only the existing footprint of the building and that no additions would be proposed.

Attorney Casey confirmed that no changes to the building's footprint are proposed.

Cathy Merkle stated her concern that the nature of the use as a marijuana business still requires a buffer to surrounding residences. She stated that in this instance, it is not just industrial versus residential, the proposed use is also a marijuana business, which is specially regulated, making the issue more complex. She stated that the nature of such uses is that they require a 100-foot buffer.

Ms. Davies noted that she imagined the Board has deviated from such a standard before, but not in a case where the residence was directly next door to the site with no buffer or screen.

Attorney Casey noted that the facility will have little or no impact on the residences on the other side of the track, as the rail line provides a substantial buffer in addition to the protection afforded by the existing fences.

Cathy Merkle stated that the ownership of the abutting residential dwelling, in this case potentially the applicant, is irrelevant because he or anyone else could sell the property tomorrow and so the fact remains that the residential dwelling could abut a marijuana business. She stated that the ownership does not change the non-conforming residential nature of the property.

Ms. Davies noted that there is also the question as to whether the Zoning Ordinance relative to marijuana businesses bridges municipal lines, as the portion of the City of Pawtucket that abuts this site is primarily residential.

Mr. Ayrassian stated that the City's Zoning Ordinance does not govern across city lines, but that he felt it is a factor that the Board can take into consideration. He argued that a marijuana business is not the only purposeful land use permitted in the industrial zoning district.

Speaking in favor of the application was Paul Prew of 2 Colvin Street who stated that he lives about 200-feet east of the premises. He stated that his only concern would be traffic, but since the marijuana business would be cultivation and not retail, he felt his sentiments about traffic would be moot. He noted that Dickens Street is a fairly narrow one-way street and does not bode well for heavy traffic. He stated that he believes the Zoning Ordinance addresses any concerns he might have with odors. He stated that he has lived as his home since 1974 and it is his opinion that a proposed marijuana cultivation business use would be appropriate and a good source of revenue for the City.

Speaking in opposition was Mark Lavita of 34 Turner Street who stated that his property is directly behind the subject site and that he has owned it since 1987. He noted that Dickens Street cannot be accessed from Route 1, as it is a one-way street. He explained that vehicles have to go to the end of Roosevelt Street, turn around, and come up Dickens Street. He also noted that there are no sidewalks on Dickens Street. He stated that he feels the constant volume of traffic on the street is already ridiculous. He stated that the subject site underwent a big overhaul about a year ago, including extensive grading. He stated that a mechanic shop used to be located on the site, and that people worked on cars outdoors along with wreckers coming to the shop day and night. He stated that there were at least a dozen cars and several boats stored outdoors. He said the railroad is located behind the site. He stated that he would be less concerned with a marijuana cultivation business than with a marijuana retail business. He asked the Board to consider his quality of life relative to how the site is currently used, let alone how the proposed change will affect things.

Speaking in opposition was David Moran of 127 Revere Street in Pawtucket, RI. He stated that he is the Pawtucket City Council President and represents the area of Pawtucket that borders Dickens Street. He noted that he has been in touch with his Attleboro counterpart, Councilwoman Sara Reynolds. He stated that it would have been appreciated if the Pawtucket City Council President had received notice of this public hearing - he learned about it by way of a newspaper article forwarded to him by a constituent. He stated that he is concerned with the site being an eye sore. He stated that he has served on the Council for 29 years and participated in fighting the proposed transfer station 20 years prior down on Rice Street in Attleboro along the Pawtucket line. He stated that he is concerned about increased traffic and wanted to know that if cultivation is permitted, how the traffic would be controlled. He questioned what type and how many trucks would be frequenting the site and their routes for arrival and departure. He stated that he also has concerns about the effect such a business could have on surrounding residents' quality of life, including nuisance odors. He asserted that such a use is not a good fit for the neighborhood. He stated his understanding that the area is a mix of industrial and residential, but he felt that there are other industrial uses that could better co-exist with less impact.

Mr. Ayrassian asserted that the City's Department of Planning and Development sends notification of all public hearings to all abutting municipalities in both Massachusetts and Rhode Island, including Pawtucket. He stated that the public hearing notices are sent to the communities' Planning Department.

Attorney Casey acknowledged that there are concerns about a marijuana cultivation project and that he would like to hold the hearing open while he discusses things with his client.

