



City Of Attleboro, Massachusetts

ZONING BOARD OF APPEALS
GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
TEL 508.223.2222 FAX 508.222.3046

MINUTES

MARCH 3, 2022

In accordance with the provisions of the General Laws of Massachusetts, Chapter 40A, as amended, the Zoning Board of Appeals held public hearings on Thursday, March 3, 2022 at 6:30 p.m. in the Municipal Council Chambers located at Government Center, 77 Park Street, Attleboro, MA 02703, relative to the following:

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

Members Absent: Johnny Bender

Cathy Merkle made a motion to enter into Executive Session at 6:05 p.m. to discuss strategy with respect to litigation involving the appeal of Green River Cannabis that may have a detrimental effect on the City's litigation position if the discussion were had in an open meeting. She stated that the Board will return to the open meeting and would commence the public hearings after it exists the Executive Session. Kent Richards seconded the motion. All voted in favor via roll call.

Roll Call Vote:

Cathy Merkle	YES
Kent Richards	YES
Kathy Rautenstrauch	YES
Sandra Varrieur	YES

The Board resumed its regular meeting at 6:43 p.m.

The Board heard the continued public hearing relative to Case #5593, application of JS Fuller TIC, LLC & Et. al. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-12.0 FLOOD PLAIN DISTRICT to perform excavation work within the 100-year floodplain in association with the construction of a proposed 20,000± square foot warehouse building, the subject premises being located at 50 Fuller Avenue, more specifically Assessor's plat #21, lot #272 and #273, and Assessor's plat #24, lot #43A and #44A, located in the Industrial zoning district.

The Board read the Form Z1 - Request to Continue a Public Hearing to April 14, 2022 submitted by Jacqueline Bart of GFI Partners on behalf of JS Fuller TIC, LLC & Et. al. relative to their special permit application for property located at 50 Fuller Avenue, Case #5593.

Cathy Merkle made a motion to continue the public hearing to. 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 #5590, the application of No Fossil Fuel, LLC for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to construct a ground-mounted solar photovoltaic facility, the subject premises being located at 179 Peckham Street, more specifically Assessor 's plat #209, lot #3, located in the Single Residence -D zoning district .

The Board read the email from Haskell Werlin of Solar Design Associates, Inc., dated March 2, 2022, requesting the Board to continue the public hearing to April 14, 2022 relative to the special permit application of No Fossil Fuel, LLC for property located at 179 Peckham Street, Case #5590.

Cathy Merkle made a motion to continue the public hearing to. Sandy Varrieur 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 #5565, the application of Beacon Compassion, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to establish a Marijuana Business (cultivation, manufacturing, and medical marijuana treatment center), the subject premises being located at 30 Franklin McKay Road, more specifically Assessor's plat #148, lot #5A, located in the Industrial zoning district .

The Board read the email from Peter D'Agostino of Tenax Strategies, received March 1, 2022, requesting the Board to continue the public hearing to April 14, 2022.

Cathy Merkle made a motion to continue the public hearing to. Sandy Varrieur 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 #5569, the application of Bright Path Investments, LLC 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 residential structure and a variance pursuant to §17-8.9 VARIANCES from the minimum front yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to construct a two-family dwelling, the subject premises being located at 22 Mann Street, more specifically Assessor's plat #3, lot #1, located in the Industrial zoning district.

Ms. Davies informed the Board she received an email from the applicant after the deadline to be put on the addendum. She stated that the applicant requested that the Board continue the public hearing. She stated that the email would be placed on the Board's next meeting agenda for the record.

The Board read the Form Z2 - Request for an Extension of Time submitted by Bright Path Investments, LLC, received February 10, 2022, requesting the Board to grant an extension of time to March 31, 2022.

Kent Richards made a motion to grant an extension of time to March 31, 2022. Sandra Varrieur seconded the motion. All voted in favor to grant an extension of time.

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

The Board heard the continued public hearing relative to Case #5564, the application of Kief USA, LLC (d/b/a Hui, LLC) for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to establish a marijuana cultivation manufacturing business at 1 Turner Street, the subject premises being located at 1 Turner Street, more specifically Assessor's plat #1, lot #12, located in the Industrial zoning district .

The Board read the Form Z3 - Request to Withdraw Petition submitted by attorney Adam Braillard of Prince Lobel Tye, LLP, on behalf of Kief USA, LLC dba Hui, LLC, received March 3, 2022, relative to their special permit application for property located at 1 Turner Street, Case #5564.

Kent Richards made a motion to allow the petitioner to withdraw without prejudice their special permit application for property located at 1 Turner Street, Case #5564. Sandra Varrieur seconded the motion. All voted in favor to allow the petitioner to withdraw without prejudice his special permit application.

The Board heard the continued public hearing relative to Case #5582, the application of Anthony Properties, LLC for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(23) TABLE OF ACCESSORY USE REGULATIONS for drive-up windows associated with restaurants, a special permit pursuant to §17-9.0 SPECIAL PERMITS from the minimum off-street parking stall dimensions under §17-5.1 OFF-STREET PARKING REQUIREMENTS, a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-10.2 EARTH REMOVAL for an earth removal operation, a variance pursuant to §17-8.9 VARIANCES from the maximum number of stories for a residential building under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS, and a variance pursuant to §17-8.9 VARIANCES from the maximum curb cut width under §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS associated with the construction of 354 multi-family residential units contained in four buildings, two commercial/restaurant buildings, a children's day care center, parking lots, travel lanes, landscaping, lighting, grading, stormwater management system, water and sewer infrastructure, utilities, the subject premises being located at 754 Newport Avenue, more specifically Assessor's plat #69, lot #26B, located in the General Business zoning district and General Residence-A zoning district .

The Board read the Form Z2 - Request for an Extension of Time to April 30, 2022 submitted by attorney Jack Jacobi of Coogan Smith, LLP on behalf of Anthony Properties relative to their special permit application for property located at 754 Newport Avenue, Case #5582.

Cathy Merkle made a motion to grant an extension of time to April 30, 2022. Kent Richards seconded the motion. All voted in favor to grant an extension of time.

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

The Board heard Case #5594, the application of Nabil Nakhoul 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 by converting an office supply store to a neighborhood convenience store, the subject premises being located at 40 Emory Street, more specifically Assessor's plat #61, lot #94, located in the General Residence -A zoning district.

Ronnie Nakhoul spoke in favor of the application and stated that they have 90 feet of frontage, so can fit ten (10) 9'x18' parking spaces. He stated that snow will be piled on the left of the building. He noted that revised plans had been submitted.

Speaking in favor of the application was Nabil Nakhoul who stated that the delivery truck will have a loading space on the far left of the site, by the fence.

Cathy Merkle asked whether there is one delivery spot for both uses.

Nabil Nakhoul stated that he is unsure, as they do not know the future use of the other side of the building.

Ronnie Nakhoul stated that the only big delivery anticipated regularly will occur once a week at 6:00 a.m.

Nabil Nakhoul noted that it typically takes a maximum of twenty minutes for deliveries to finish.

Ms. Davies stated that the plan appears to show nine (9) 9'x18' parking for customers, one loading space, and one space for employees.

Kent Richards asked for confirmation that the deliveries will always be at 6:00 a.m. so there would be no conflict when customers begin to arrive at 6:30 a.m.

Ronnie Nakhoul stated that deliveries are not necessarily going to arrive at a specific time, but they would do their best to make sure there is little to no conflict.

Kent Richards asked for confirmation that they will repave the parking lot in the spring of 2022.

Nabil Nakhoul answered yes.

Ms. Davies stated that neighbors had expressed concerns about trash and litter and asked what the plan is to address these concerns.

Nabil Nakhoul stated that they intend to place two trash barrels outside of the store. He stated that they are also going to clean the premises every afternoon and evening.

Cathy Merkle expressed concern with large delivery trucks not being able to safely access the site.

Planning and Development Director Gary Ayrassian stated that it appears to be a "Mom and Pop" convenience store and that deliveries to these types of store are made by smaller, panel trucks rather than larger, 18-wheeler types of trucks.

Senior Land Use Planner Stephanie Davies noted that more customers are likely to be walking to the site than driving.

Nabil Nakhoul stated that if it is preferred, delivery trucks could just pull over on Emory Street and wheel the product to the store.

Mr. Ayrassian stated that a public roadway cannot be used as a private business's loading zone.

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

The Board heard the continued public hearing relative to Case #5591, 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 grading 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 .

Attorney Jack Jacobi of Coogan Smith, LLP spoke in favor of the application. He noted that the Board continued the public hearing to consider what Pacifico offered at the previous meeting regarding a progressive bond. He stated that the initial bond amount would be \$21,750.00, then in the 5-10 year range it would increase by twice that amount, and the 10-15 years would increase by three times the initial amount. He explained that in the first 15 years of construction, a contractor would actually pay to cart the solar panel materials away, as there is so much value in the metal used to construct them.

Mr. Ayrassian stated that he has requested assistance with the review of Pacifico's bond proposal. He stated that staff is not yet ready to offer a recommendation to the Board, but that should the Board grant the special permit tonight, staff will include its recommendation to the Board in the form a condition for the Board's review.

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

The Board heard Case #5589, the application of Morin's Realty, LLC for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to accommodate existing size and location of truck loading spaces and the location of site driveways under §17-5.8(H) PARKING AND LOADING SPACE STANDARDS, §17-5.9(C) GENERAL PARKING AND LOADING SPACE STANDARDS, and §17-5.2 OFF-STREET LOADING REQUIREMENTS, a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.8(C) PARKING AND LOADING SPACE STANDARDS to allow the installation of bollards in place of the requisite concrete bumpers for off-street parking stalls, a variance pursuant to §17-8.9 VARIANCES from the minimum front yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an addition, and a variance pursuant to §17-8.9 VARIANCES at two locations from the minimum front yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate renovations to the existing truck dock, the subject premises being located at 95 Frank Mossberg Drive, more specifically Assessor's plat #146, lot #6B, located in the Industrial zoning district .

Attorney Patrick Sullivan spoke in favor of the application and reminded the Board that he submitted a letter dated February 9, 2022 containing response comments and an updated list of relief being requested. He stated that there have been no changes to the plan since that time.

Ms. Davies noted that although the Conservation Commission was scheduled to render their decision on Wednesday night, they were unable to do so because they did not have a quorum to hold a meeting.

Mr. Ayrassian noted that the Planning Board is waiting for the Zoning Board to render its decision before rendering their decision on the Site Plan Review application.

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

The Board heard the continued public hearing relative to Case #5575, the application of Rust-Oleum Corporation for special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#19) TABLE OF ACCESSORY USE REGULATIONS for the accessory outdoor storage of liquid BIN primer product in a 5,300 gallon stainless steel storage tank and a special permit pursuant to under §17-12.0 FLOOD PLAIN DISTRICT to allow work within the 100-year floodplain for the construction of a 5,300 gallon stainless steel storage tank, the subject premises being located at 113 Olive Street, more specifically Assessor's plat #32, lot #30, located in the Industrial zoning district .

Andy Irwin of Irwin Engineers spoke in favor of the application and stated that they had a work session with the City's peer reviewer and felt they had addressed the inquiries and concerns in the peer review report.

Senior Land Use Planner noted that the Conservation Commission issued both a Stormwater Management permit and an Order of Conditions at their first meeting in February.

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

The Board held a business meeting.

