



City Of Attleboro, Massachusetts

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

2022 APR 11 PM 3:30

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CITY OF ATTLEBORO
CITY CLERK

RLH

AGENDA APRIL 14, 2022 6:30 p.m.

- | | <u>DEADLINE</u> |
|---|-----------------|
| 1. NEW PUBLIC HEARINGS: | |
| a. Elite Signs – 677 Washington Street (Special Permit, Case #5606) | |
| b. H&L Bloom, Inc. – 947 Park Street (Special Permit, Case #5607) | |
| c. Adam & Melissa Gravit – 34 Seth Drive (Variance, Case #5608) | 6/26/22 |
| d. Brian Fischbach – 99 Magnolia Street (Special Permit & Variance, Case #5609) | 6/30/22 |
| e. Eric Cooper – 60 Brigham Hill Road (Variance, Case #5610) | 6/30/22 |
| f. Debra Carroll – 129 Bank Street (Special Permit, Case #5611) | |
| 2. PUBLIC HEARINGS HELD OPEN: | |
| a. Beacon Compassion, Inc. – 30 Franklin McKay Road (Special Permit, Case #5565) | |
| b. Bright Path Investments, LLC – 22 Mann Street (Special Permit & Variance, Case #5569) | 2/5/22 |
| c. Anthony Properties Realty, Inc. – 754 Newport Avenue (Special Permit & Variance, Case #5582) | 3/31/22 |
| d. No Fossil Fuel, LLC – 179 Peckham Street (Special Permit, Case #5590) | |
| e. JS Fuller TIC, LLC & Etal – 50 Fuller Avenue (Special Permit, Case #5593) | |
| f. City of Attleboro – Pitas Avenue (Special Permit, Case #5598) | |
| g. Damaso Hernandez – 9 Park Street (Special Permit, Case #5599) | |
| h. S&A Fuels, Inc. – 939 & 947 Newport Avenue (Special Permit, Case #5600) | |
| i. Ashli's Farm, Inc. & Ashli's Extracts, Inc. – 76 Frank Mossberg Drive
(Variance & Special Permit, Case #5604) | 5/26/22 |
| 3. PENDING APPLICATIONS: | |
| a. Tim & Jacqueline Hernon, Trustees for Hergaff Trust – 10 & 14 Marjorie St (Variance, Case #5597) | 5/7/22 |
| b. Omar Halabi & 473 Washington St, LLC – 473 & 0 Washington Street
(Variance & Special Permit, Case #5602) | 5/25/22 |
| 4. APPOINTMENTS TO SPEAK: NONE SCHEDULED | |
| 5. STAFF REPORT: TO BE E-MAILED | |
| 6. CORRESPONDENCE: | |
| a. Letter from Diane Robinson of 5 Thayer Farm Road, dated April 4, 2022, to Zoning Board Chairwoman Catherine Merkle, citing support for the special permit application of Debra Carroll for 129 Bank Street, Case #5611. (See Agenda #1f) | |
| b. Form Z2 – Request for an Extension of Time to April 30, 2022, submitted by Bright Path Investments, LLC, received March 17, 2022, relative to the special permit and variance application for 22 Mann Street, Case #5569. (See Agenda #2b) | |
| c. Revised site plan submitted electronically by David Ayesiyenga, received April 4, 2022, to Senior Land Use Planner Stephanie Davies, relative to the special permit and variance decision of Bright Path Investments, LLC for 22 Mann Street, Case #5569. (See Agenda #2b) | |
| d. Revised architectural plans submitted by David Ayesiyenga, received March 21, 2022, to Senior Land Use Planner Stephanie Davies, relative to the special permit and variance application of Bright Path Investments, LLC for 22 Mann Street, Case #5569. (See Agenda #2b) | |

- e. Form Z2 – Request for an Extension of Time to April 30, 2022, submitted by attorney Jack Jacobi of Coogan Smith, LLP on behalf of Anthony Properties, received March 14, 2022, relative to the special permit and variance application for 754 Newport Avenue, Case #5582. (See Agenda #2c)
- f. Traffic Study Peer Review submitted by Rebecca Brown of Greenman Pederson, Inc., received March 23, 2022, to Senior Land Use Planner Stephanie Davies, relative to the special permit and variance application of Anthony Properties Realty, Inc. for 754 Newport Avenue, Case #5582. (See Agenda #2c)
- g. Architectural Peer Review submitted by David Gamble of Gamble Associates, dated April 7, 2022, to Senior Land Use Planner Stephanie Davies and Director of Planning and Development Gary Ayrassian, relative to the special permit and variance application of Anthony Properties Realty, Inc. for 754 Newport Avenue, Case #5582. (See Agenda #2c)
- h. Email from Haskell Werlin of Solar Design Associates, Inc., dated March 31, 2022, to Senior Land Use Planner Stephanie Davies, requesting a continuance to the May 12, 2022 Zoning Board meeting relative to the special permit application of No Fossil Fuel, LLC for 179 Peckham Street, Case #5590. (See Agenda #2d)
- i. