



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

SEPTEMBER 8, 2022

In accordance with the provisions of the General Laws of Massachusetts, Chapter 40A, as amended, public hearings were held on Thursday, September 8, 2022 at 6:30 p.m. in the Municipal Council Chambers located at Government Center, 77 Park Street, Attleboro, MA 02703, relative to the following:

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

Members Absent: Johnny Bender

The Board heard the continued public hearing relative to Case #5618, the application of James Friedman for variances pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum lot width and lot frontage requirements to create a buildable lot and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to accommodate a common driveway; the subject premises being located at 48 Thayer Farm Road, more specifically Assessor's plat #108, lot #11, and Assessor's plat #196, lot #2B located in the Single Residence-D zoning district.

Speaking in favor was attorney Edward Casey who stated that the Friedmans had the wetlands delineated but they now need to file an ANRAD application with the Conservation Commission to confirm the wetland line and that they need to do this before they can determine the location and design of the common driveway. He stated that as this process is liable to take a number of months, he would like to withdraw without prejudice the application that is now before the Zoning Board.

There being no one else to speak, Cathy Merkle made a motion to allow the applicant to withdraw without prejudice their variance and special permit application for properly located at 48 Thayer Farm Road, Case #5618. Kent Richards seconded the motion. All voted in favor.

The Board heard the continued public hearing relative to Case #5621, application of Thomas O. Castro for a special permit pursuant §17-12.0 FLOODPLAIN DISTRICT to work/excavate within the 100-year floodplain to construct of a one-family dwelling, the subject premises being located at Thacher Street and Cypress Road, more specifically Assessor's plat #36, lot #462, #466, and #475, located in the Single Residence-B zoning district.

Speaking in favor was attorney Edward Casey who noted that the engineer is reconfiguring the design again to ensure they meet the Conservation Commission's and Zoning Board's floodplain regulations. He asked the Board to continue the public hearing to the October 2022 meeting and stated that if no progress is made by that time, they will request to withdraw the application.

Cathy Merkle made a motion to allow the applicant to continue the public hearing to the October 2022 meeting. Kent Richards seconded the motion. All voted in favor to continue the public hearing.

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

The Board heard the continued public hearing relative to Case #5614, the application of José Cruz 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 0 Torrey Street, more specifically Assessor's plat #61, lot #203, #209, #210, and #211, located in the General Residence -A zoning district .

José Cruz spoke in favor and stated that they have revised the building orientation and adjusted the porch to meet all of the setback requirements.

Senior Land Use Planner Stephanie Davies noted that the porch is uncovered, so it may protrude five feet into the front yard setback.

Speaking in opposition was Jackie Solberg of 25 Torrey Street who stated that she still has objections to the proposed plan. She expressed concern for two ornamental trees that may be impacted by the development and that she doubted how construction could occur without trespassing onto her property.

Cathy Merkle stated people are not allowed to trespass onto other people's private property.

Ms. Solberg affirmed her continued opposition.

Speaking in opposition was Debra King of 27 Torrey Street who expressed her continued concerns for the environmental impacts to the wetlands.

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

The Board heard the continued public hearing relative to Case #5617, application of David Sisson on behalf 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 one additional multi-family dwelling unit, a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a portion of a pre-existing non-conforming mixed-used building into a community events center, and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS to eliminate the requisite minimum number of off-street parking stalls in the "CB" zoning district, 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 stated that he had been in discussions with the city about the availability of municipal parking, but that he had received no definitive answers yet.

Director of Planning and Development Gary Ayrassian stated that he would update the Board on the City's parking inventory during the business meeting.

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

The Board heard the continued public hearing relative to Case #5598, the application of City of Attleboro for a special permit pursuant §17-9.0 SPECIAL PERMITS and §17-12.0 FLOODPLAIN DISTRICT for work/excavation within the 100-year floodplain associated with the replacement of the Pitas Avenue bridge over the Seven Mile River, the subject premises being located within the Pitas Avenue right-of-way, located in the Single Residence -B zoning district and Single Residence -C zoning district .

Mr. Ayrassian stated that Public Works Superintendent Mike Tyler had requested that Board continue the public hearing.

Cathy Merkle made a motion to continue the public hearing to the October 2022 meeting. Sandra Varrieur seconded the motion. All voted in favor to continue the public hearing.

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

The Board heard the continued public hearing relative to Case #5604, the application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to establish a marijuana cultivation and manufacturing facility, a special permit

pursuant to §17-9.0 SPECIAL PERMITS under §17-10.2 EARTH REMOVAL for an earth removal operation associated with the construction of the marijuana facility, a special permit pursuant to §17-9.0 SPECIAL PERMITS to modify the minimum screening and bufferyard requirements pursuant to §17-4.4.5 REQUIRED SCREENS AND BUFFERYARDS, a variance pursuant to §17-8.9 VARIANCES from the minimum required distance between a proposed marijuana business and a residential zoning district pursuant to §17-10.15(G)(3)(A) MARIJUANA BUSINESS USES, a variance pursuant to §17-8.9 VARIANCES to exceed the maximum permissible entrance/exit driveway width pursuant to §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS, a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.1 OFF-STREET PARKING REQUIREMENTS to reduce the required off-street parking stall dimensions, and a variance a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.11 TABLE OF OFF-STREET LOADING REGULATIONS to reduce the required minimum number of off-street (un)loading stalls, the subject premises being located at 76 Frank Mossberg Drive, more specifically Assessor 's plat #145, lot #1A, located in the Industrial zoning district .