The Board discussed Case #5594, the application of Nabil Nakhoul 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 by converting an office supply store to a neighborhood convenience store, the subject premises being located at 40 Emory Street, more specifically Assessor's plat #61, lot #94, located in the General Residence -A 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 (a former office supply store) into a neighborhood convenience store, as shown on the site plan. Kent Richards seconded the

motion. A discussion followed. All voted in favor. 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 (a former office supply store) into a neighborhood convenience store, as shown on the site plan. Kent Richards seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5589, application of Morin’s Realty, LLC for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to accommodate existing size and location of truck loading spaces and the location of site driveways under §17-5.8(H) PARKING AND LOADING SPACE STANDARDS, §17-5.9(C) GENERAL PARKING AND LOADING SPACE STANDARDS, and §17-5.2 OFF-STREET LOADING REQUIREMENTS, a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.8(C) PARKING AND LOADING SPACE STANDARDS to allow the installation of bollards in place of the requisite concrete bumpers for off-street parking stalls, a variance pursuant to §17-8.9 VARIANCES from the minimum front yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an addition, and a variance pursuant to §17-8.9 VARIANCES at two locations from the minimum front yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate renovations to the existing truck dock, the subject premises being located at 95 Frank Mossberg Drive, more specifically Assessor’s plat #146, lot #6B, located in the Industrial zoning district .

Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.8(C) PARKING AND LOADING SPACE STANDARDS to allow the installation of bollards in place of the requisite concrete bumpers for off-street parking stalls, as shown on the site plan entitled “PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703”, drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Kent Richards seconded the motion. A discussion followed. All voted in favor. 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 allow for the reduction in the size of four (4) loading spaces along Howard Ireland Drive from the requisite dimensions of 12’x30’ pursuant to §17-5.2 OFF-STREET LOADING REQUIREMENTS to 12’x26’, as shown on the site plan entitled “PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703”, drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Kent Richards 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 allow for the reduction in the size of four (4) loading spaces along Howard Ireland Drive from the requisite dimensions of 12’x30’ pursuant to §17-5.2 OFF-STREET LOADING REQUIREMENTS to 12’x26’, as shown on the site plan entitled “PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703”, drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Kent Richards seconded the motion. A discussion followed. All voted in favor. Cathy Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of seven (7’) feet from the minimum front yard setback requirement of thirty (30’) feet from Howard Ireland Drive, pursuant to the provisions of §17-4.9 TABLE OF DIMENSIONAL AND DENSITY, to accommodate the renovations of the existing truck dock, as shown on the site plan entitled “PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703”, drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Kent Richards seconded the motion. A discussion followed. All voted in favor. Cathy Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of twenty-seven (27’) feet from the minimum front yard setback requirement of thirty (30’) feet from Howard Ireland Drive, pursuant to the provisions of §17-4.9 TABLE OF DIMENSIONAL AND DENSITY, to accommodate the renovations of the existing truck dock, as shown on the site plan entitled “PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703”, drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Sandra

Varrieur seconded the motion. A discussion followed. All voted in favor. Cathy Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of twenty-nine (29') feet from the minimum front yard setback requirement of thirty (30') feet from Howard Ireland Drive, pursuant to the provisions of §17-4.9 TABLE OF DIMENSIONAL AND DENSITY, to accommodate the construction of an addition, as shown on the site plan entitled "PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703", drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Kent Richards seconded the motion. A discussion followed. All voted in favor. The Board attached conditions. Catherine Merkle made a motion to dismiss the request for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.8(H) PARKING AND LOADING SPACE STANDARDS to allow the existing entrance on the corner of the lot adjacent to the truck loading spaces to be closer than the requisite minimum thirty (30') feet to the intersection of Frank Mossberg Drive and Howard Ireland Drive, as shown on the site plan, entitled "PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703", drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Kent Richards seconded the motion. A discussion followed. The Board found that the special permit is unnecessary, as the conditions are pre-existing and no alterations to those conditions are proposed. Catherine Merkle made a motion to dismiss a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(C) GENERAL PARKING AND LOADING SPACE STANDARDS to allow for two existing driveways leading to and from Howard Ireland Drive, to or from a single lot to be closer than the requisite minimum thirty (30') feet of each other, as shown on the site plan, entitled "PERMIT SITE PLAN RUSSELL MORIN CATERING 95 FRANK MOSSBERG DRIVE ATTLEBORO, MASSACHUSETTS 02703", drawn and engineered by Jacob T. Lemieux, R.P.E. of Hancock Associates, 315 Elm Street, Marlborough, MA 01752, dated December 6, 2021 and revised through February 7, 2022. Kent Richards seconded the motion. A discussion followed. The Board found that the special permit is unnecessary, as the conditions are pre-existing and no alterations to those conditions are proposed.

