



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

JUNE 25, 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, June 25, 2020, at 6:30 p.m. remotely via Zoom, relative to the following:

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

Zoning Board Members Absent: None

The Board heard Case #5499, the application of Robert Krauth & Lynda Shaw-Krauth for a variance pursuant to §17-8.9 VARIANCES from the minimum side yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an attached garage, the subject premises being located at 158 Dexter Street, more specifically Assessor's plat #177, lot #5, located in the General Residence -A zoning district.

Speaking in favor of the application was Rob Krauth who stated that he is seeking relief to construct an attached garage.

Senior Land Use Planner Stephanie Davies stated that a 9.4-foot side yard setback variance is being requested.

Cathy Merkle sought to confirm that the garage is proposed on the same side as the existing driveway and curb cut.

Mr. Krauth answered yes.

Cathy Merkle asked whether the deck shown on the plan is existing.

Mr. Krauth replied yes. He explained that his house is set in the middle of the lot which leaves only 30-feet of distance on either side of the house to the property line.

Director of Planning and Development Gary Ayrassian asked if the house satisfies the front yard setback.

Ms. Davies replied yes.

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

The Board heard Case #5500, the application of Attleboro Land Trust, Inc. for variances pursuant to §17-8.9 VARIANCES from the provisions of §17-5.1 OFF-STREET PARKING REQUIREMENTS to reduce the required dimensions of off-street parking stalls and from the provisions of §17-5.8(B) PARKING AND LOADING

SPACE STANDARDS and §17-5.8(c) PARKING AND LOADING SPACE STANDARDS relative to the construction specifications for a parking lot, the subject premises being located at 577B Wilmarth Street, more specifically Assessor 's plat #111, lot #3A and #3B, located in the Single Residence -D zoning district.

Director of Planning and Development informed the Board that it had previously granted the identical relief to the Attleboro Land Trust for this property in 2017. He stated that variance was not acted upon within the statutory time period and therefore lapsed.

Cathy Merkle sought to confirm that eight parking spaces are still proposed.

Senior Land Use Planner Stephanie Davies replied yes.

Speaking in favor of the application was Roy Belcher of the Attleboro Land Trust, Inc. who explained that they had hoped the Army Reserve would construct the project in 2017 but due to some bureaucratic delays, the project did not materialize as planned. He stated that they now have a contractor lined up to perform the work. He stated that the purpose of the variances are meant to minimize the impacts of the parking area on the preserved land and yet be in compliance with the stormwater management ordinance.

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

The Board heard Case #5501, the application of Ranganath Kharidi for variances pursuant to §17-8.9 VARIANCES from the minimum front yard, side yard, and rear yard setback requirements pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an attached two-story two-stall garage onto an existing single-family dwelling, the subject premises being located at 19 Raymond Drive, more specifically Assessor's plat #50, lot #3P, located in the Single Residence-B zoning district.

Speaking in favor of the application was attorney Peter Tekippe who stated that the single family dwelling is part of a 13 lot subdivision. He stated that his client is proposing to construct a 24'x25.2'x32' attached two-story two-stall garage with a bedroom above. He stated that he is seeking a variance of 7.5-feet from the minimum rear yard setback requirement, a 1-foot variance from the minimum front yard setback requirement, and a 0.5-foot variance from the minimum side yard setback requirement. He noted that most of the homes in the neighborhood have attached garages, so the house would conform to those surrounding it. He stated that they satisfy the "lot configuration" standard for the granting of a variance, as the lot is very oddly shaped, much like a pentagon. He stated that the 7.5-foot rear yard setback variance is the greatest of all three variances that they are seeking and as it turns out, the abutting feature on that side of the adjoining property line is a parking lot associated with a commercial building located on North Main Street.

Speaking in opposition was James Domachowski of 27 Raymond Drive who cited concerns that the proposed addition will be very close to his house. He stated his primary concern is that Mr. Kharidi has several hundred pots that he uses for growing various plants and that these pots are right up against the property line they share. He stated his concern that the proposed addition would mean that the pots would be pushed that much closer to his property and posing more of a nuisance to him. He noted that the commercial building that the attorney cited installed a fence along the property so they would not be bothered by the eye sore.