Attorney Jack Jacobi confirmed that the Police Chief had emailed confirming his approval of the security plan for the facility. He stated that they submitted an email in response to the city's noise and odor peer reviewer relative to his review but found the reviewer's follow-up comments to off-base and that they are at this time seeking the Board's opinion. He stated that their engineer concluded that their proposed odor and noise mitigation was sufficient and met the state standards. He stated that the peer reviewer expressed concern with the proximity of the approved Beacon Compassion marijuana facility and the potential for the odors of both businesses to intermingle. He admitted that he did not know how that could be addressed, given that neither facility has been constructed nor can they control what another facility does. He stated that he felt it was unreasonable that the peer reviewer was indicating the need to take readings for seven days in an industrial park where things are fairly static. He stated that the peer reviewer also felt the readings should have been performed in the fall as leaves would have fallen and allowed sound to travel more freely. He stated that is not feasible given the permitting and construction timeline. He stated that it felt like the peer reviewer wanted to reengineer how the study was performed, versus evaluating the data provided.

Mr. Ayrassian stated that there could be merit in the peer reviewer's comments if the facility was in close proximity to residences and denser population areas, but felt the review may have failed to acknowledge the context of the situation, in that it is already in an industrial park that backs up to a golf course and a wide gas easement. He stated that he appreciates the reviewer's thorough critique, but feels the report may not have been contextual. He stated that there have not been many marijuana cultivation facilities built in Attleboro, so there is not a lot of accumulated data to weigh facilities up against.

Attorney Jacobi asked that the Board accept the applicant's sound engineer's report and conclusion that the facility is not anticipated to unduly and negatively impact abutters.

Ms. Davies noted that the Conservation Commission issued the stormwater management permit for the project.

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

The Board heard Case #5632, the application of Bristol Place Investments, LP for variances pursuant to §17-8.9 VARIANCES from the minimum front yard setback requirement under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate existing buildings on proposed lot #1 and #5 and from §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS to accommodate parking within the front yard setback; and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to accommodate pre-existing non-conforming conditions relating to fencing, driveway widths; and parking and loading stall dimensions, the subject premises being located at 1270 Newport Avenue, more specifically Assessor's plat #27, lot #4, located in the Planned Highway Business zoning district.

Speaking in favor of the application was attorney David Manoogian who explained that this application is in relation to his client's intent to subdivide the existing Bristol Place shopping plaza located at 1270 Newport Avenue into individual lots to facilitate leasing and financing purposes. He explained that all of the existing buildings and the driveway will remain as they are and that no changes are proposed in this application. He stated that they have pending before the Planning Board a definitive subdivision application and plan to create the five lots and to maintain the driveway as a private road that is not to be accepted by the city. He stated that

they have requested several waivers from the Planning Board as well, as their intention is only to subdivide the entire property into five lots and in order to avoid any zoning violations; they have also filed with the Zoning Board zoning relief. He stated that they are appearing before the Zoning Board for variances because several aspects of the shopping plaza such as structures and parking will not comply with the Zoning Ordinance if the Planning Board creates the five lots contained in the proposed definitive subdivision application plan.

Speaking in favor was engineer Sheryl Guglielmo of DiPrete Engineering who stated that a 50-foot right-of-way is proposed that follows the edge of the existing driveway pavement. She stated that the only improvements they are proposing are the landscaped tree wells that will be installed between parking spaces. She stated that the only reason they are going to do this is that it was at request of Planning Staff. She stated that five lots are proposed and that two of them will result in having existing buildings within the minimum 75-foot front yard setback. She stated that they are requested variances for each. She stated that certain areas of the existing parking layout would fall within the 15-foot front yard setback of the driveway and so they have requested a variance to address this situation. She stated that they are also seeking relief to affirm the existing, non-conforming features of the site, including fencing, parking stall dimensions, loading stall dimensions, and the width of driveway entrances.

Cathy Merkle sought to confirm that the requisite number of off-street parking spaces for each use is provided on each separate lot.

Ms. Guglielmo replied yes, and pointed out the parking table on the plan and confirmed that each lot independently meets the minimum parking regulations. She noted that the number and location of parking spaces would be remaining the same, even with the addition of the tree wells. She emphasized that the layout will be no different from what presently exists.

Mr. Ayrassian pointed out to attorney Manoogian that the Zoning Board, like the Planning Board, will be requiring the submission and recordation of an Owners' Association that will articulate maintenance obligations as well as a document containing reciprocal easements across all five lots that will ensure that all five lots will have unobstructed access to all parking facilities throughout the plaza, and that this also applies to the stormwater management system, lighting, snow removal, so forth.

Attorney Manoogian confirmed that documents are being drafted and will be submitted to the Boards and recorded at the Registry of Deeds so as to run with the title.

Speaking neither for nor against was Charlotte Thornhill who asked for details about the relief being requested for parking and loading.

The Board stated that the applicant is merely looking for relief that will come about should the Planning Board approved the proposed definitive subdivision plan whose only purpose is to subdivide the property into five lots. The asserted that nothing physically is proposed.

Speaking neither for nor against was Wayne Thornhill who stated that they have had difficulty contacting the plaza's owners to address issues with noise or other nuisances in the past and expressed concern that things could be significantly more complicated with five different owners.

Speaking in favor of the application was Kelli Burke of the Wilder Companies who stated that she would continue to remain the point of contact, as her company will be managing the site.

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

The Board heard Case #5633, the application of Jerald Mollman for a variance pursuant to §17-8.9 VARIANCES from the minimum side yard setback requirement under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to construct an 18-foot tall shed 4-feet from the property line, the subject premises being located at 156 Berwick Road, more specifically Assessor's plat #99, lot #63A, located in the Single Residence-D zoning district.

Speaking in favor of the application was Jerald Mollman who stated that he is seeking a variance to exceed the maximum permissible 12-foot shed height. He stated that after he started to construct it, he was told that the shed's height was limited to 12-feet. He stated that the shed he is building is 18-feet tall. He stated that he spoke with Building Inspections before beginning construction and was told that he did not need a permit to build shed but that he was not flagged about the height limitation. He stated that after beginning construction, he found out that the shed is too tall for a four-foot setback from the property line. He stated that the shed is approximately 90% completed and it would be difficult and expensive to try to move it. He stated that he did not commit the violation maliciously. He stated that he was constructing the 18-foot tall shed with a loft to store lawn furniture and for his grandkids to use as a fort.