The Board discussed Case #5591, 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 grading 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.

Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS for the construction of a ground-mounted solar photovoltaic 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, as shown on the site plan entitled "ATTLEBORO RENEWABLE ENERGY - 103 RICHARDSON AVENUE ATTLEBORO, MA 02703" engineered by Thomas N. Daniels, Jr., R.P.E., of TRC Companies, Inc., 650 Suffolk Street, Lowell, MA 01854, dated July 2, 2021. Kent Richards seconded the motion. A discussion followed. All voted in favor. Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-10.2 EARTH REMOVAL for an earth removal operation in association with the construction of a ground-mounted solar photovoltaic 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, as shown on the site plan entitled "ATTLEBORO RENEWABLE ENERGY - 103 RICHARDSON AVENUE ATTLEBORO, MA 02703" engineered by Thomas N. Daniels, Jr., R.P.E., of TRC Companies, Inc., 650 Suffolk Street, Lowell, MA 01854, dated July 2, 2021. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5575, the application of Rust-Oleum Corporation for special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#19) TABLE OF ACCESSORY USE REGULATIONS for the accessory outdoor storage of liquid BIN primer product in a 5,300 gallon stainless steel storage tank and a special permit pursuant to under §17-12.0 FLOOD PLAIN DISTRICT to allow work within the 100-year floodplain for the construction of a 5,300 gallon stainless steel storage tank, the subject premises being located at 113 Olive Street, more specifically Assessor 's plat #32, lot #30, located in the Industrial zoning district .

Kent Richards made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS to allow the work in the 100-year floodplain for the construction of a 5,300 gallon stainless steel storage tank, as shown on the plan entitled "SITE PLANS FOR RUST-OLEUM STORAGE TANK" engineered by Timothy J. Williams, R.P.E. Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801, dated September 3, 2021, and revised through September 21, 2021. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor.

Kent Richards made a motion to grant a special permit pursuant to §17-12.0 FLOOD PLAIN DISTRICT to allow the work in the 100-year floodplain for the construction of a 5,300 gallon stainless steel storage tank, as shown on the plan entitled "SITE PLANS FOR RUST-OLEUM STORAGE TANK" engineered by Timothy J. Williams, R.P.E. Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801, dated September 3, 2021, and revised through September 21, 2021. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor.

Kent Richards made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#19) TABLE OF ACCESSORY USE REGULATIONS to allow the accessory outdoor storage of liquid BIN primer product within a single 5,300 gallon stainless steel storage tank, as shown in the plan entitled "SITE PLANS FOR RUST-OLEUM STORAGE TANK" engineered by Timothy J. Williams, R.P.E. Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801, dated September 3, 2021, and revised through September 21, 2021. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board reviewed all remaining correspondence.

The Board tabled the pending minutes of June 10, 2021, July 8, 2021, August 12, 2021, September 9, 2021, September 9, 2021 (Executive Session), September 23, 2021, October 28, 2021, November 9, 2021, November 9, 2021 (Executive Session), November 10, 2021, November 18, 2021, December 9, 2021, December 15, 2021 (Executive Session), December 16, 2021, December 30, 2022 (Executive Session), January 13, 2022, and February 10, 2022.

The meeting adjourned at 7:51 p.m.