Director of Planning and Development Gary Ayrassian asked Mr. Domachowski whether he had ever spoken with Mr. Kharidi regarding his concerns.

Mr. Domachowski replied not directly. He noted that Mr. Kharidi's shrubbery now shields some of the eyesore. He stated that overall, he has a good relationship with his neighbor, but is concerned that the mess will end up closer to his property as a result of the proposed addition.

Speaking in rebuttal was Ranganath Kharidi of 19 Raymond Drive who stated that this is the first he is hearing that the planting pots have been a problem for his neighbor.

He stated that should the Board grant the variances, he would remove the pots.

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

The Board heard Case #5503, the application of Bright Path Investment, LLC for variances pursuant to §17-8.9 VARIANCES from the minimum front yard and side yard setback requirements pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the demolition of an existing single family dwelling and construction of a duplex, the subject premises being located at 14 Fisher Avenue, more specifically Assessor 's plat #84, lot #50, located in the General Residence -B zoning district.

Speaking in favor of the application was architect Shevalin Grant who stated that the proposed two-family dwelling would be set back 19-feet from the sidewalk and that four parking spaces are proposed at the rear of the property. He noted that the existing building is not structurally sound. He stated that the new structure would be set back six (6') feet from the right side property line and fifteen (15') feet from the left side property line. He stated that the driveway is proposed to be ten feet wide with a five foot strip of grass to its left, along the adjoining property line.

Cathy Merkle sought to confirm that the intent is for the driveway to be right on the property line.

Mr. Grant answered no. He stated that the grass strip will be between the property line and the driveway.

Planning and Development Director Gary Ayrassian asked whether the two residential units would be side-by-side or one on top of the other.

Mr. Grant replied that they will be on top of one another.

Mr. Ayrassian asked where the front and rear doors are located.

Mr. Grant pointed out the location of both sets of doors by use of the plan.

Cathy Merkle pointed out that the plan shows the grass between the driveway and the proposed house, rather than between the driveway and the property line.

Mr. Grant stated that he would revise the plan to accurately depict that the grass strip will be between the property line and the driveway.

Mr. Ayrassian inquired about the distance between the first step of the proposed front entrance stairway to the edge of the right-of-way.

Mr. Grant said that he would show that information on the revised plan.

Mr. Ayrassian asked whether the driveway would constructed be with asphalt or gravel.

Mr. Grant answered asphalt.

Senior Land Use Planner Stephanie Davies inquired about the dimensions of the parking stalls.

Mr. Grant replied 9'x15'.

Ms. Davies noted that the minimum dimensions for an off-street parking stall are 10'x20'. Cathy Merkle asked that the dimensions be corrected and incorporated into the revised plan.

Kent Richards asked whether parking space #1 is proposed to be directly on the property line or would the five-foot grass strip be extended that far back to create a buffer. He stated that otherwise, the car door would open on the neighbor's property.

Mr. Grant replied that it is proposed to be directly on the property line.

Kent Richards asked where the grass strip ends.

Mr. Grant replied in line with the edge of the proposed building.

Mr. Ayrassian stated that there does not appear to be sufficient space in the parking lot for vehicles to turn around.

Ms. Davies noted her agreement that the parking space being right on the property line is a concern. She noted that vehicles would be traversing over the neighbor's property.

Mr. Ayrassian asked if a fence is proposed along the property line.

Mr. Grant answered that the fence Mr. Ayrassian is referring to already exists. Cathy Merkle asked whether the fence is owned by the applicant or the neighbor.

Speaking in favor of the application was David Kantussi who replied that he was unsure, but would find out.

Mr. Ayrassian sought confirmation that the footprint of the proposed building is larger than the existing building's footprint.