Ms. Davies stated that Mr. Mollman's options are to either move the shed to be no closer than 15-foot feet from the side property line or shorten the height of the shed to twelve feet. She inquired about the height of the other structures on his lot.

Mr. Mollman stated that his garage is about 16-feet high.

Ms. Davies pointed out that the shed he is building would be taller than the garage.

Mr. Mollman stated that the shed is 18-feet tall. He stated that he would have to tear off the roof, which could cost upwards of \$6,000.00. He noted that the Building Inspector's Office issued him a violation notice after his next-door neighbor complained to the Building Inspections about the height of the shed. He stated that the violation notice does not make sense because he had initially gotten clearance from the Building Inspector's Office to perform the work.

Speaking in opposition was Ann Pease who submitted pictures of the shed towering over the fence she shares with Mr. Mollman. She stated that they have lived next door to this property for 30 years and when you look out her kitchen window, all that can be seen is the shed.

Speaking in opposition was Bill Pease who stated that the shed could be seen over their 6-foot fence.

Cathy Merkle asked if there was a grade differential between the yards.

Mrs. Pease replied no.

Mr. Pease stated that they are asking that the Board to deny the variance request.

Mr. Ayrassian pointed out that if the variance was denied, that that does not mean that Mr. Mollman cannot build a shed. He stated that if the variance is denied, Mr. Mollman could choose to reduce the height of the shed from 18-fee to 12-feet and leave it in place or move it at least 15-feet away from the property line and leave the height at 18-feet.

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

The Board heard Case #5635, the application of Sean Mooney for a variance pursuant to §17-8.9 VARIANCES from the minimum side yard setback requirement under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to construct an attached garage onto a one-family dwelling, the subject premises being located at 55 Trinity Circle, more specifically Assessor's plat #165, lot #1M, located in the Single Residence-C zoning district.

Speaking in favor of the application was Rob Mooney who stated that they are seeking a side yard setback variance to build an attached garage onto the house located at 55 Trinity Circle. He noted that the lot is very oddly shaped.

Cathy Merkle sought to confirm he is looking to enlarge the existing two-car garage to a three-car garage.

Mr. Mooney answered yes.

Ms. Davies inquired about any change in height between the existing garage height and the proposed addition.

Mr. Mooney stated that they intend to dormer the existing garage to create a more useable space above the cars.

Mr. Ayrassian inquired about the setback of the existing garage from the side property line.

Mr. Mooney replied 16.5-feet.

Mr. Ayrassian asked if there was any way to maintain the side yard setback by deepening the garage to accommodate a car parking behind the other car rather than widening the garage.

Mr. Mooney stated that the property is very sloped in the rear.

Ms. Davies added that there are wetlands on the property and she anticipates they will need to file a Notice of Intent application with the Conservation Commission.

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

The Board heard Case #5636, the application of Diego Borges for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to establish a tattoo studio and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS to eliminate the requisite minimum number of off-street parking stalls in the “CB” zoning district, the subject premises being located at 4 Park Street, more specifically Assessor’s plat #31, lot #2, located in the Central Business zoning district.

Speaking in favor of the application was Daniel Borges who stated that he is requesting a special permit to open a tattoo studio in the space formally occupied by a dental office at 4 Park Street.

Cathy Merkle asked how many employees there would be on the premises at any given time.

Mr. Borges replied two full time and one part-time staff. He stated that he has been tattooing professionally for over ten years, but this will be the first studio he has operated.

Mr. Ayrassian asked how waste material would be handled.

Mr. Borges stated that they have special containers at each station for biohazardous waste and sharps that will be picked-up and hauled away by a specialized company several times a month. He stated that the containers would be stored in the basement between pick-ups.

Mr. Ayrassian advised Mr. Borges of the need to amend the application to request a 100% reduction in the off-street parking requirement.

Mr. Borges requested to amend his application and requested a special permit to eliminate the off-street parking requirements.

Cathy Merkle made a motion to amend the application to allow the petitioner to request relief to eliminate the off-street parking requirement. Kent Richards seconded the motion. All voted in favor.

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

The Board heard Case #5634, the application of Michael Goddard to renew a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.4 HOME OCCUPATION to operate a window-tinting business in a detached garage at his place of residence, the subject premises being located at 62 Homestead Lane, more specifically Assessor’s plat #129, lot #6, located in the Single Residence -D zoning district.

Speaking in favor was attorney Edward Casey who stated that his client is requesting a renewal of the one-year home occupation permit that was granted for a window tinting operation. He stated that one bay of a

freestanding garage on the site is used to apply non-toxic materials to tint vehicle windows. He stated that Mr. Goddard had an offsite business location, but had to close it due to the pandemic and that he is now proposing to continue operating from the garage. He stated that the prior permit limited the business to one customer per day, a standard to which he has adhered. He stated that there may have been confusion over operating on Patriot's Day, which is a state holiday, not a federal holiday. He stated that all federal holidays were respected. He stated that Mr. Goddard's mother had been living in the house and had caregiver visits at various times, but has since entered hospice care. He stated that a complaint was filed regarding a jeep in the driveway, which Mr. Goddard had unexpectedly inherited after the passing of his brother and that it is not associated with the business. He stated that the jeep is started up just once a month or so to keep the battery from dying. He stated that complaints had been filed about the lights on the garage being a nuisance to the neighbors. He asserted that the lighting has nothing to do with the home occupation. He stated that lighting is typical of an accessory dwelling on a residential property, which Mr. Goddard has redirected downwards since hearing of the complaints. He emphasized that the Building Inspector has not issued any violations.

Speaking in favor was Mary Goddard of 62 Homestead Lane who stated that the goal is to keep the peace in the neighborhood. She stated that the offsite business originally closed due to the downturn in the economy and that Mr. Goddard does also do mobile work, to minimize problems in the neighborhood. She stated that they never attend to more than one vehicle at a time, but that sometimes customers drop off their cars before or after work.

Attorney Casey asked the Goddards whether a customer was at the property after 6:00 p.m. as purported by the neighbors.

Ms. Goddard answered no, and explained that they had a home generator installed at the house and that the car associated with the installation of the generator had nothing to do with the home occupation. She stated that they are simply looking to supplement their income by tinting a few cars at their house. She stated that it has been a very tough year and she has been working 60 hours a week to get by. She stated that they are quiet people.

Mr. Ayrassian asked whether any changes are proposed to the home occupation, should the Board grant the permit.

Attorney Casey answered no, and stated that they are requesting everything to remain the same.

Mr. Ayrassian noted that home occupation special permit may be issued by the Board for up to five years. He asked for how many years his client is seeking for the second special permit.

Attorney Casey stated that ideally, they would like a permit to operate for three years.

Speaking in favor was Jeff Furtado of 887 Pike Avenue who stated that he has been a resident of Attleboro for 28 years and that he can attest to the Goddards being a quiet neighbor and there not being excessive traffic to the property. He stated that he has not had any problems with them and supports them running their business because it is not causing any harm. He asserted that his wife works from home and that she would be aware if there was an increase in noise or traffic, as the corner of his backyard faces the Goddards' property with a separation of about 100 yards.

Speaking in opposition was Helen Robichaud of 46 Homestead Avenue who stated that she abuts the subject property and that the garage is about 10-feet from her property line and 35-feet from her house. She respectfully requested that the Board deny his request to renew the special permit for his home occupation business. She stated that since the inception of his home business, the neighbors have had to suffer commercial security lighting on the corner of the garage that is aimed directly at their homes. She stated that she felt this was an act of retaliation for speaking in opposition at the original hearing. She stated that the light comes right into her living room and bedroom windows and is very disruptive. She stated that she has lived in the city for 55 years and expects the city to uphold the ordinance to protect her and her home. She stated that she felt if Mr. Goddard is allowed to continue his business, the neighborhood will become a commercial district, which will lower her property value and reduce her sense of security.

Cathy Merkle asked whether she had any other concerns with noise, smells, or other disturbances.

Ms. Robichaud replied no, that her only concern was the lighting.

Mr. Ayrassian reassured Ms. Robichaud that the zoning in the neighborhood is not changing, so there is no opportunity for further commercial activity without approval from the Board. He stated that if this permit is granted, additional businesses will not be able to open as it is still zoned residential.

Speaking in opposition was Debra Suprenant of 15 Nathaniel Paine Road who stated that she grew up in the house at 46 Homestead Lane and had also testified in opposition to this permit at the original hearing a year prior. She stated that at that time, the applicant explained that the home occupation special permit was needed due to the pandemic as he had lost his commercial space in the economic downturn. She asserted that we are now out of the pandemic and there was mention of another location where Mr. Goddard is working. She stated that if there are alternative locations, they also should be pursued. She stated that this business has caused upset in the neighborhood and created discord between previously peaceful neighbors. She asserted that commercial uses should not be occurring in a residential zone.

Speaking in opposition was Mary Greico of 49 Homestead Lane who stated that her home is directly across the way from the Goddard's garage and driveway. She stated that the neighbors know which cars are home health aides and which driveway they frequent, so are able to differentiate vehicles associated with the business from those associated with the home. She stated that the nuisance lights were installed after the special permit was approved and that they shine directly into her living room and bedroom. She stated that the lights have not been adjusted in any way since installation to diminish the nuisance. She stated that they observed an instance where a business-related vehicle was on the premises after the 6:00 p.m. business hours cutoff. She stated that they have observed work being performed on both Patriots Day and Veterans Day in violation of the special permit. She stated that she has filed complaints with the Building Inspector, but no violations have been issued.

Mr. Ayrassian asked how the business cars can be differentiated from the personal cars.

Mrs. Greico stated that the permit allows for one car on site at a time and in some instances multiple cars have arrived in one day.

Mr. Ayrassian asked again how she can tell whether the car is a friend's, visitor's, or caretaker's, versus business traffic.

Mrs. Greico stated that Mr. Goddard's mother's care professionals were allowed to park in the other driveway.

Cathy Merkle sought to confirm that Mrs. Greico has observed two cars going into the garage to be worked on at a time.

Mrs. Greico replied that one car is serviced at a time, but there are often multiple cars to be serviced on site each day. She stated she felt this was in violation of the maximum set by the special permit.

Cathy Merkle speculated that it is likely a situation where people need to work, so are dropping their car off the night before for service the next day. She asked whether the two cars being seen occur with one arriving in the morning and one in the evening.

Mrs. Greico stated yes. She stated that the scenario the Chairwoman described is possible, but she did not believe it was the case. She stated that sometimes cars are only there for a few hours at a time or people wait for them to be finished, so they do not always leave them overnight.

Cathy Merkle pointed out that someone waiting on the premise is not illegal. She asked whether Mrs. Greico has clearly dated and timed photos of the alleged violations.

Mrs. Greico replied yes, and stated that she submitted everything to the Building Inspector.

Mr. Ayrassian stated that if more than one car was serviced on several days, is there a specific nuisance associated with that scenario.

Mrs. Greico replied that she objects to the additional traffic.

Mr. Ayrassian asked how such traffic would be any different, for example, if the applicant were hosting a party and that a UPS Truck was dropping off a package

Mrs. Greico stated that having one more car in and out of the neighborhood is a nuisance. She stated that there were times where a tow truck has picked up and dropped off vehicles to the site for service.

Cathy Merkle stated that time-stamped photos showing a flatbed truck dropping off vehicles would be useful. She stated that she personally drove through the neighborhood multiple times leading up to the public hearing to view the property and that everything appeared to be in order. She stated that there was nothing outside and no outward signs of any features giving the appearance a business being operated.

Mrs. Greico stated that the lighting issue is a huge nuisance. She stated that in addition to the lighting on the garage, Mr. Goddard backs his truck into his driveway and flashes his lights at her home.

Cathy Merkle stated that such activities are not in relation to the business and not within the purview of the Board. She stated that the Board cannot prohibit the applicant from parking a private vehicle at their home. She suggested that if harassment is occurring, that they contact the Police.

Mrs. Greico asserted that the nuisances from the business disrupts the peaceful enjoyment of their home and that she does not want to have to endure it for years to come.

Speaking in opposition was Paul Greico of 49 Homestead Lane who stated that the lights on the garage are in addition to some lights that were already on the structure. He stated that the garage is set back and he can see the garage lights from his property, nearly 250-feet away.

Mr. Ayrassian explained that the Zoning Board does not have jurisdiction over the lighting because they nothing to do with the home occupation business but that he will inquire about it with the applicant. He stated that the Board cannot tell residents where to put lights and where the cannot on a house.

Mr. Greico countered that the prior special permit decision cites that the use will not create nuisances relative to lighting.

Mr. Ayrassian stated that is correct if the garage lights were somehow connected to the home occupation business. He stated that whether or not the Board grants the special permit, any resident can install lighting on an accessory structure. He stated that since the business is not allowed to operate at night, any lighting on the premises would have nothing to do with the business.

Mrs. Greico stated that the applicant has argued that having the business on site means they can be closer to home for their elderly parent. She stated that the elderly parent is now in hospice care. She stated that prior to this matter with the Goddards, they had an excellent relationship with Mrs. Murphy and that the business has created a situation that no one should have to deal with in a residential neighborhood. She stated that all of the abutters directly affected by the home occupation business are speaking out.

Speaking in opposition was George Kalem of 65 Homestead Lane who stated that the lights on the garage are very bright security lights and are much brighter than what was previously on the structure.

Mr. Ayrassian asked whether Mr. Kalem has any opposition to express about the proposed extension of the home occupation business. He stated that the issue before the Zoning Board is the home occupation business, not the lighting.

Mr. Kalem expressed confusion, as the prior decision references lighting. He stated that he did not think it was unreasonable to expect that the lighting was installed for the security of the business vehicles kept in the garage overnight.

Cathy Merkle stated that even if the Board does not grant a renewal of the special permit, it does not mean that the lights will be taken down.

Speaking in rebuttal was attorney Edward Casey who stated that each complaint reported was investigated by the Building Inspector. He stated that the neighbors did not express concerns about the lighting to his client and that he only eventually heard about the concerns second hand from the Building Inspector. He stated that his client did not add new lights to the garage and merely changed the bulbs in the existing fixtures.

Speaking in favor was Michael Goddard who explained that one of their garage's spotlights were flickering, so they picked up bulbs from Home Depot and replaced them. He stated that the new bulbs are LEDs, which are brighter than the previous bulbs. He stated that the bulbs are not special or a commercial grade security measure.

Attorney Casey stated that whether or not this special permit is granted, Mr. Goddard will direct those lights away from the neighbors' houses.

Mr. Goddard stated that the scenario with tow truck dropping off a car only happened once and was due to ignorance on the part of the tow truck driver. He stated that it was an accident that one time and that the drivers have been advised to not do it again.

Attorney Casey asserted that there are customers who drop off their car in the evening and are picked up by someone else to transport them elsewhere. He stated that a car could leave with tint while a car is being brought in to be worked on the next day. He stated that each job takes hours to prepare and apply.

Mr. Goddard stated that it takes about six hours to complete a job. He stated it takes less time when they are note tinting all of the windows in which case customers often pick up the car in the afternoon rather than the next day.

Mr. Ayrassian stated that last year, Mr. Goddard spoke about COVID and the difficulty of running his business in a business zone during that time. He sought to confirm whether it is Mr. Goddard's intention to continue his business from home indefinitely, or if he intends to move it off site at some future time.

Mr. Goddard replied that it is difficult to say at this time. He stated that moving the business to the property was not originally intentional and was meant to be a stopgap until the economy improved. He stated that as the economy continues to be in a slump, it has been difficult to make long-term plans for his business. He stated that he is only seeing smaller side jobs rather than the big projects he used to work on in the past. He stated that he is simply trying to stay in business at this time. He stated that he is not behaving out of retaliation and has no ill will towards his neighbors. He stated that he was not aware of any issues, as there has been no communication from the neighbors. He stated that he has abided by the conditions of his special permit.

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

The Board held a business meeting.

The Board discussed Case #5582, the application of Anthony Properties Realty, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#3) TABLE OF USE REGULATIONS - RESIDENTIAL for the construction of a 323-unit multi-family development contained in four buildings, a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-10.2 EARTH REMOVAL for an earth removal operation associated with the construction the multi-family development, a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(E) GENERAL PARKING AND LOADING SPACE STANDARDS to allow a reduction from the requisite minimum number of off-street parking spaces pursuant to §17-5.10 TABLE OF OFF-STREET PARKING REGULATIONS, a 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 commercial building and parking lot, a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#23) TABLE OF ACCESSORY USE REGULATIONS to construct two drive-thru windows in association with the proposed commercial/restaurant buildings, a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-16.3 ADMINISTRATION to vary

from the sign standards by exceeding the maximum number of signs on the site, variance pursuant to §17-8.9 VARIANCES to exceed maximum allowable number of stories for a residential building under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS, a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS to exceed the maximum permissible entrance/exit driveway width, 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 of some parking stalls, and a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS to allow some off-street parking stalls to be located within the in minimum requisite front yard setback, in association with the construction of a mixed-use development consisting of 323-unit multi-family residential dwelling units, two commercial/restaurant buildings and associated drive-up windows, a children's day care center, travel lanes, parking lots, landscaping, lighting, public amenities, water and sewer infrastructure, stormwater management system, utilities, and associated grading, the subject premises being located at 754 Newport Avenue, more specifically Assessor's plat #69, lot #26B, located in the General Business zoning district and General Residence -A zoning district .

Catherine Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#3) TABLE OF USE REGULATIONS - RESIDENTIAL for the construction of a 323-unit multi-family development contained in four buildings, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022 and the residential architectural plans entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", prepared by HLR Architects, dated October 19, 2021. Kent Richards 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 §17-10.2 EARTH REMOVAL for a 22,000 cubic yard earth removal operation, associated with the construction the mixed-use development described herein, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. Kent Richards seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a waiver from the provisions pursuant to §17-10.2(F)(1) EARTH REMOVAL - CONDITIONS OF PERMIT and thereby allow the earth removal operation to be conducted within fifty (50') feet of the adjoining rights-of-way and property lines, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. Kent Richards seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a waiver from the provisions pursuant to §17-10.2(F)(6) EARTH REMOVAL - CONDITIONS OF PERMIT to allow the earth removal operation to be conducted within four (4') feet of the seasonal high groundwater elevation, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. Kent Richards 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 §17-5.9(E) GENERAL PARKING AND LOADING SPACE STANDARDS to allow a reduction from the requisite minimum number of off-street parking spaces pursuant to §17-5.10 TABLE OF OFF-STREET PARKING REGULATIONS from 873 off-street parking spaces to 688 off-street parking spaces, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. Kent Richards 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 accommodate pre-existing non-conforming conditions relating to the commercial building at the northern portion of the site, including the dumpster and parking stalls located within the twenty-five (25') foot bufferyard intended to separate a commercial parking lot from adjacent residential property, the driveway width, and the parking stalls located within the requisite minimum fifteen (15') foot front yard setback from the Newport Avenue right-of-way pursuant to §17-4.4.5(A) REQUIRED SCREENS AND BUFFER YARDS, §17-5.9(D) PARKING AND LOADING SPACE STANDARDS and §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS, respectively, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar

Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. Kent Richards 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 accommodate pre-existing non-conforming conditions relating to the commercial building at the northern portion of the site, including the dumpster and parking stalls located within the twenty-five (25') foot bufferyard intended to separate a commercial parking lot from adjacent residential property, the driveway width, and the parking stalls located within the requisite minimum fifteen (15') foot front yard setback from the Newport Avenue right-of-way pursuant to §17-4.4.5(A) REQUIRED SCREENS AND BUFFER YARDS, §17-5.9(D) PARKING AND LOADING SPACE STANDARDS and §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS, respectively, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. Kent Richards 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 §17-3.5(#23) TABLE OF ACCESSORY USE REGULATIONS to construct two drive-thru windows in association with the construction of two commercial/restaurant buildings, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. Kent Richards 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 §17-16.3 ADMINISTRATION to vary the applicable sign regulations pursuant to §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS and exceed the maximum number of permissible signs on the site of one (1) sign by three (3) signs, for a total of four (4) signs, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. 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 to exceed maximum allowable number of 2.5 stories for a residential building in the "GR" zoning district pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS by 1.5 stories and hereby allow 4 story residential buildings, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. 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(A) VARIANCES of forty-three (43') feet from the maximum permissible driveway width of twenty-five (25') feet pursuant to §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS to allow a sixty-eight (68') foot wide entrance/exit driveway width, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. 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 §17-5.1 OFF STREET PARKING REQUIREMENTS to reduce the requisite minimum off-street parking stall dimensions from 10'x20' to 9'x18', as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. 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 minimum requisite front yard setback requirement of fifteen (15') feet for off-street parking stalls under §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS to accommodate fourteen (14) parking stalls adjacent to the children's daycare center, as shown on the site plan entitled "MIXED-USE DEVELOPMENT 754 NEWPORT AVENUE ATTLEBORO, MASSACHUSETTS", drawn and engineered by Renee L. Codega, R.P.E. of VHB, One Cedar Avenue, Suite 400, Providence, RI 02903, dated October 19, 2021 and revised through July 26, 2022. Kent Richards seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5604, the application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to establish a marijuana cultivation and manufacturing facility, a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.2 EARTH REMOVAL for an earth removal operation associated with the construction of the marijuana facility, a special permit pursuant to §17-9.0 SPECIAL PERMITS to modify the minimum

screening and bufferyard requirements pursuant to §17-4.4.5 REQUIRED SCREENS AND BUFFERYARDS, a variance pursuant to §17-8.9 VARIANCES from the minimum required distance between a proposed marijuana business and a residential zoning district pursuant to §17-10.15(G)(3)(A) MARIJUANA BUSINESS USES, a variance pursuant to §17-8.9 VARIANCES to exceed the maximum permissible entrance/exit driveway width pursuant to §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS, a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.1 OFF-STREET PARKING REQUIREMENTS to reduce the required off-street parking stall dimensions, and a variance a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.11 TABLE OF OFF-STREET LOADING REGULATIONS to reduce the required minimum number of off-street (un)loading stalls, the subject premises being located at 76 Frank Mossberg Drive, more specifically Assessor 's plat #145, lot #1A, located in the Industrial zoning district.

