



City Of Attleboro, Massachusetts

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

MINUTES

APRIL 12, 2018

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, as amended, the Zoning Board of Appeals held a public meeting on Thursday, April 12, 2018, at 6:30 p.m. in the Municipal Council Chambers, 77 Park Street, relative to the following :

Zoning Board Members Present: Chairman Keith Hutchings, Cathy Merkle, Kathy Rautenstrauch, Kent Richards, and Sandra Varrieur

Zoning Board Members Absent: None

The Board heard the appointment to speak of attorney Jack Jacobi on behalf of Mechanic Redevelopment Limited Partnership regarding 67 Mechanic Street.

The Board read the letter from Mechanic Redevelopment Limited Partnership, dated March 19, 2018, requesting amendments to reduce the total number of apartments from 93 to 91 and an extension of time to September 1, 2018, to exercise the special permit issued to Mechanic Redevelopment Limited Partnership, Case #5318, for property located at 67 Mechanic Street.

Attorney Jacobi explained that his client has closed on the property and is now in the midst of finalizing financing for the project. He stated that they are requesting an extension of time to September 1, 2018 to exercise the special permit issued to Mechanic Redevelopment Limited Partnership. He stated that construction is slated to begin within 60 days and that there is an estimated 14 to 16 month build-out. He also requested that the number of approved units be reduced by two, from 93 to 91. He stated that this will leave 72 one bedroom units, 3 one bedrooms with a den, and 16 two bedroom units. He stated that 60% of the units are reserved for those with restricted income, and 40% will be available at market rate.

Chairman Hutchings asked whether the floor plan changes will result in any exterior alterations.

Attorney Jacobi replied no.

Chairman Hutchings made a motion to grant an extension of time to September 1, 2018 to allow Mechanic Redevelopment Limited Partnership to exercise the special permit. Cathy Merkle seconded the motion. All voted in favor to grant an extension of time to September 1, 2018 to allow Mechanic Redevelopment Limited Partnership to exercise the special permit.

Chairman Hutchings made a motion to grant a reduction in the number of units from 93 to 91 units. Cathy Merkle seconded the motion. All voted in favor.

The Board heard the continued public hearing for Case #5376, the application of Mark and Louis Cooper for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(3) TABLE OF USE

REGULATIONS to construct a three-unit, multi-family dwelling; the subject premises being located at 90 Maple Street, more specifically Assessor's plat #46, lot #62A, located in the General Residence-A zoning district.

Speaking in favor of the application was attorney Edward Casey who explained that his clients' engineer has been overwhelmed with work and has yet to prepare the stormwater management application and site plan to file with the Conservation Commission. He asked the Board to continue the public hearing.

Chairman Hutchings made a motion to continue the public hearing to June 12, 2018. 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 for Case #5378, the application of Stateline Auto Brokers, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS for the storage of motor vehicles associated with an establishment selling used automobiles on an adjacent lot, the subject premises being located at Westminster Ave and Chartier Street, more specifically Assessor's plat #3, lot #66 and #207A, located in the Industrial zoning district.

Speaking in favor of the application was attorney Edward Casey who explained that his applicant has found a more desirable location within Attleboro on which to store vehicles associated with his auto sales business. He stated that they will be filing an application with the Board seeking a special permit for that property shortly. He stated that in light of this, he requested the Board to his client to withdraw without prejudice the current special permit application.

Chairman Hutchings made a motion to allow Stateline Auto Brokers, Inc. to withdrawal without prejudice its special permit application, Case #5378. Cathy Merkle seconded the motion. All voted in favor.

The Board heard the continued public hearing for Case #5381, the application of Briarleaf, LLC for a variance pursuant to §17-8.9 VARIANCES from the minimum required distance between parcels on which a public or private school is located pursuant to §17-10.15(D)(1)(D) REGISTERED MARIJUANA DISPENSARY USES and from the minimum required distance between parcels on which a daycare is located pursuant to §17-10.15(D)(1)(E) REGISTERED MARIJUANA DISPENSARY USES to accommodate the establishment of a registered marijuana dispensary; the subject premises being located at 527 Pleasant Street, more specifically Assessor's plat #225, lot #5B, located in the Industrial and General Residence -A zoning district.

Chairman Hutchings announced that he is an employee of an abutting business and therefore recused himself from the public hearing. He appointed Cathy Merkle as Acting Chair.

Attorney Edward Casey stated that he submitted all of the additional information on March 21st that the Board had requested and also identified the specific variances that they needed.

Senior Land Use Planner Stephanie Davies noted that a 1,000-foot minimum distance is required from schools, so a variance of 200-feet is required from the Amego School and a variance of 12-feet is required from Bristol Community College. She stated that a minimum of 500-feet is required from a daycare center, so a variance of 432-feet from the YMCA is required.

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

The Board heard continued public hearing for Case #5360, the application of 4 Park Street, LLC for a variance pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum lot area requirement to accommodate the establishment of 49 dwelling units and a special permit pursuant to §17-9.0 SPECIAL PERMITS to reduce the requisite number of off-street parking stalls under §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS, the subject premises being located at 2-4 Park Street, more specifically Assessor's plat #31, lot #2 and #4, located in the Central Business zoning district.

David Sisson spoke in favor of the application and informed the Board that the City has offered the municipal parking spaces to his client but that they are still negotiating the price. He stated that he wanted the Board to confirm the number of spaces it deems necessary for the project. He stated that his client would like to offer eighteen 18 spaces to cover the new units, rather than 32 spaces for all of the units.

Director of Planning and Development Gary Ayrassian stated that the Board has already taken the position that 32 spaces are required.

Chairman Hutchings noted that one of the duties of the Zoning Board is to make every effort to make situations more conforming. He asserted that the fact that the lack of parking is an issue and that the Board is attempting to better the situation by requiring parking not only for the 18 new units but also for the 14 existing units. He stated that he felt it is reasonable for the Board to require one parking space per unit. He suggested that if a renter does not want a space, another renter may want two. He asserted that the owner will not have to pay the cost of the parking spaces out of his own pocket because he will pass the cost onto the tenants through the rent.

Cathy Merkle agreed. She explained that Attleboro does not have a public transit system akin to Boston or Waltham. She argued that there is no easy way to get from the City center to the grocery store. She stated that she agreed that every effort should be made to provide one parking space per unit.

Chairman Hutchings stated that the Board would take into their considerations the fee that the City is asking for the parking, but stand firm on their position of requiring 32 parking spaces.

Kent Richards agreed.

The Board read the Form Z2 - Request for an Extension of Time submitted by David Sisson, received April 10, 2018, requesting an extension of time to May 24, 2018. Chairman Hutchings made a motion to grant an extension of time to May 24, 2018. Cathy Merkle seconded the motion. All voted in favor.

Mr. Sisson asked that the Board continue the public hearing.

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

The Board heard the continued public hearing for Case #5374, the application of Colbea Enterprises, LLC for special permits pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#15A) TABLE OF PRINCIPAL USE REGULATIONS - RETAIL, SERVICE COMMERCIAL to demolish and reconstruct an automobile service station, and under §17-3.5(#23) TABLE OF ACCESSORY USE REGULATIONS to construct a drive-through window in conjunction with a coffee shop, as well as variances pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum front-yard setback, under §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS from the minimum required street setback for off-street parking, under §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS to allow a driveway to exceed the maximum width requirement, and under §17-16.8(C)3) GENERAL SIGN STANDARDS to exceed the maximum number of wall signs affixed

to the exterior of a building; the subject premises being located at 237 Washington Street, more specifically Assessor 's plat #14, lot #73E, located in the Planned Highway Business zoning district.

Attorney Elizabeth Noonan spoke in favor and explained that the Conservation Commission had issued the stormwater management permit and that she believed that all concerns have been addressed. She asked that the hearing be closed.

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

The Board heard Case #5387, the application of Joseph Spinello for 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 carport, the subject premises being located at 16 Crossman Avenue, more specifically Assessor's plat #58, lot #46, located in the Single Residence-B zoning district.

Speaking in favor of the application was Joseph Spinello of 16 Crossman Avenue who stated that he needs a front yard setback variance in order to build carport off the side of his attached garage. He stated that he wants to store his boat beneath the carport. He stated that he currently stores his boat by covering it with tarps but his neighbors complained that it was aesthetically displeasing. Chairman Hutchings asked Mr. Spinello if his property is bordered on three sides by Crossman Avenue.

Mr. Spinello replied yes. He stated that the nearest closest neighbor is across the street.

Ms. Davies stated that a variance of three feet from the front yard setback is required.

Chairman Hutchings asked if the measurement of three feet is accurate.

Mr. Spinello replied yes because he recently had the property surveyed.

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

The Board heard the new public hearing for Case #5386, the application of Limerock Enterprise, LLC for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#15A) TABLE OF USE REGULATIONS - RETAIL, SERVICE, COMMERCIAL to accommodate an automobile rental establishment, the subject premises being located at 728 Washington Street, more specifically, Assessor's plat #18, lot #53, located in the General Business zoning district.

Speaking in favor of the application was Daniel Shabo who explained that he is seeking a special permit to add an automobile rental business to his existing automobile sales business at 728 Washington Street. He stated that automobile rentals would primarily serve his customers who buy cars from him who return for general auto repairs. He stated that renting to the general public however is not out of the question.

Chairman Hutchings sought to confirm the current use on the site.

Mr. Shabo replied that he has a license for Class 2 auto sales.

Chairman Hutchings asked how many vehicles he is proposing to rent at the site.

Mr. Shabo answered three.

Mr. Gary Ayrassian asked how the side business would operate.

Mr. Shabo replied that the vehicles would be available for rental by the day or week and would be similar to an Enterprise or Hertz rental facility.

Ms. Davies inquired about the other commercial spaces that exist on site, including a gallery, a vacant space as well as the existence of apartments in the rear and how those uses play into the parking on site.

Mr. Shabo replied that the gallery vacated on March 1st and that that space will no longer be rented so he will be inheriting the associated parking spaces. He stated that each apartment has one space and therefore a total of four spaces are devoted to the residential use.

Ms. Davies pointed out that the parking for the apartments appears to be around to the right of the building and that she was unsure how they would access that area with the three additional spaces proposed for the rental cars.

Mr. Shabo replied that there is an access way.

Ms. Davies expressed concern that if the other commercial units are rented in the future, there will be a parking deficiency.

Chairman Hutchings sought to confirm that the parking spaces shown on the plan are under Mr. Shabo's control.

Mr. Shabo replied that they are.

Mr. Ayrassian asked Mr. Shabo whether he will add any employees for the automobile rental business.

Mr. Shabo replied no.

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

The Board heard the new public hearing for Case #5388, the application of Peter Sacchetti for a variance pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum side yard and rear yard setback requirements to construct a second means of egress and 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 use, the subject premises being located at 44-46 Mulberry Street, more specifically Assessor's plat #39, lot #44A, located in the General Residence -A zoning district.

Speaking in favor of the application was Peter Sacchetti of 44 Mulberry Street who stated that he owns the multi-family dwelling in question and that he is seeking a variance and special permit to construct a second means of egress to one of the units. He stated that the building does not conform to the zoning ordinance's setback requirements. He noted that there is a discrepancy between the lot's area shown on his site plan and lot's area shown on the Assessor's plat map. He provided a 1943 survey of the lot that verified his number.

Chairman Hutchings asked Mr. Sacchetti to confirm that he is seeking a one-foot variance from the minimum side yard requirement and a nine-foot variance from the minimum rear yard requirement.

Mr. Sacchetti answered yes. He stated that the egress has to be located as far as possible from the house's primary means of egress.

Chairman Hutchings noted that the Board typically requires that second means egresses be painted to blend in with the house.

Mr. Sacchetti stated that he would find a green stain to match the siding as close as possible.

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

The Board heard the new public hearing for Case #5389, the application of Kenneth Errington for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#15B) TABLE OF USE REGULATIONS - RETAIL, SERVICE, COMMERCIAL for an automotive repair facility, the subject premises being located at 64 Pleasant Street, more specifically, Assessor's plat #28, lot #203, located in the General Business zoning district.

Speaking in favor of the application was Kenneth Errington who stated that he wants to open a small automotive repair shop at 64 Pleasant Street. He stated that the repair shop would perform basic repairs like tires, breaks, oil changes as well as diagnostic services. He stated that there used to be a similar use on the premises in the 1980s. He stated that he is not proposing any changes to the building or to the parking lot. He stated that the parking lot is shared by Attleboro Ice and Oil and the Subway sandwich shop and that if approved, his business would also share the parking spaces. He stated that the previous tenant for the unit that he wants to occupy had a large amount of traffic, which created issues. He stated that on average, he anticipates working on about only one car per hour.

Chairman Hutchings sought confirmation that the space was previously retail.

Ms. Davies replied yes.

Mr. Errington stated that there are about 14 parking spaces in the parking lot and about seven more by the building. He noted that there is additional unmarked parking by the dumpsters where his landlord offered to move his trucks should the auto repair facility need more spaces.

Chairman Hutchings asked how many employees will be working at the site.

Mr. Errington anticipated up to three employees on the site at any one time.

Chairman Hutchings inquired about the number of bays.

Mr. Errington stated that the unit he is interested in has one door and two work bays. He noted that the door is low, so they will not be able to service large trucks. He reiterated that they are only proposing to do minor work and will not perform body work, spray painting, or restoration.

Chairman Hutchings asked how waste will be managed and disposed.

Mr. Errington replied that motor oils will be returned to where they are purchased or he can bring them to a recycling center.

Chairman Hutchings noted that the Board will not allow the outdoor storage of materials or refuse.

Mr. Errington agreed that he would not want anything outside of the building.

Chairman Hutchings asked Mr. Errington whether he will have a dumpster or if he will remove refuse off-site.

Mr. Errington replied that there is a cardboard recycling dumpster on site and that any hazardous materials will be properly disposed of.

Sandra Varrieur asked if any vehicles will be stored on the premises overnight, whether indoors or outdoors.

Mr. Errington replied yes and that he anticipates that a maximum four cars would remain on the premises overnight. He stated that they will all be registered vehicles and would just be held until the owner picks them up in the next morning. He stated that his goal will always be to service vehicles in a single day.

Mr. Ayrassian stated that the parking spaces in the lot are meant for customer and employee use and not for the overnight storage of vehicles. He noted that since parking can only legally occur in striped spaces, had any other area on the premises been set aside for the overnight storage of vehicles. He asked Mr. Errington if it would be a deal breaker if the Board granted the special permit but precluded the outdoor storage of vehicles overnight.

Mr. Errington stated that that would be a concern.

Chairman Hutchings asked the Planning Staff about the combined parking requirements for the building's tenants.

Ms. Davies answered very low and that the three businesses present do not have high parking demands. She stated that the Subway has a seating capacity of 22 people and requires 11 parking spaces, but that aside from Subway, the number of required spaces is minimal. She stated her sense that there are at least 20 striped spaces on site and believed that there is an excess of available parking. She noted that Attleboro Ice and Oil trucks are parked behind the building and suggested that that section of the lot could be relegated for overnight parking with an upper limit.

Mr. Errington stated his hope to service the Van Pool fleet, which would drop off up to six vehicles in the morning that he would be worked on throughout the day. He explained that people like to be able to just drop off their cars and then return to pick them up. He stated that he does not want to be penalized if clients fail to pick up their cars the same day as drop-off.

Cathy Merkle clarified that the Board is not concerned about regulating when customers drop off their cars but rather about overnight outdoor storage.

Mr. Ayrassian inquired about the proposed hours of operation.

Mr. Errington requested 7:00 a.m. to 10:00 p.m., seven days a week. He noted that the Subway restaurant is open until 10:00 p.m.

Chairman Hutchings noted that the site is not close to any residences.

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

The Board heard the new public hearing for Case #5390, the application of Arthur P. Deavellar for a variance pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum lot width requirement to create a buildable lot, the subject premises being located at 171-173 Wilmarth Street, more specifically Assessor's plat #106, lot #11 (proposed Lot B), located in the Single Residence-D zoning district and Case #5391, the application of Arthur

P. Deavellar for a variance pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum lot width requirement to create a buildable lot and for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to accommodate construction of a common driveway, the subject premises being located at 171-173 Wilmarth Street, more specifically Assessor's plat #106, lot #11 (proposed Lot A and Lot C), located in the Single Residence -D zoning district.

Speaking in favor of the application was attorney Patrick Sullivan who explained that he is representing his client and requesting relief for two separate parcels of land for which a Form A plan was approved ten years prior. He stated that his client wants to submit a new Form A plan to subdivide the lots as shown, but that the changes he is proposing will make the lots non-conforming from the perspective of lot width. He stated that proposed Lot B will have 100.03 feet of lot width, necessitating a twenty-foot lot width variance. He stated that he felt the purpose of the lot width standard is to ensure that abutting buildings are not crowding one another. He noted that adjacent properties to the west both have only 100-foot lot widths and so their request reflects a standard common in the neighborhood. He stated that the whole rear of the lot is wetlands and therefore just one single family home is proposed towards the front of the property. He described the relief required for proposed Lot C. He stated that it includes both a lot width variance and a special permit to build a common driveway, which will provide access to proposed Lot C and the existing structure on Lot A. He explained that Lot C has an abnormal shape with a lot width of only 17-feet for about 200 feet into the lot. He stated that it then widens to 160-feet or more. He stated that there are wetlands at the rear of this lot, and that they will file the necessary applications with the Conservation Commission to construct the proposed driveway and house. He noted that although it appears one may be able to access the site along the lot frontage, it would require constructing a driveway over the existing septic tank on proposed Lot A, which he stated is not feasible. He suggested that in support of the special permit application, when creating three buildable lots, it makes more sense from a traffic safety perspective to have only two driveways out onto Wilmarth Street. He explained that there is a cottage at 173 Wilmarth Street along the proposed property line between proposed Lot A and Lot C, but that the structure is slated to be demolished. Kent Richards noted that the lot width challenges are the result of the way the lots are proposed to be subdivided and noted that the hardship would be self-created. He noted, that the soils standard cannot be disputed given the extensive amount of wetlands on the property.

Ms. Davies suggested that the need for relief would be greatly diminished if only two buildable lots were proposed.

Attorney Sullivan acknowledged Ms. Davies' point but replied that as the amount of land in each lot proposed far exceeds the minimum 20,000 square foot requirement in the underlying zoning district, that it would be a hardship for the owner to get so few lots out of such a large expanse of land. He stated that he understood that it is a subjective decision and leaves it up to the Board to decide whether they are comfortable with their application and supporting documentation. He reiterated that the houses will be spaced out.

Chairman Hutchings noted that the Fire Department should be contacted to ensure that the proposed shared driveway will accommodate emergency vehicles.

Mr. Ayrassian stated that he had recently met with the Fire Department who informed him of changes to the Building Code that eliminate the Fire Department's jurisdiction as it relates to single-family and two-family dwellings.

Chairman Hutchings argued that their recommendation would be enforceable through the Zoning Board's decision.

There being no one else to speak, the hearings were closed.

The Board heard the continued public hearing for Case #5372, the application of BAART Programs of Massachusetts and Baymark Health Services, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to operate a medical office/health care facility, 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 minimum number of off-street parking stalls, and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.7 MUNICIPAL PARKING LOTS to allow parking in a municipal parking lot located within one thousand (1,000') feet of the building which they are intended to serve, the subject premises being located at 23 North Main Street (previously referred to as 21 North Main Street), more specifically Assessor's plat #31, lot #11, located in the Central Business zoning district.

Attorney Patrick Sullivan spoke in favor of the application and clarified that the street address for the property is number 23, rather than 21 as previously submitted. He stated that BAART Programs organization, which is a subsidiary of Baymark Health Services, has been added as a petitioner to the application. He noted that it has since been determined that a total of 18 parking stalls are required for their unit within the complex. He stated that they will have six parking stalls designated on site for the business and that they are seeking a reduction in the required number of off-street parking stalls from eighteen (18) to twelve (12). He stated that an additional special permit is being requested to allow for parking in the nearby municipal lot. He stated that it was estimated the facility would gradually work up to a maximum capacity of 500 clients with anywhere from six to nineteen staff members. He stated that they are proposing to designate a total of nineteen spaces in the municipal lot, resulting in a total of 25 parking spaces, exceeding the requirements of the ordinance. He stated that on any given day, the facility would see about 60%, or 300, of their patients. He stated that most patients are there for 15 minutes or less and that the busiest hours are from 5:30 to 6:30 a.m. He stated that the most number of patients observed coming at one time is 15 patients. He stated that this property is being desired because of its accessibility to public transit and that GATRA routes that start running at 5:30 a.m. He stated it is suggested that only one-half of the patients coming to the facility would do so using public transportation. He explained that this would leave only two to four people driving to the facility during peak hours. He noted that none of the other businesses in the plaza are open during their peak time, so the parking lot is likely to be empty.

Chairman Hutchings questioned who the landlord is.

Attorney Sullivan answered Malick Chiropractor.

Chairman Hutchings noted that the landlord will be the one responsible for dealing with parking issues if conflicts arise.

Mr. Ayrassian noted that an executed license with the City would be required for the use of the Municipal Parking lot spaces.

Chairman Hutchings noted that the business could limit its staff to ten to begin with, which would reduce the parking needs and then return to amend the permit once things start to build.

Speaking in favor of the application was Melissa Bunch the BAART director of development. She stated that federal and state law dictate the required ratio of staff to clients. She stated that the matter is not discretionary and that they are inspected annually to ensure compliance. She stated that dropping the number of staff would need to be reviewed in context to the economic viability of the plan. She anticipated growth rates of approximately ten patients per month, although she noted it could be faster depending upon the number of other clinics in the area.

Speaking in favor of the application was William Marshall of BAART Programs who questioned whether a range of spaces could be granted from ten to nineteen. He stated his concern with limiting the ten spaces will stymie the business's optimal growth.

Chairman Hutchings recommended the applicant begin negotiations with the City for the full number of spaces to accommodate their staff.

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

The Board held a business meeting.

The Board discussed Case #5374, the application of Colbea Enterprises, LLC for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#15A) TABLE OF PRINCIPAL USE REGULATIONS - RETAIL, SERVICE COMMERCIAL to construct an automobile service station, for a special permit pursuant to §17-9.0 SPECIAL PERMITS from the provisions of §17-16.8(C)(3) GENERAL SIGN STANDARDS to exceed the maximum number of wall signs affixed to the exterior of a building, for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS to permit the installation of a wall sign that exceeds the maximum allowable area, for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#23) TABLE OF USE ACCESSORY USE REGULATIONS to permit the construction of a drive-up window, for 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 food mart and a canopy above fuel dispensers, for a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS to allow off-street parking stalls within the minimum front yard setback requirement, and for a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS to permit curb cuts to exceed the maximum permissible width requirement of twenty-five (25') feet, the subject premises being located at 237 Washington Street, more specifically Assessor's plat #14, lot #73E, located in the Planned Highway Business zoning district.

Keith Hutchings made a motion to dismiss a variance pursuant to §17-8.9(A) VARIANCES under §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS to permit a curb cut to exceed the maximum permissible width requirement of twenty-five (25') feet by five (5') feet relative to the westernmost driveway on Highland Avenue, as shown on the site plan entitled "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kathy Rautenstrauch seconded the motion. The Board found that the variance is unnecessary, as the driveway width is a pre-existing condition and therefore, grandfathered. Keith Hutchings made a motion to dismiss a variance pursuant to §17-8.9(A) VARIANCES under §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS to permit a curb cut to exceed the maximum permissible width requirement of twenty-five (25') feet by five and one tenth (5.1') feet relative to the easternmost driveway on Highland Avenue, as shown on the site plan entitled "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kathy Rautenstrauch seconded the motion. The Board found that the variance is unnecessary, as the driveway width is a pre-existing condition and therefore, grandfathered. Keith Hutchings made a motion to dismiss a variance pursuant to §17-8.9(A) VARIANCES under §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS to permit a curb cut to exceed the maximum permissible width requirement of twenty-five (25') feet by thirty-one and four tenths (31.4') feet relative to the driveway on Washington Street, as shown on the site plan entitled "SEASON'S CORNER MARKET," drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kathy

Rautenstrauch seconded the motion. The Board found that the variance is unnecessary, as the driveway width is a pre-existing condition and therefore, grandfathered.

Keith Hutchings made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-3.4(#15A) TABLE OF USE REGULATIONS - RETAIL, SERVICE, COMMERCIAL to permit the construction of an automobile service station, as shown on the site plan entitled "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kent Richards seconded the motion. A discussion followed. All voted in favor. Keith Hutchings made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-16.8(C)(3) GENERAL SIGN STANDARDS to exceed the maximum number of wall signs affixed to the exterior of a building by three (3), for a total of five (5) wall signs, as shown on the site plan entitled "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kent Richards seconded the motion. A discussion followed. All voted in favor. Keith Hutchings made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS to permit the installation of a wall sign that exceeds the maximum allowable area by fifty-five (55) square feet, as shown on the site plan entitled "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kent Richards seconded the motion. A discussion followed. All voted in favor. Keith Hutchings made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#23) TABLE OF USE ACCESSORY USE REGULATIONS to permit the construction of a drive-up window in conjunction with a coffee shop, as shown on the site plan entitled "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Keith Hutchings made a motion to grant a variance pursuant to §17-8.9 VARIANCES of six (6') feet from the minimum front yard setback requirement of seventy-five (75') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the Highland Avenue right-of-way to permit the construction of a food mart, as shown on the site plan, "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Keith Hutchings made a motion to grant a variance pursuant to §17-8.9(A) VARIANCES of ten (10') feet to allow off-street parking stalls to be located within the minimum front yard setback requirement of fifteen (15') feet from the Highland Avenue right-of-way pursuant to §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS in association with the construction of an automobile service station, as shown on the site plan entitled "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Keith Hutchings made a motion to grant a variance pursuant to §17-8.9 VARIANCES of fifty-two (52') feet from the minimum front yard setback requirement of seventy-five (75') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the Highland Avenue right-of-way to permit the construction of a canopy for an automobile service station, as shown on the site plan, "SEASON'S CORNER MARKET", drawn and engineered by Paul A. Sylvia, R.P.E. of Ayoub Engineering, 44 Benefit Street, Pawtucket, RI 02861, dated October 4, 2017 with revisions through January 18, 2018. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5387, the application of Joseph Spinello for 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 carport, the subject premises being located at

16 Crossman Avenue, more specifically Assessor's plat #58, lot #46, located in the Single Residence-B zoning district.

Keith Hutchings made a motion to grant a variance pursuant to §17-8.9 VARIANCES of three (3') feet from the minimum front yard setback requirement of thirty (30') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the Crossman Avenue right-of-way to construct a carport, as shown on the site plan entitled "PROPOSED ADDITION PLAN, ATTLEBORO, MA", drawn by John F. Vance, Jr., R.L.S. of W.T. Whalen Engineering Co., 481 Mount Hope Street, North Attleborough, MA 02760, dated May 17, 2017. Cathy Merkle seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5386, the application of Limerock Enterprise, LLC for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#15A) TABLE OF USE REGULATIONS - RETAIL, SERVICE, COMMERCIAL to accommodate an automobile rental establishment, the subject premises being located at 728 Washington Street, more specifically, Assessor's plat #18, lot #53, located in the General Business zoning district.

Keith Hutchings made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#15A) TABLE OF USE REGULATIONS - RETAIL, SERVICE, COMMERCIAL to permit the addition of an automobile rental establishment at the existing automobile dealership located at 728 Washington Street, as shown on the site plan entitled "PARKING & DISPLAY SKETCH PLAN", drawn by Tilton and Associates, 81 John L. Dietsch Boulevard, P.O. Box 467, North Attleborough, MA 02761, dated June 26, 2012 and revised by the petitioner. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5381, the application of Briarleaf, LLC for a variance pursuant to §17-8.9 VARIANCES from the minimum required distance between parcels on which a public or private school is located pursuant to §17-10.15(D)(1)(D) REGISTERED MARIJUANA DISPENSARY USES and from the minimum required distance between parcels on which a daycare is located pursuant to §17-10.15(D)(1)(E) REGISTERED MARIJUANA DISPENSARY USES to accommodate the establishment of a registered marijuana dispensary; the subject premises being located at 527 Pleasant Street, more specifically Assessor's plat #225, lot #5B, located in the Industrial and General Residence-A zoning district.

Cathy Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of two hundred (200') feet from the minimum required distance between parcels on which a public or private school (Amego) is located pursuant to §17-10.15(D)(1)(D) REGISTERED MARIJUANA DISPENSARY USES and a proposed registered marijuana dispensary, 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 variance pursuant to §17-8.9 VARIANCES of twelve (12') feet from the minimum required distance between parcels on which a public or private school (Bristol Community College) is located pursuant to §17-10.15(D)(1)(D) REGISTERED MARIJUANA DISPENSARY USES and a proposed registered marijuana dispensary, 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 variance pursuant to §17-8.9 VARIANCES of four hundred thirty-two (432') feet from the minimum required distance between parcels on which a daycare (YMCA) is located pursuant to §17-10.15(D)(1)(E) REGISTERED MARIJUANA DISPENSARY USES and a proposed registered marijuana dispensary, 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 #5388, the application of Peter Sacchetti for a variance pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum side yard and rear yard setback requirements to construct a second means of egress and

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 use, the subject premises being located at 44-46 Mulberry Street, more specifically Assessor's plat #39, lot #44A, located in the General Residence -A zoning district.

Keith Hutchings made a motion to grant a variance pursuant to §17-8.9 VARIANCES of one (1') foot from the minimum side yard setback requirement of fifteen (15') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of a second means of egress, as shown on the site plan. Cathy Merkle seconded the motion. A discussion followed. All voted in favor. Keith Hutchings made a motion to grant a variance pursuant to §17-8.9 VARIANCES of nine (9') feet from the minimum rear yard setback requirement of fifteen (15') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of a second means of egress, as shown on the site plan. Cathy Merkle seconded the motion. A discussion followed. All voted in favor. Keith Hutchings 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 residential structure and permit the construction of a second means of egress, as shown on the site plan. Cathy Merkle seconded the motion. A discussion followed. All voted in favor. Keith Hutchings 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 residential structure and permit the construction of a second means of egress, as shown on the site plan. Cathy Merkle seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5389, the application of Kenneth Errington for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#15B) TABLE OF USE REGULATIONS - RETAIL, SERVICE, COMMERCIAL for an automotive repair facility, the subject premises being located at 64 Pleasant Street, more specifically, Assessor's plat #28, lot #203, located in the General Business zoning district.

Keith Hutchings made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#15B) TABLE OF USE REGULATIONS - PRINCIPAL USES - RETAIL, SERVICE, COMMERCIAL to Mr. Errington to establish and operate an automobile repair shop at 64 Pleasant Street, as shown on the site plan received on April 11, 2018. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5390, the application of Arthur P. Deavellar for a variance pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum lot width requirement to create a buildable lot, the subject premises being located at 171-173 Wilmarth Street, more specifically Assessor's plat #106, lot #11 (proposed Lot B), located in the Single Residence -D zoning district.

Keith Hutchings made a motion to grant a variance pursuant to §17-8.9 VARIANCES of twenty (20') feet from the minimum lot width requirement of one hundred twenty (120') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to create a buildable lot, proposed "Lot B", as shown on the site plan entitled "SUBDIVISION OF LAND, A.P. 106, LOT 11, 173 WILMARTH STREET, ATTLEBORO MA", engineered by Bruce G. Hagerman, R.P.E. of Crossman Engineering, 103 Commonwealth Avenue, North Attleborough, MA 02763, dated March 2018. Kent Richards seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5391, the application of Arthur P. Deavellar for a variance pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum lot width requirement to create a buildable lot and for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to accommodate construction of a common

driveway, the subject premises being located at 171-173 Wilmarth Street, more specifically Assessor's plat #106, lot #11 (proposed Lot A and Lot C), located in the Single Residence-D zoning district.

Keith Hutchings made a motion to grant a variance pursuant to §17-8.9 VARIANCES of one hundred three (103') feet from the minimum lot width requirement of one hundred twenty (120') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to create a buildable lot, as shown on the site plan entitled "SUBDIVISION OF LAND, A.P. 106, LOT 11, 173 WILMARTH STREET", engineered by Bruce G. Hagerman of Crossman Engineering, 103 Commonwealth Avenue, North Attleborough, MA 02763, dated March 2018. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Keith Hutchings made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to accommodate construction of a common driveway, as shown on the site plan entitled "SUBDIVISION OF LAND, A.P. 106, LOT 11, 173 WILMARTH STREET", engineered by Bruce G. Hagerman of Crossman Engineering, 103 Commonwealth Avenue, North Attleboro, MA 02763, dated March 2018. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board held elections.

Sandra Varrieur made a motion to nominate Keith Hutchings to serve as Chairman. Cathy Merkle seconded the motion. All voted in favor to nominate Keith Hutchings to serve as Chairman.

Sandra Varrieur made a motion to elect Keith Hutchings as Chairman. Cathy Merkle seconded the motion. All voted in favor to elect Keith Hutchings as Chairman.

Sandra Varrieur made a motion to nominate Lauren Stamatis to serve as Zoning Board Clerk. Cathy Merkle seconded the motion. All voted in favor to nominate Lauren Stamatis to serve as Zoning Board Clerk

Sandra Varrieur made a motion to appoint Lauren Stamatis as Zoning Board Clerk. Cathy Merkle seconded the motion. All voted in favor to appoint Lauren Stamatis as Zoning Board Clerk.

The Board discussed electronic messaging boards. Chairman Hutchings stated his concern with the colors being used on the City Spirits message board, as they are very close to the red used for stop lights. He directed staff to send a letter reminding them of the conditions associated with their permit.

The Board reviewed all remaining correspondence.

The Board tabled the pending minutes December 14, 2017, January 11, 2018, February 8, 2018, and March 8, 2018.

The meeting adjourned at 9:25 p.m.