Cathy Merkle stated that she does not feel that she can close this hearing and render a decision on the variance that is related to special permit use that has not even been applied for. She stated that she will not vote blindly on the variance. She asserted that there is an obligation on the applicant's part to have provided a full picture of the project by filing an application for all forms of relief that would be necessary for a marijuana business. She encouraged the applicant to think about filing a special permit for the use concurrently with this variance application.

Ms. Davies suggested that it may be more appropriate for the applicant to withdraw the variance application and file everything together as a single application.

Attorney Casey asked the Board to continue the hearing until the March meeting.

There being no one else to speak, the public hearing was continued.

The Board heard the continued public hearing relative to Case #5491, the application of Pacifico Energy, NA for special permits pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to construct a ground-mounted solar photovoltaic facility and under §17-10.2 EARTH REMOVAL for an earth removal operation associated with the proposed facility, the subject premises being located at 0 Richardson Avenue and 0 Richardson Avenue Rear, more specifically Assessor's plat #124, lot #10 and #15, located in the Single Residence -D zoning district .

The Board reviewed the email from Laura Lefebvre of TRC Solutions, received February 10, 2020, to Director of Planning and Development Gary Ayrassian, requesting the Board to continue the public hearing to March.

Cathy Merkle made a motion to continue the public hearing. Kent Richards seconded the motion. All voted in favor to continue the public hearing.

There being no one else to speak, the public hearing was continued.

The Board heard the continued public hearing relative to Case #5469, the application of SOWA, LLC for a variance pursuant to §17-8.9 VARIANCES under §17-5.1 OFF-STREET PARKING REQUIREMENTS to reduce the required dimensions of off-street parking stalls and under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum front yard setback requirement to accommodate the construction of an 11,556 sf retail building; a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(E) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the required number of off-street parking stalls; and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#23) TABLE OF ACCESSORY USE REGULATIONS to construct a drive-through window in association with a bank, the subject premises being located at 1 Highland Avenue and 5 Route 1A, more specifically Assessor's plat #64, lots #1A and 1B, located in the General Business zoning district .

The Board read the Form Z2 - Request for an Extension of Time to April 30, 2020, submitted by attorney Jack Jacobi of Coogan Smith, LLP on behalf of SOWA, LLC.

Cathy Merkle made a motion to grant an extension of time to April 30, 2020. Sandra Varrieur seconded the motion. All voted in favor to grant an extension of time to April 30, 2020.

The Board reviewed the letter from attorney Jack Jacobi of Coogan Smith, LLP, received February 5, 2020, requesting to withdraw the petitioner's request for a variance from the required minimum front yard setback.

Cathy Merkle made a motion to grant the petitioner's request to withdraw the request for a variance from the required minimum front yard setback. Sandra Varrieur seconded the motion. All voted in favor to grant the petitioner's request to withdraw the request for a variance from the required minimum front yard setback.

Speaking in favor of the petition was attorney Jack Jacobi who stated that they are still working on revised plans and that it is his hope to appear before the Board in March.

Ms. Davies advised attorney Jacobi that the deadline to file an application for a public hearing in March has passed. She stated that the soonest his revised petition could be scheduled for a public hearing is April.

There being no one else to speak, the public hearing was continued.

The Board heard the continued public hearing relative to Case #5462, the application of Mark Rioux for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#3) TABLE OF USE REGULATIONS to accommodate the construction of three (3) two-family dwellings for a total of six (6) units and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-12.0 FLOOD PLAIN DISTRICT to accommodate work/excavation within the 100-year floodplain; the subject premises being located at 4 Stead Avenue, more specifically Assessor 's plat #29, lot #12, located in the General Residence -B zoning district .

The Board read the email from Janet Bernardo of Horsley Witten Group, Inc., received February 20, 2020, to Conservation Agent Nicholas Wyllie regarding compensatory storage in relation to the petitioner's special permit application.

Speaking in favor of the application was Dan Campbell of Level Design Group who stated that they are still working with the Conservation Commission relative to the stormwater management system and the floodplain. He stated that he had a work session with the Conservation Agent and the City's consultant last week on the stormwater peer review.

Ms. Davies noted her understanding from the Conservation Agent that one of the issues relates to the requisite compensatory flood storage, which is also a matter before the Zoning Board in the form of a floodplain special permit application. She stated that historically, a table is provided showing the flood storage capacity at specific topographic elevations.