Ms. Davies replied yes but that the building coverage of 23.5% complies with the Zoning Ordinance. She noted that since the existing dwelling is going to be demolished, a special permit is necessary pursuant to §17-6.0 in order to alter the pre-existing non-conforming lot.

Speaking neither for nor against was Michael Philipps of 10 Fisher Avenue who stated that he owns the fence. He stated that the existing structure is a single-story building and that he has concerns with the prospect of the second floor residents of the proposed building looking right into his windows.

Mr. Ayrassian stated that houses may as a matter-of-right be constructed up to 2.5 stories.

Mr. Philipps asked what the current distance is between the two houses.

Ms. Davies replied 18-feet. She stated that the applicant proposes to maintain that setback. Mr. Philipps expressed concern with the fence being right up against a parking space.

Mr. Grant stated that if that is an issue, he would reconfigure the parking spaces.

Ms. Davies suggested that parking space #1 and parking space #2 be lined up with parking space #3 and parking space #4.

Mr. Grant stated that that could be done but it is not ideal as it would reduce the lawn area.

Mr. Ayrassian asked whether moving the parking spaces further from the property line would mollify Mr. Philipps' concerns.

Mr. Philipps stated that he thought so, but that he would like to see the revised plan first before agreeing. He requested that Mr. Kantussi contact him directly, as he would have likely been in favor if he had done so in the first place instead of finding out when he received the notification from the City.

Mr. Kantussi agreed that he would and noted that he did try to contact him. Speaking in opposition was Kevin Doyle of 29 Fisher Avenue.

Ms. Davies read Mr. Doyle's letter of opposition into the record.

Mr. Doyle stated that the applicant is requesting a great deal of relief and reminded the Board that the Zoning Ordinance is supposed to protect the residents. He urged the Board to deny the variances. He stated that he has a deep concern about density and that the proposed two-family dwelling will increase traffic on the street including delivery trucks.

Mr. Philipps stated that he is now in favor of the variance.

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

The Board heard Case #5504, the application of Evan Cucé for variances pursuant to §17-8.9 VARIANCES from the minimum front yard, side yard, and rear yard setback requirements pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an attached one-story two-stall garage and breezeway onto an existing single-family dwelling, the subject premises being located at 63 Veery Road, more specifically Assessor's plat #48, lot #13, located in the Single Residence-B zoning district.

Speaking in favor of the application was Evan Cucé who stated that he is requesting a variance to construct an attached garage and breezeway onto his existing single family dwelling. He stated that he needs variances both from Veery Road as well as from the Farmer's Road paper street. He stated that there is an asphalt driveway and some landscaping in the area where he proposes to construct the garage and breezeway. He noted that there is a strip of trees and Woodlawn Cemetery beyond the paper street. He stated that there are no other homes beyond his on Veery Road that would be impacted.

Senior Land Use Planner Stephanie Davies noted that the petitioner needs to request the Board to amend the application and also required a special permit to alter a pre-existing, non-conforming, structure, as the house does not meet the minimum front yard setback requirement.

Mr. Cucé requested that the Board allow him to amend his application to include a special permit to alter a pre-existing, non-conforming, structure.

Cathy Merkle made a motion to amend the application. Kent Richards seconded the motion. All voted in favor.

Mr. Ayrassian asked if he is proposing a single-story or two-story structure.

Mr. Cucé replied that he is proposing a one-story addition with an A-frame pitched roof. He stated that they are not designing it structurally for anything such as living space. He stated that they might use the area above the garage for some storage.

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

The Board heard Case #5505, the application of Charles Massey for a variance pursuant to §17-8.9 VARIANCES from the minimum side yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an attached garage in association with a single family dwelling, the subject premises being located at 149 Dexter Street, more specifically Assessor's plat #177, lot #40, located in the Single Residence -B zoning district.

Speaking in favor of the application was Charles Massey who stated that he is requesting a variance of 0.4-feet from the minimum side yard setback requirement to construct an attached garage.

Cathy Merkle asked if the proposed garage is on the same side as the existing driveway.