Catherine Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to establish a marijuana cultivation and manufacturing business at 76 Frank Mossberg Drive pursuant to §17-3.4(11C) TABLE OF USE REGULATIONS - COMMUNITY FACILITIES as shown on the site plan entitled "COMMERCIAL DEVELOPMENT 76 FRANK MOSSBERG DRIVE, ATTLEBORO, MA" dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048, as shown on the floor plan entitled "OVERALL BUILDING FLOOR PLAN" dated March 26, 2022 and the HVAC plan entitled "VERTICALLY INTEGRATED CULTIVATION" dated March 25, 2022, prepared by 2WR & Partners, 11 Ninth Street, Suite 120, Columbus, GA 31901, as shown in the report entitled "76 FRANK MOSSBERG DRIVE NOISE SURVEY" dated June 29, 2022, prepared by Peter Ouellette of J&A Enterprises, Inc., 16 Broadway, Salem, MA 01971, and as presented in the memoranda regarding odor mitigation, prepared by Erik Gath, P.E. CBCP of BLW Engineers, Inc., 311 Great Road, Littleton, MA 01460 dated March 23, 2022, April 14, 2022, and August 10, 2022. 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 §17-10.2 EARTH REMOVAL for an earth removal operation in association with the construction of the marijuana facility, as shown on the site plan entitled "COMMERCIAL DEVELOPMENT 76 FRANK MOSSBERG DRIVE, ATTLEBORO, MA" dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a waiver from the provisions pursuant to §17-10.2(F)(1) EARTH REMOVAL - CONDITIONS OF PERMIT and thereby allow the earth removal operation to be conducted within fifty (50') feet of the adjoining rights-of-way and property lines, as shown on the site plan entitled "COMMERCIAL DEVELOPMENT 76 FRANK MOSSBERG DRIVE, ATTLEBORO, MA" dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a waiver from the provisions pursuant to §17-10.2(F)(6) EARTH REMOVAL - CONDITIONS OF PERMIT to allow the earth removal operation to be conducted to within two feet (2') of the seasonal high groundwater elevation, as shown on the site plan entitled "COMMERCIAL DEVELOPMENT 76 FRANK MOSSBERG DRIVE, ATTLEBORO, MA" dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048. 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 under §17-4.4.5 DESCRIPTION OF SCREENS to reduce the minimum bufferyard requirement from 25-feet to 0-feet to accommodate a retaining wall and features of stormwater management system, as shown on the site plan entitled "COMMERCIAL DEVELOPMENT 76 FRANK MOSSBERG DRIVE, ATTLEBORO, MA" dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of ten (10') feet from the minimum requisite distance of one hundred (100') feet between a proposed marijuana business and a residential zoning district pursuant to §17-10.15(G)(3)(A) MARIJUANA BUSINESS USES, as shown on the site plan entitled "COMMERCIAL DEVELOPMENT 76 FRANK MOSSBERG DRIVE, ATTLEBORO, MA" dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9(A) VARIANCES of twelve (12') feet from the maximum permissible entrance/exit driveway width of twenty-five (25') feet pursuant to §17-5.9(D) GENERAL PARKING AND LOADING SPACE STANDARDS to allow a thirty-seven (37') foot wide driveway entrance/exit driveway width, as shown on the site plan entitled "COMMERCIAL DEVELOPMENT 76 FRANK

MOSSBERG DRIVE, ATTLEBORO, MA” dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.1 OFF STREET PARKING REQUIREMENTS to reduce the required minimum off-street parking stall dimensions from 10'x20' to 9'x18', as shown on the site plan entitled “COMMERCIAL DEVELOPMENT 76 FRANK MOSSBERG DRIVE, ATTLEBORO, MA” dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES from the provisions of §17-5.11 TABLE OF OFF-STREET LOADING REGULATIONS to reduce the required minimum number of off-street (un)loading stalls from two (2) (un)loading stalls to one (1) (un)loading stall, as shown on the site plan entitled “COMMERCIAL DEVELOPMENT 76 FRANK MOSSBERG DRIVE, ATTLEBORO, MA” dated February 14, 2022 and revised through May 3, 2022, drawn and engineered by James R. Borrebach, P.E. of OHI Engineering, Inc., 44 Wood Avenue, Mansfield, MA 02048. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed CASE #5617, the application of David Sisson on behalf 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 one additional multi-family dwelling unit, a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a portion of a pre-existing non-conforming mixed-used building into a community events center, and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS to eliminate the requisite minimum number of off-street parking stalls in the “CB” zoning district, 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.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of one thousand two hundred and thirteen (1,213) square feet from the minimum lot area requirement of twenty-one thousand (21,000) square feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate one additional multi-family dwelling unit (unit #406 on the fourth floor for a total of 16 units), as shown on the submitted materials and the floor plan, entitled “Project Number 1642 - 2-4 PARK ST”, drawn by David M. Sisson, R.A. of David Sisson Architecture, P.C., 238 Fifth Street, Providence, RI 02906, dated April 18, 2022. 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 mixed-used building to accommodate one additional multi-family dwelling unit (unit #406 on the fourth floor for a total of 16 units), as shown on the submitted materials and the floor plan, entitled “Project Number 1642 - 2-4 PARK ST”, drawn by David M. Sisson, R.A. of David Sisson Architecture, P.C., 238 Fifth Street, Providence, RI 02906, dated April 18, 2022. 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 mixed-used building to accommodate one additional multi-family dwelling unit (unit #406 on the fourth floor for a total of 16 units), as shown on the submitted materials and the floor plan, entitled “Project Number 1642 - 2-4 PARK ST”, drawn by David M. Sisson, R.A. of David Sisson Architecture, P.C., 238 Fifth Street, Providence, RI 02906, dated April 18, 2022. 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 and §17-5.9(E) 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 from two hundred seventy (270) off-street parking stalls to zero (0) off-street parking stalls in association with the addition of one more multi-family dwelling unit (unit #406 on the fourth floor for a total of 16 units) and with the conversion of the former theater space into a 6,296 gross square foot community events center, as shown on the submitted materials and the floor plan, entitled “Project Number 1642 - 2-4 PARK ST”, drawn by David M. Sisson, R.A. of David Sisson Architecture, P.C., 238 Fifth Street, Providence, RI 02906, dated April 18, 2022. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board heard CASE #5635, the application of Sean Mooney for a variance pursuant to §17-8.9 VARIANCES from the minimum side yard setback requirement under §17-4.9 TABLE OF DIMENSIONAL AND

DENSITY REGULATIONS to construct an attached garage onto a one-family dwelling, the subject premises being located at 55 Trinity Circle, more specifically Assessor's plat #165, lot #1M, located in the Single Residence-C zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of eleven (11') feet from the minimum side yard setback requirement of fifteen (15') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to enlarge the existing two-stall garage to a three-stall garage, as shown on the site plan. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed CASE #5633, the application of Jerald Mollman for a variance pursuant to §17-8.9 VARIANCES from the minimum side yard setback requirement under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to construct an 18-foot tall shed 4-feet from the property line, the subject premises being located at 156 Berwick Road, more specifically Assessor's plat #99, lot #63A, located in the Single Residence-D 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 an 18-foot tall shed 4-feet from the property line, as shown on the site plan. Sandra Varrieur seconded the motion. All voted in opposition. The motion failed and the variance was denied.

The Board discussed Case #5632, the application of Bristol Place Investments, LP for variances pursuant to §17-8.9 VARIANCES from the minimum front yard setback requirement under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate existing buildings on proposed lot #1 and #5 and from §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS to accommodate parking within the front yard setback; and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to accommodate pre-existing non-conforming conditions relating to fencing, driveway widths; and parking and loading stall dimensions, the subject premises being located at 1270 Newport Avenue, more specifically Assessor's plat #27, lot #4, located in the Planned Highway Business zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of sixteen (16') feet from the minimum front yard setback requirement of seventy-five (75') feet pursuant to the provisions of §17-4.9 TABLE OF DIMENSIONAL AND DENSITY to accommodate the existing building on Proposed Lot #1, as shown on the site plan entitled "DEFINITIVE PLAN BRISTOL PLACE SHOPPING CENTER", drawn by Robert G. Babcock, P.L.S. of DiPrete Engineering, Two Stafford Court, Cranston, RI 02920, dated July 20, 2022. 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 ten (10') feet from the minimum front yard setback requirement of seventy-five (75') feet pursuant to the provisions of §17-4.9 TABLE OF DIMENSIONAL AND DENSITY to accommodate the existing building on Proposed Lot #5, as shown on the site plan entitled "DEFINITIVE PLAN BRISTOL PLACE SHOPPING CENTER", drawn by Robert G. Babcock, P.L.S. of DiPrete Engineering, Two Stafford Court, Cranston, RI 02920, dated July 20, 2022. 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 fifteen (15') feet from the minimum front yard setback requirement of fifteen (15') feet pursuant to the provisions of §17-5.9(A) GENERAL PARKING AND LOADING SPACE STANDARDS to accommodate existing off-street parking conditions, as shown on the site plan entitled "DEFINITIVE PLAN BRISTOL PLACE SHOPPING CENTER", drawn by Robert G. Babcock, P.L.S. of DiPrete Engineering, Two Stafford Court, Cranston, RI 02920, dated July 20, 2022. 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 accommodate pre-existing non-conforming conditions relating to fencing, driveway widths, off-street parking lot dimensions, and loading stall dimensions pursuant to §17-4.7 FENCES, §17-5.9(D) PARKING AND LOADING SPACE STANDARDS, §17-5.1 OFF-STREET PARKING REQUIREMENTS, and §17-5.2 OFF-STREET LOADING REQUIREMENTS, respectively, as shown on the site plan entitled "DEFINITIVE PLAN BRISTOL PLACE SHOPPING CENTER", drawn by Robert G. Babcock, P.L.S. of DiPrete Engineering, Two Stafford Court, Cranston, RI 02920, dated July 20, 2022. 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 accommodate pre-existing

non-conforming conditions relating to fencing, driveway widths, off-street parking lot dimensions, and loading stall dimensions pursuant to §17-4.7 FENCES, §17-5.9(D) PARKING AND LOADING SPACE STANDARDS, §17-5.1 OFF-STREET PARKING REQUIREMENTS, and §17-5.2 OFF-STREET LOADING REQUIREMENTS, respectively, as shown on the site plan entitled “DEFINITIVE PLAN BRISTOL PLACE SHOPPING CENTER”, drawn by Robert G. Babcock, P.L.S. of DiPrete Engineering, Two Stafford Court, Cranston, RI 02920, dated July 20, 2022. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5636, the application of Diego Borges for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to establish a tattoo studio and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS to eliminate the requisite minimum number of off-street parking stalls in the “CB” zoning district, the subject premises being located at 4 Park Street, more specifically Assessor’s plat #31, lot #2, located in the Central Business zoning district.

Catherine Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to allow the petitioner to operate a tattoo studio business as described herein 4 Park Street, 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 special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the minimum off-street parking requirement associated with the proposed tattoo studio business at 4 Park Street located in the Central Business zoning district from eleven (11) off-street parking stalls to zero (0) off-street parking stalls, thereby eliminating the requirement for any off-street parking stalls to be established on the premises. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5614, the application of José Cruz 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 0 Torrey Street, more specifically Assessor’s plat #61, lot #203, and #209 through #211, located in the General Residence-A 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 lot width requirement of eighty (80') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to create a buildable lot and construct a one-family dwelling, as shown on the site plan entitled “PROPOSED PLOT PLAN 27 TORREY STREET ATTLEBORO, MA”, prepared by Leonard Joseph Bouffard, R.L.S. of Civil Environmental Consultants, LLC, 8 Oak Street, Peabody, MA 01960, dated August 23, 2022. Sandra Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board reviewed all remaining correspondence.

The Board rescheduled its October 13, 2022 meeting to October 27, 2022.

Cathy Merkle made a motion to approve the pending minutes of April 28, 2022. Sandra Varrieur seconded the motion. All voted in favor to approve the pending minutes.

The Board tabled the pending minutes of May 19, 2022, June 9, 2022, June 16, 2022, July 14, 2022, August 11, 2022, and August 25, 2022.

The meeting adjourned at 10:15 p.m.