Mr. Campbell stated that compensatory storage can be defined in two separate ways. He stated that his approach to providing the storage capacity involves digging a bit deeper below the floodplain elevation. He stated that it is up to the Commission to decide if this approach is acceptable. He stated that the consultant's suggestion would require an awkward swale around the entire back of the building.

Mr. Ayrassian countered that digging deeper below the floodplain elevation is not acceptable. He stated that the compensatory storage has to be provided by excavating a higher elevation outside of the 100-year floodplain elevation and lowering it to the elevation of the 100-year floodplain. He stated that the compensatory storage must be created horizontally, not vertically.

Mr. Campbell disagreed and stated that an opening provides more storage than the dirt currently filling that space. He argued that he is meeting the letter of the law.

Ms. Davies disagreed and argued that Mr. Ayrassian's assessment is correct. She stated that Mr. Campbell needs to provide a match at each elevation as is standard.

Mr. Campbell stated that he did not read the regulations that way, but that they will sort things out with the Conservation Commission.

As there was no one else to speak, the public hearing was continued.

The Board heard the continued public hearing relative to Case #5484, the application of Aspen Blue Cultures, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to amend a previously approved Registered Marijuana Business (a Medical Marijuana Treatment Center and a Marijuana Retail Sales Facility) by including additional marijuana-related business uses, specifically marijuana cultivation and manufacturing activities for retail and medical uses and for a variance pursuant to §17-8.9 VARIANCES to reduce the minimum number of required loading spaces pursuant to §17-5.2 OFF-STREET LOADING REQUIREMENTS, the subject premises being located at 40 Forest Street, more specifically Assessor's plat #61, lot #169, #170, #170A, #172, #181, #182D, and #182G, located in the Industrial zoning district .

Speaking in favor of the petitioner was attorney Edward Casey who reminded the Board that they are requesting to amend a previously granted special permit that allowed for a 3,000 square foot medical/recreational dispensary in order to include a separate 100,000 ± square foot cultivation/manufacturing facility. He stated that they submitted a report relative to odor control to assuage the Board's concerns regarding odors impacting the residents on Forest Street. He stated that they also have a traffic consultant on hand to go over the traffic flows.

Speaking in favor of the application was traffic engineer Phillip Cherry of WSP who stated they there will be approximately 40 staff per shift. He stated that they modeled 186 total trips entering and exiting the site with 50 trips in the weekday morning peak, 50 in the weekday evening peak, and 158 trips during the Saturday midday peak. He stated that the numbers are conservative, as they estimated half of staff will leave the site for lunch and there is residential area nearby, so some staff are likely to walk or bike to the facility. He stated that most of the customers of a marijuana business would be drive-by traffic as opposed to the use being a destination whereby he said vehicles would go there specifically and go back home. He noted that the ITE handbook has limited data relative to marijuana facilities and they compared the use to that of a pharmacy, understanding that it is not an ideal match. He stated that their studies on the parking generation are based on samples from Colorado based on the dispensary size. He stated that with a 3,000 square foot facility, the peak parking demand would be 17 stalls for the clients and 14 spaces for employees for a total of 31 parking spaces. He stated that they are providing 77 parking spaces at the retail facility. He stated that 84 parking spaces are provided in the front area.

Attorney Casey asked Mr. Cherry for his opinion as to the sufficiency of parking and the ability for traffic to circulate on site.

Mr. Cherry replied that he felt there is sufficient capacity to park and "safely enter and exit from Forest Street for the anticipated traffic loads.

Speaking in favor of the application was Frank Zaino of Creative Environment Corp. who stated that he has specialized in designing cannabis facilities for the last eight years.

Mr. Ayrassian asked whether the exhaust system seeks to purge the odors from the air or mask it in some way.

Mr. Zaino replied that they strive to break down the actual odor-causing molecules using both passive and active approaches. He stated that the system has carbon filters that the air passes through, as well as an active chemical treatment that kills odor-producing bacteria or microbes before the air is shot high up into the atmosphere where the remaining inert components are killed by sunshine.

Mr. Ayrassian asked whether the rooftop exhaust system will create a noise nuisance.

Mr. Zaino stated that the sound level is comparably less than that of a household kitchen exhaust fan. He stated that the air travels at high velocities and is blasted out of a narrow.

Cathy Merkle questioned whether there is one purifier for the whole building or multiple purifiers throughout the building.