Mr. Massey replied yes.

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

The Board heard Case #5506, the application of Luisa Sousa for special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing, non-conforming, dry cleaning business use to a hair salon business use and a special permit pursuant to §17-9.0 SPECIAL PERMITS from the provisions of §17-5.9(E) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the required number minimum number of off-street parking stalls, the subject premises being located at 319 Thacher Street, more specifically Assessor's plat #43, lot #179 and #180, located in the General Residence -A zoning district.

Speaking in favor of the application was Luisa Sousa who stated that she is proposing to convert the Hank's Cleaners store located on Thacher Street into a two-station hair salon and a pedicure chair.

Cathy Merkle asked if she would have any employees other than herself.

Ms. Sousa stated that she is the only hair stylist and that she occasionally employees a part-time nail technician who works approximately 15-20 hours per week.

Cathy Merkle sought confirmation given that if Ms. Sousa is the only hair stylist then the second hair station would be to accommodate a client overlap while she is finishes with another client.

Ms. Sousa replied yes.

Director of Planning and Development Gary Ayrassian asked how many parking spaces are proposed.

Ms. Sousa showed the Board pictures of the existing customer parking area and said that she thinks four parking spaces could fit on the side of the building.

Mr. Ayrassian asked where Hank's Cleaners' customers parked.

Ms. Sousa replied on the asphalt located on the side of the building but that it is not striped. She said cars parked all over.

Mr. Ayrassian expressed concern that her parking proposal might block the line of sight of motorists on Lexington Avenue as they approach the intersection with Thacher Street.

Ms. Sousa stated that there is a monument at the peak of her proposed parking area, where Lexington Avenue and the Thacher Street intersect. She stated that because of the monument, it prevents cars from parking close

to the intersection. She stated that this buffer created by the monuments helps motorists have a better view of the intersection.

Speaking in favor of the application was attorney Edward Casey who stated that he represents the property owners, Garry and Sharon Wheelock. He explained that the Wheelocks had taken over Hank's Cleaners. He stated that they have developed some health problems and have been diligently looking for someone to take over the dry cleaning business. He explained that it is a very demanding business and they have been unable to find anyone interested with the exception of Ms. Sousa with her proposal to convert the business to a hair salon. He stated that he understands the Board's reservations in regards to the parking, but emphasized that Ms. Sousa intends to operate a salon with one hair stylist and a part-time employee. He stated that historically, most of the dry cleaners' customers entered the site from Lexington Avenue and leave by exiting onto Thacher Street. He stated that while there has been occasional congestion associated with the dry cleaning business, traffic flow has worked well overall. He noted that Hank's Cleaners was an extremely busy business. He suggested that nearby Cherry Street allows on-street parking and that Ms. Sousa and her staff person could park there and walk over to the business, leaving all four proposed spaces for clients. He emphasized that when comparing the dry cleaners to the proposed hair salon, the dry cleaners would prove to be a far more intensive use.

Mr. Ayrassian agreed with attorney Casey that the optimum traffic flow would be to enter the site from Lexington Avenue and to exit the site from Thacher Street. He stated that Ms. Sousa will likely serve customers by appointment thereby giving her greater control of the use of the parking lot. He stated that this is in contrast to the dry cleaners where customers randomly frequented the store at any time during business hours. He suggested the installation of small "enter" and "exit" signs to better control the flow of traffic entering and exiting the site as he described previously. He also suggested directional arrows that could be painted on the pavement that would also help indicate the one-way flow of traffic.

Ms. Sousa stated that she was planning to paint arrows when striping the parking spaces.

Cathy Merkle inquired about the proposed hours of the proposed hair salon.

Ms. Sousa replied Tuesday through Friday from 9:00 a.m. to 7:00 p.m. and Saturdays from 9:00 a.m. to 4:00 p.m. She stated that she would be closed on Sundays and Mondays.

Mr. Ayrassian asked if any changes are proposed to the façade and whether any signage is proposed.

Ms. Sousa replied that there are four signs on three sides of the building and that she intends to utilize all three of them and maintain the same size and layout.

Mr. Ayrassian noted that the signage would be subject to the Zoning Ordinance.

Attorney Casey stated that if Ms. Sousa maintains the area of the frames of the four signs changing only the lettering to reflect the hair salon, she would be maintaining a pre-existing non-conforming situation that would not require additional relief.

The Board noted that that was implied in Mr. Ayrassian's comment about the signage.

Senior Land Use Planner Stephanie Davies agreed.

Ms. Sousa emphasized her intent to repurpose the existing signs.

Speaking in opposition to the application was Janet Bielecki of 57 Lexington Avenue. She stated that in her 47 years living there, she does not recall Hank's Cleaners being very busy. She expressed a history of issues with

the dry cleaning business including snow removal and customers parking on the street. She expressed concern that the proposed hair salon will create more traffic than before. She asked what will keep clients from showing up without an appointment.

Cathy Merkle asked staff whether the Board can make service by appointment a condition of approval.

Mr. Ayrassian stated yes, but was hesitant to offer such advice given his concern that such a condition would be very difficult to enforce. He rhetorically asked how the Building Inspector would know whether a client has an appointment. He advised the Board that if grants the special permit that it be predicated on the honor system. He noted that unlike a "Home Occupation" special permit whereby a permit recipient has to return to the Board periodically to renew the special permit during which time any issues would be vetted out, the grant of a special permit in this instance would establish a permanent business.

Ms. Bielecki asked what will be done in regards to snow removal. She stated that she wants to avoid past practices which was snow being dumped over the adjoining fence and onto her property.

Mr. Ayrassian stated that the Board could impose a condition in regards to snow management.

Speaking in favor of the application was Robin Salvias of 47 Sherman Street who stated that Ms. Sousa has been her hairdresser for over 25 years and insisted that she is a very responsible and respectful business owner. She explained that Ms. Sousa has been renting for some time and that she has progressed to the point where she deserves her own location. She stated her understanding that Ms. Sousa occasionally takes walk-ins, but that since she works alone, most customer like to book an appointment to lock in their time with her. She stated that Ms. Sousa was born and raised in Attleboro and would like her to keep her business here. She said that the neighborhood would be lucky to have such a respectful business.

Speaking in favor of the application was Sharon Wheelock of 442 Locust Street who stated that they always tried to be responsible about snow removal on the site when they operated Hank's Cleaners and that they immediately took care of any issues that might have come up. She stated her opinion that the neighborhood would be lucky to have Ms. Sousa's business. She stated that it is very admirable of Ms. Sousa that she is pursuing her ambition to own a building in the current business climate.

The Board reviewed the email containing Ms. Sousa's responses to the staff report.

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

The Board then held a business meeting.

The Board discussed Case #5499, the application of Robert Krauth & Lynda Shaw-Krauth for a variance pursuant to §17-8.9 VARIANCES from the minimum side yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an attached garage, the subject premises being located at 158 Dexter Street, more specifically Assessor's plat #177, lot #5, located in the General Residence -A zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of ten (10') feet 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 24'x24' single-story attached two-stall garage, as shown on the site plan entitled "PLOT PLAN OF #158 DEXTER STREET IN ATTLEBORO, MASSACHUSETTS," prepared by Everett Otis Dyer, P.L.S., 368 Fairview Avenue, P.O. Box 5, Rehoboth, MA 02769, dated January 23, 2020. Kent Richards seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5500, the application of Attleboro Land Trust, Inc. for variances pursuant to §17-8.9 VARIANCES from the provisions of §17-5.1 OFF-STREET PARKING REQUIREMENTS to reduce the required dimensions of off-street parking stalls and from the provisions of §17-5.8(B) PARKING AND LOADING SPACE STANDARDS and §17-5.8(C) PARKING AND LOADING SPACE STANDARDS relative to the construction specifications for a parking lot, the subject premises being located at 577B Wilmarth Street, more specifically Assessor 's plat #111, lot #3A and #3B, located in the Single Residence -D zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.1 OFF STREET PARKING REQUIREMENTS to reduce the requisite minimum off-street parking stall dimensions from 10'x20' to 10'x18' in association with the construction of an eight-stall off-street parking lot, as shown on the site plan entitled "ATTLEBORO LAND TRUST DEBORAH AND ROGER RICHARDSON PRESERVE PARKING FACILITY," designed by Crossman Engineering, 103 Commonwealth Avenue, North Attleborough, MA 02763, dated June 2017. Kent Richards seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.8(C) PARKING AND LOADING SPACE STANDARDS to allow the installation of logs and split-rail fencing to be installed in place of the requisite concrete bumpers in association with the construction of an eight-stall off-street parking lot, as shown on the site plan entitled "ATTLEBORO LAND TRUST DEBORAH AND ROGER RICHARDSON PRESERVE PARKING FACILITY," designed by Crossman Engineering, 103 Commonwealth Avenue, North Attleborough, MA 02763, dated June 2017. Kent Richards seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.8(B) PARKING AND LOADING SPACE STANDARDS to allow a parking lot surface consisting of four (4") inches of compacted stone dust in place of the requisite asphalt surface in association with the construction of an eight-stall off-street parking lot, as shown on the site plan entitled "ATTLEBORO LAND TRUST DEBORAH AND ROGER RICHARDSON PRESERVE PARKING FACILITY," designed by Crossman Engineering, 103 Commonwealth Avenue, North Attleborough, MA 02763, dated June 2017. Kent Richards seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board heard Case #5501, the application of Ranganath Kharidi for variances pursuant to §17-8.9 VARIANCES from the minimum front yard, side yard, and rear yard setback requirements pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an attached two-story two-stall garage onto an existing single-family dwelling, the subject premises being located at 19 Raymond Drive, more specifically Assessor's plat #50, lot #3P, located in the Single Residence-B zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of one (1') foot from the minimum front yard setback requirement of thirty (30') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of a 24'x25.2'x32' attached two-story two-stall garage with a bedroom above onto the existing single-family dwelling located at 19 Raymond Drive, as shown on the site plan. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of eight (8') 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 24'x25.2'x32' attached two-story two-stall garage with a bedroom above onto the existing single-family dwelling located at 19 Raymond Drive, as shown on the site plan. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Catherine Merkle 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 24'x25.2'x32' attached two-story two-stall garage with a bedroom above onto the existing single-family dwelling located at 19 Raymond Drive, as shown on the site plan. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board heard Case #5504, the application of Evan Cucé for variances pursuant to §17-8.9 VARIANCES from the minimum front yard, side yard, and rear yard setback requirements pursuant to §17-4.9 TABLE OF

DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an attached one-story two-stall garage and breezeway onto an existing single-family dwelling, the subject premises being located at 63 Veery Road, more specifically Assessor's plat #48, lot #13, located in the Single Residence-B zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of twenty-five (25') feet from the minimum front yard setback requirement of thirty (30') feet from the Farmer's Road right-of-way pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY to accommodate the construction of a 22'x22' attached one-story two-stall garage and a 5'x13.5' breezeway onto the existing single-family dwelling located at 63 Veery Road, as shown on the site plan entitled "63 VEERY ROAD, ATTLEBORO, MA", drawn by Environmental & Engineering Solutions, 273 West Main Street, Norton, MA 02766, dated March 2020. The Board emphasizes that although the petitioner proposed a 22'x23' structure, the Board approved a 22'x22' structure. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of two (2') feet from the minimum front yard setback requirement of thirty (30') feet from the Veery Road right-of-way pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY to accommodate the construction of a 22'x22' attached one-story two-stall garage and a 5'x13.5' breezeway onto the existing single-family dwelling located at 63 Veery Road, as shown on the site plan entitled "63 VEERY ROAD, ATTLEBORO, MA", drawn by Environmental & Engineering Solutions, 273 West Main Street, Norton, MA 02766, dated March 2020. The Board emphasizes that although the petitioner proposed a 22'x23' structure, the Board approved a 22'x22' structure. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Catherine 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 residential structure to accommodate the construction of a 22'x22' attached one-story two-stall garage and a 5'x13.5' breezeway onto the existing single-family dwelling located at 63 Veery Road, as shown on the site plan entitled "63 VEERY ROAD, ATTLEBORO, MA", drawn by Environmental & Engineering Solutions, 273 West Main Street, Norton, MA 02766, dated March 2020. The Board emphasizes that although the petitioner proposed a 22'x23' structure, the Board approved a 22'x22' structure. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. Catherine 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 residential structure to accommodate the construction of a 22'x22' attached one-story two-stall garage and a 5'x13.5' breezeway onto the existing single-family dwelling located at 63 Veery Road, as shown on the site plan entitled, "63 VEERY ROAD, ATTLEBORO, MA", drawn by Environmental & Engineering Solutions, 273 West Main Street, Norton, MA 02766, dated March 2020. The Board emphasizes that although the petitioner proposed a 22'x23' structure, the Board approved a 22'x22' structure. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board heard Case #5505, the application of Charles Massey for a variance pursuant to §17-8.9 VARIANCES from the minimum side yard setback requirement pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of an attached garage in association with a single family dwelling, the subject premises being located at 149 Dexter Street, more specifically Assessor's plat #177, lot #40, located in the Single Residence -B zoning district.

Catherine Merkle 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 23'x26' attached one-story two-stall garage onto the existing single-family dwelling located at 149 Dexter Street, as shown on the site plan entitled "RESIDENTIAL SITE PLAN," prepared by Frank T. Ribelin, R.L.S. of W.T. Whalen Engineering, Co., 481 Mount Hope Street, North Attleborough, MA 02760, dated May 6, 2020. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5506, the application of Luisa Sousa for special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing,

non-conforming, dry cleaning business use to a hair salon business use and a special permit pursuant to §17-9.0 SPECIAL PERMITS from the provisions of §17-5.9(E) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the required number minimum number of off-street parking stalls, the subject premises being located at 319 Thacher Street, more specifically Assessor's plat #43, lot #179 and #180, located in the General Residence -A zoning district.

Catherine 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, dry cleaning business use to a hair salon business use, as described herein. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine 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, dry cleaning business use to a hair salon business use, as described herein. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the minimum number of required off-street parking stalls pursuant to §17-5.10 TABLE OF OFF-STREET PARKING REGULATIONS to three (3) off-street parking spaces in association with the hair salon business use at 319 Thacher Street. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board reviewed the letter from Laury C. Lucien of Major Bloom, LLC, to Director of Planning and Development Gary Ayrassian, requesting a one (1) year extension of time relative to their special permit, Case #5459.

Cathy Merkle made a motion to grant a one (1) year extension Major Bloom, LLC to exercise their special permit. Kent Richards seconded the motion. All voted in favor to grant a one (1) year extension Major Bloom, LLC to exercise their special permit.

The Board read the letter from Attleboro Redevelopment Authority Chairman Richard A. Correia, received June 12, 2020, expressing the Redevelopment Authority opposition to the proposed design changes to the approved mixed-use development known as Renaissance Station South located at 1 Wall Street, Case #5322, by Mr. Russ Dion of Campanelli.

Mr. Ayrassian informed the Board that he had received an email from the contractor, Campanelli, back on May 14th proposing a number of **façade** changes as the project was over budget. He stated that included eliminating the brick **façade** on all four sides, but that the developer was willing to compromise and just remove it on the building sides facing Riverfront Drive and the Intermodal transit center. He stated that he disagreed, stating that the building can be seen from all four sides and that it is perched, so should have a degree of opulence. He stated that the Board had approved the design it did based on the urban renewal plan adopted in 2007. He stated that Campanelli wanted to eliminate the brick veneer on the tower at the corner of Wall Street and South Main Street. He stated that they tried to propose a compromise that the brick continue to the 3rd level and the rest be converted to fiber cement clapboard. He stated that he again resisted. He stated that they wanted to remove all of the four, lower level soffits and make them flush with the building, which he could not support, as it would remove much of the elegance from the building. He stated that they wanted to remove some of the gabled parapet elements, which he also could not support. They had informed him that the approved angled windows on the top level cannot be constructed as designed, so they would like to eliminate them. He stated that he contacted the architect for the project, Doug Aninno who insisted that the windows can be constructed. He stated that when confronted with that fact, the developer suggested a spandrel feature - a tinted, reflective surface that looks like glass, but that cannot actually be seen out as it is not a window. He stated that unless the architect writes to the Board retracting his statement and supporting the spandrel, he didn't think the Board should consider that change either.

Kent Richards questioned whether there are hallways or apartments behind the proposed spandrel features.

Mr. Ayrassian replied apartments.

Kent Richards stated his reservation with residents having windows that they cannot see out of.

Mr. Ayrassian noted that only the top portion of the window would be opaque.

Kent Richards expressed concern with how such a feature would reduce the amount of natural light in the apartment.

Mr. Ayrassian stated that the developer also sought to eliminate the outdoor observation deck that overlooks the river and Judith Robbins Park. He stated that he felt such a change is a complete disruption to the Board's vision. Lastly, he stated that they asked to eliminate the small soffits that project out past the windows by 15-inches or so, as they supposedly present a public safety hazard as they could accumulate snow and ice. He suggested that a slope just be put on them or dragon's teeth, which prevents snow/ice from dropping off in sheets, be installed. He stated that any one of the proposed changes will have an impact on the aesthetic of the building and that he could not imagine removing all of them. He stated that if approved, the changes would make the building very institutional and utilitarian. He stated that the contractors did not provide a compelling argument for the changes and recommended the Board draft a letter repudiating the contractor's requests and insist the original plan be honored.

Cathy Merkle stated that the Board spent a significant amount of time on the design, including multiple meetings with both the Redevelopment Authority and the Planning Board to create a design that the three organizations could stand behind. She stated the desire to have something aesthetically progressive for the City's downtown and the entrance to the TOD. She stated that removing the features as requested will be a disservice to what Attleboro was trying to create for the area.

Kent Richards asked about the contractor's recourse.

Mr. Ayrassian stated that he did not want to speculate. He stated that the special permit they hold was approved with buy-in from multiple entities and that the developer had originally proposed a design that was much plainer. He stated that the plan that was ultimately approved was the result of collaboration between the Boards and that supporting any of the proposed changes would be undermining that work.

Cathy Merkle noted that the Board had already approved changes to the building, including a reduction in the number of units and the outdoor dining area. She stated that the Board has already chipped away at the original design and that she didn't want to see the Board continually revisiting the project unless there was a legitimate safety concern.

Ms. Davies agreed that the proposed changes appear to be what the applicant had originally proposed to the Board that was not accepted. She stated that they are already well into the construction process and that they knew what the design was slated to cost. She asserted that it was not fair to put the Board in this position to try to eliminate features we they are already so far along into the process.

Sandy Varrieur and Kathy Rautenstrauch agreed that the building should be constructed as approved.

Cathy Merkle made a motion to authorize staff to send a letter rejecting the contractor's proposed changes. Kathy Rautenstrauch seconded the motion. All voted in favor.

The Board also 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 tabled the letter from Director of Planning and Development Gary G. Ayrassian, dated October 8, 2019, to Planning Board Chairman Paul Danesi and Zoning Board of Appeals Chairwoman Catherine Merkle, regarding proposed changes to processes relative to public hearing legal advertisements.

The Board tabled the pending minutes of November 14, 2019, December 12, 2019, January 9, 2020, February 20, 2020, and May 21, 2020.

The Board reviewed all remaining correspondence.

The meeting adjourned at 9:42 p.m.