Mr. Zaino replied that each room has its own blue zone unit and then the air collects for discharge at a common exhaust point.

Speaking in favor of the application was Dan Denisi of Creative Environment Corp. who stated that the system has electronic remote monitoring, so issues are identified immediately for redress.

Mr. Zaino added that the system is backed up with on-site generators and runs 24-hours a day.

Attorney Casey went discussed staffing levels at any one time at full build-out.

Mr. Ayrassian asked whether there will be any staff recruitment efforts focused on Attleboro residents.

Speaking in favor was Jack Cutlip who answered yes. He stated that they will also introduce a program for hiring local minorities.

Sandra Varrieur inquired about the square footage of the entire facility.

Attorney Casey replied that the cultivation/manufacturing facility's full build-out is 102,500 square feet which is separate from the 3,000 square foot medical/recreational dispensary that was previously approved by the Zoning Board.

Ms. Davies stated that the Police Chief has indicated his satisfaction with the revisions and the Health Agent affirmed that there were no specific regulations relative to marijuana odors, so is satisfied with the standard conditions we require. She also informed the Board that the Conservation Commission granted the stormwater management permit last night during its meeting.

There being no one else to speak, the public hearing was closed.

The Board heard the continued public hearing relative to Case #5474 the application of Nova Farms, LLC (f/k/a BCWC, LLC) for special permits pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to establish two marijuana businesses on the premises in a single building, a Marijuana Retailer and a Medical Marijuana Treatment Center, a special permit pursuant to §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing non-conforming parking lot, and a variance pursuant to §17-8.9 VARIANCES under §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS from the minimum front yard setback requirement for off-street parking stalls, the subject premises being located at 0 Chartier Street, 31 Chartier Street, 128 Bacon Street, and 0 Westminster Street, more specifically Assessor's plat #3, lot #71, #72, #73, #203, #204, #205, #206, #250, #258, and #259, located in the Industrial zoning district.

Speaking in favor of the application was attorney Edward Casey who stated that the only change they made to the site plan since the last meeting is that they incorporated a vehicle trap into the design as advised by the Police Chief. He noted that even with the vehicle trap, the site will contain parking spaces in excess of the minimum off-street parking requirement. He stated that abutters have raised concerns relative to the potential for crime, loss of privacy, and a reduction in property value as a result of this project. He argued that the opposition lives on a dead-end street, so no one will be actively traveling there and will only end up there accidentally on occasion. He stated that their traffic study was prepared on the commonly accepted principles for the field and that their study has additionally been peer reviewed by a third-party engineer, GPI, on behalf of the City. He stated that the peer review affirmed the methodology employed by McMahan and Associates and that their conclusions were competent. He stated that the report also did point out some additional work that could be performed and that his client has authorized for the additional traffic study work to be performed. He stated his assumption that the results thereof will again be peer reviewed by GPI. He stated that they would love to be able to utilize real data from an open marijuana business in the City of Attleboro, but that unfortunately there are still none operating. He stated that the studies that they have provided to the Board found a decline in crime near marijuana businesses on account of the amount of security personnel, cameras, and people actively visiting the site to legally purchase products. He stated that just because the neighbors have abstract concerns, it does not mean that they are warranted. He suggested that it will be up to the Board to decide the credibility of those concerns. He stated that he understands that people dislike change, but that cannot be the driving factor for such decisions.

Speaking in favor of the application was Jeffrey Bandini of McMahon Associates who stated that they have prepared a trip generation and parking demand report for the site. He stated that they predict reasonable levels of delay at the Bacon Street and Westminster Avenue intersection using the conservative traffic count numbers from August, which are often higher than the average. He stated that they also found that sight distance would not be an issue and that there would be no issues with the safety of motorists entering or exiting the site. He stated that in his opinion, the existing infrastructure can accommodate the anticipated traffic loads related to the proposed business site.

Ms. Davies questioned whether they are proposing to repave Chartier Street.

Speaking in favor of the application was Daniel Campbell of Level Design Group who replied yes and explained that as they regrade and install the curbing, a strip of the roadway will be repaved.

Ms. Davies questioned whether a center line is proposed.

Mr. Campbell replied no, as there currently is none and if a line were installed, it would end halfway down the road in tandem with their limits of work. He suggested that the proposed curbing will better serve to control traffic.

Mr. Ayrassian sought confirmation that the proposed improvements within the rights-of-way and their design have been presented to Public Works.

Mr. Campbell replied yes and that it has been confirmed that the design complies with the DPW's construction specification.

Mr. Ayrassian asked that that correspondence be forwarded to the Planning Department. He asked whether an additional handicapped access ramp is proposed.

Mr. Campbell replied yes and that his client is planning to install it in concrete with a tactile warning strip.

Attorney Casey requested an extension of time to April 30, 2020.

Cathy Merkle made a motion to grant an extension of time to April 30, 2020. Sandra Varrieur seconded the motion. All voted in favor to grant an extension of time to April 30, 2020.

Speaking in opposition was Morgan Fleischman of 135 Westminster Avenue who stated that she looked into how Brookline's permitting system work and found that it is different from Attleboro's in that in Brookline, marijuana businesses apply for zoning relief from the Zoning Board and then receive a license from the Board of Selectmen. She stated that since opening, the facility in Brookline was forced to reduce their operational hours. She stated that a similar situation that mirrors this proposed plan was approved in Fall River. She explained that the facility is located on a dead-end street in a residential neighborhood that abuts a highway on-ramp. She stated that she learned that the facility's parking lot is often full and customers end up parking in surrounding neighborhoods. She stated that the site has been open for over a year and that still to today, up to 100 customers an hour are served. She stated that residents have filed complaints that their kids cannot play outdoors due to illegal consumption occurring on and in proximity to their properties as well as because of the noise, traffic, and people driving unsafely. She stated that they have also had issues with neighbors suffering property damage and drivers using driveways to turnaround. She stated proposed solutions include requiring no left turns in or out, the installation of a new egress, off-site parking with shuttle buses, adding a traffic light, or adding a gate with remote control to allow only residents down the dead-end. She stated that currently, just a police detail is being provided, which she imagines is a costly solution for the city.

Mr. Ayrassian noted that in Attleboro, details are paid by the private entity and not the City. She noted that Councilor Todd Kobus visited the neighborhood last week and observed the severity of the traffic in the morning when the kids were being picked-up by the bus. She stated her preference that all of the retail operations occur at the applicant's Extension Street location. She stated that she is not opposed to business, but wants to ensure that her neighborhood's safety and quality of life is maintained.

Speaking in opposition was Joe Drazek of 121 Westminster Street who stated that he found it dubious that the traffic peer review report was longer than the traffic study it was reviewing. He stated that he is not in opposition to further peer reviews, but that he does not want to see this matter dragged out. He insisted that the project offers no gain to the neighbors and that the Zoning Board should be focusing on that fact. He stated that there are many proposals that come before the Board that have no opposition, and that the level of opposition from the neighbors should mean something. He stated that the approval of this project will have far-reaching ramifications and the only ones advocating for it is the applicant and the paid representatives. He stated that he spoke before the Municipal Council on the matter this Tuesday. He stated that a marijuana business is not the right fit for this neighborhood. He stated that there are other potential industries that could occupy the lot with a lot less detriment to the neighborhood. He suggested that the City could work with the applicant to waive additional fees for permitting if they move the project to an alternate location. He stated that since recreational marijuana is illegal in Pawtucket, patrons would be likely to use the marijuana products before returning to Rhode Island. He stated that he has been an advocate for his neighborhood for a long time, meeting with City administrations to improve this area, including the Bacon Street Committee. He stated that he appreciates what the Board and staff do, but beseeched them to consider that the neighbors will have to live with the consequences of this facility on a daily basis. He stated that the current traffic issues are so severe, that this project would be the tipping point. He lamented that he was advised by City Council members that the project is a done deal.

Cathy Merkle took exception to the comment and asserted that it is not a done deal. She declared that the Board has not made up its mind and will not do so until after the public hearing is closed. She stated that anyone communicating otherwise does not sit on the Board and has no right to make such claims.

Mr. Drazek stressed that he had even tried to make an appointment with the Mayor and the Solicitor and was informed that there was no reason for the City to oppose the business.

Cathy Merkle reiterated that the Board's decision will be based on what has been presented in the public hearing from both the applicant and the residents.

Mr. Ayrassian countered that the Mayor is entitled to offer an opinion and to declare his support for a project but he also understands that his position does not obligate the Board. He stated that he knows the Board's role and expects that it follows the rules.

Mr. Drazek stated that the Mayor had directed him to obtain a lawyer and sue the City if he does not like the Board's decision.

Cathy Merkle stated that the Board always works within specific guidelines and that it always aims to vote in a way that provides a defensible outcome in court.

Mr. Ayrassian noted that all decisions can be appealed.

Mr. Drazek stated that he has concerns with a Mayor being so outwardly invested in a project, as his influence has the potential to sway the Board. He stated that this decision will impact his children for the rest of their lives.

He stated that he will continue to attend meeting and express his opposition, as there is no way for the applicant to address the concerns regarding traffic. He requested to show a video to the Board.

Cathy Merkle stated that the Board would not review the video tonight and asked Mr. Drazek to email the video link to the Planning Department which would then forward it to the Board. She stated that Board members would look at the video on their own time.

Mr. Drazek insisted that the Board allow him to show the video.

Cathy Merkle reiterated her position and asked if there was anyone else wanting to speak in opposition.

Speaking in opposition was Kimberly Drazek of 121 Westminster Street who stated that she does not appreciate the sneers from the applicant in response to her husband's presentation and that she finds it highly unprofessional. She stated that attorney Casey accused the residents of fighting change. She stated that the residents are not opposed to progress. She stated that the neighborhood is not perfect and could look a lot nicer. She stated their priority however is not the aesthetics but rather the very real consequences that a marijuana business will have on their homes. She requested that the Board view the video clip her husband prepared.

Mr. Ayrassian stated that the Board and staff are familiar with the area and that if the video is intended to simply re-emphasize his passionate argument, he does not think that that is a good use of the Board's time at this late hour just for the sake of showing it. He stated that the Board understands their concerns and that it wouldn't have commissioned a traffic study peer review otherwise.

Ms. Davies noted that in addition to Mr. Ayrassian's comments, the Council Chambers does not have Wi-Fi, so the video cannot be viewed.

Speaking neither for nor against was Walter Rarus of 115 Bacon Street who agreed with the concerns expressed by Ms. Fleischman and Mr. Drazek. He stated that he draws parallels to the issue of parking associated with Beagle Club Road. He stated that similarly, the residents of the street would be inconvenienced and abused by outsiders. He stated that the police have been unable to enforce the situation on Beagle Club Road and that traffic problems persist. He stated that this development will attract many Rhode Islanders as recreational marijuana is illegal there.

Mr. Ayrassian stated that the Zoning Board has nothing to do with the matter involving Beagle Club Road.

Mr. Rarus asked whether they felt Mr. Drazek's assertions were wrong and questioned how those concerns could be addressed.

Cathy Merkle stated by the application materials submitted by the applicant, like the traffic study, illumination report, security plan, the drainage and site plan will all be considered and weighed against the residents' concerns.

Mr. Rarus implored the Board to consider the impacts on the neighborhood.

Speaking neither for nor against was Otis Jordan of 58 Mendon Road who stated that he lives on Washington Street and recommended that the traffic study be expanded to include more of the streets around in the area. He asserted that this section of Attleboro is a fishbowl, and that he is interested to see the potential traffic impacts this project could have on Route 1. He stated that he understands the City's desire for businesses to prosper, generate revenue for the City, and provide jobs, but feels that the largest impact from a business like this will be on the residents living in its proximity. He suggested that the traffic study should also consider the traffic flows across Washington Street. He agreed with the assertion that a substantial portion of the customer base will come from Rhode Island and those impacts should be explored. He stated that even if this application is denied, the applicant already has a marijuana facility opening in the industrial park.

Speaking neither for nor against was Tom Blair of 45 West Carpenter Street who stated that the deciding factor should come down to traffic. He stated that the end of Mill Street and Cumberland Avenue are presently blocked and therefore people traveling from Lincoln, Cumberland, and Central Falls come up the hill to Bacon Street to reach Route 1. He asserted that traffic at work times is non-stop and that it is difficult to get out of your own driveway. He stated that cars coming from Rhode Island to this facility will compound the issue. He stated that the Board needs to ensure that the traffic engineers are testing the traffic at the proper times to accurately predict the impact the marijuana facility will have.

Mr. Ayrassian asked whether Mr. Blair had read the GPI traffic study peer review. Mr. Blair answered no. Staff stated that it would provide him with a copy he would like one.

Sandra Varrieur asked whether Mr. Blair had contacted the Police Department about his concerns with existing traffic.

Mr. Blair replied that he did so periodically. He stated that there are no sidewalks in the area and that kids walk on the street. He noted that drivers speed and frequently pass one another illegally.

There being no one else to speak, the public hearing was continued.

The Board held a business meeting.

With an appointment to speak was attorney Jack Jacobi regarding Roberts Chemical Co., Inc. located at 330B Oakhill Avenue.

The Board read the letter from attorney Jack Jacobi of Coogan Smith, LLP, dated February 3, 2020, requesting on behalf of Roberts Chemical Co., Inc. permission to store additional chemicals at 330B Oakhill Avenue.

Attorney Jacobi explained that his client, Roberts Chemical Co., Inc., is requesting permission from the Board to store and distribute four additional chemical products at their facility on Oakhill Avenue. He asked if the Board feels that a new public hearing is warranted to entertain the request.

Cathy Merkle questioned whether the Fire Department has been consulted.

Attorney Jacobi answered no, but stated that the chemicals are very similar to what they already store and distribute.

Cathy Merkle stated that the Board does not have the knowledge base to assess such a request and will need a professional to comment.

Sandra Varrieur asked whether there will be changes in the volume of chemicals on site.

Speaking was Robert McIntyre of Roberts Chemical who stated that they are proposing to store and distribute two new products, neither of which will be hazardous. He stated that part of the request is to repackage elements from one container to another.

Mr. Ayrassian asked whether the elements approved in the original special permit were all in a liquid state.

Mr. McIntyre replied no, that there was some in a solid state.

Mr. Ayrassian asked what provisions have been made at the site to accommodate the proposal.

Mr. McIntyre replied that it is a relatively simple process and everything is provided by the supplier. He stated that they will simply be removing gas from one tank and transferring it into a smaller tank.

Mr. Ayrassian asked if the process is so simple, then why they are doing the work and not the supplier

Mr. McIntyre explained that the end product is the combination of two separate products that creates insulation used to fill walls. He stated that his clients are focused on installing the product, not preparing the chemicals. He stated that they are essentially repackaging the two chemicals into smaller tanks so that they can be mixed by the client on site.

Speaking was Ahmad Changer of 19 Bryant Road in Cranston, RI. He stated that the final product is a low pressure polyurethane foam. He stated that it is infused with nitrogen to create pressure so it can be injected.

Mr. McIntyre explained that the other two products are used by microbreweries to clean their equipment. He stated that they are dry chemicals and not all that different from what is already sold on site.

Cathy Merkle stated that she feels that a public hearing is not necessary but wanted the MSDS sheets submitted to the Fire Department for review and comment before rendering a decision.

The Board tabled this matter pending receiving comments from the Fire Department.

With an appointment to speak was attorney Edward Casey relative to proposed floor plan layout revisions associated with BCWC, LLC's marijuana facility located at 34 Extension Street, Municipal Council CASE #0001.

Attorney Casey stated that the proposed changes are very minor and that he had submitted plans illustrating them. He noted that one is the result of a request from the Police Chief to add a vehicle trap. He stated that this addition results in the loss of three parking spaces, but won't affect traffic as deliveries will be performed after-hours. He stated that there are still nine stalls more than the minimum required for the site.

The Board reviewed the lighting plan and the sally port site plan received February 5, 2020, as well as the site plans received January 22, 2020 from attorney Casey, relative to 34 Extension Street.

Cathy Merkle sought to confirm that the traffic flows remain the same.

Speaking was engineer Dan Campbell who answered yes. He noted that when the vehicle trap's doors are open, it will impede traffic, which is why they are proposing to not perform deliveries during operational hours.

Mr. Ayrassian asked the Board whether they felt such a change could be performed administratively. He requested the submission of one complete set of plans showing what they propose to replace that was originally contained in the special permit granted by the Municipal Council.

Cathy Merkle agreed that a public hearing is not required.

The Board discussed Case #5498, the application of Linda McKearney for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing non-conforming use to convert a former gas station to an ice cream stand, the subject premises being located at 646 Pleasant Street, more specifically Assessor's plat #63, lot #190A, located in the Single Residence -D zoning district.

Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing non-conforming use and allow the change from the former gasoline station business to a retail ice cream business, as shown on the site plan.

Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Cathy Merkle made a motion to grant a special permit pursuant to §17-6.0 NON-CONFORMING USES, STRUCTURES AND LOTS to alter a pre-existing non-conforming use and allow the change from the former gasoline station business to a retail ice cream business, as shown on the site plan. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5495, the application of Ryan Crowell for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(E) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the required number of off-street parking stalls to accommodate the establishment of a church, the subject premises being located at 105 Maple Street, more specifically Assessor's plat #46, lot #415, #416, and #417, located in the Industrial zoning district.

Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS from the provisions of §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the requisite minimum number of off-street parking stalls from fifteen (15) to nine (9) to accommodate a church with a maximum occupancy based on sixty (60) seats, as shown on the site plan. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5496, the application of New Heart & New Spirit Evangelical Church for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-16.3 ADMINISTRATION to vary from the sign regulations pursuant to §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS. The subject premises being located at 1056 Oakhill Avenue, more specifically Assessor's plat #183, lot #2, located in the Single Residence -D zoning district.

Cathy Merkle made a motion to grant a special permit pursuant to §17-16.3 ADMINISTRATION to vary certain sign regulations pursuant to §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS to accommodate the installation of an eight (8') foot tall, thirty-two (32) square foot (4'x8'), sign that exceeds the maximum allowable sign area and that does not satisfy the minimum front yard setback requirement, as shown on the site plan. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5484, the application of Aspen Blue Cultures, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to amend a previously approved Registered Marijuana Business (a Medical Marijuana Treatment Center and a Marijuana Retail Sales Facility) by including additional marijuana-related business uses, specifically marijuana cultivation and manufacturing activities for retail and medical uses and for a variance pursuant to §17-8.9 VARIANCES to reduce the minimum number of required loading spaces pursuant to §17-5.2 OFF-STREET LOADING REQUIREMENTS, the subject premises being located at 40 Forest Street, more specifically Assessor's plat #61, lot #169, #170, #170A, #172, #181, #182D, and #182G, located in the Industrial zoning district.

Catherine Merkle made a motion to amend the grant of a previous special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES for a Registered Marijuana Business (a Medical Marijuana Treatment Center and a Marijuana Retail Sales Facility) to include an additional marijuana-related business use, specifically marijuana cultivation for retail and medical uses, as shown on the site plan entitled "40 FOREST STREET COMMERCIAL DEVELOPMENT, ATTLEBORO, MA 02703" engineered by Richard M. Mainville, R.P.E. of Andrews Survey & Engineering, Inc., dated September 6, 2019 and revised through January 30, 2020. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to amend the grant of a previous special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES for a Registered Marijuana Business (a Medical Marijuana Treatment Center and a Marijuana Retail Sales Facility) to include an additional marijuana-related business use, specifically marijuana manufacturing activities for retail and medical uses, as shown on the site plan entitled "40 FOREST STREET COMMERCIAL DEVELOPMENT, ATTLEBORO, MA 02703" engineered by Richard M. Mainville, R.P.E. of Andrews Survey & Engineering, Inc., dated September 6, 2019 and revised through January 30, 2020. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a

variance pursuant to §17-8.9(A) VARIANCES from the provisions pursuant to §17-5.11 TABLE OF OFF-STREET LOADING REQUIREMENTS to allow a reduction in the required minimum number of off-street loading/unloading parking stalls from three (3) off-street loading/unloading stalls to one (1) off-street loading/unloading stall, as shown on the site plan entitled “40 FOREST STREET COMMERCIAL DEVELOPMENT, ATTLEBORO, MA 02703” engineered by Richard M. Mainville, R.P.E. of Andrews Survey & Engineering, Inc., dated September 6, 2019 and revised through January 30, 2020. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board read the Form Z2 - Request for an Extension of Time to January 31, 2020, submitted by attorney Jack Jacobi on behalf of Atlantic-Attleboro Route 1, LLC relative to Case #5487 for property located at 463 Washington Street .

Cathy Merkle made a motion to grant an extension of time to January 31, 2020 to allow Atlantic-Attleboro Route 1, LLC to exercise the special permit. Sandra Varrieur seconded the motion. All voted in favor to grant an extension of time to January 31, 2020 to allow Atlantic-Attleboro Route 1, LLC to exercise the special permit.

The Board tabled the 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.

The Board reviewed all remaining correspondence.

The Board tabled the minutes of November 12, 2019, December 12, 2019, and January 9, 2020.

The meeting adjourned at 11:00 p.m.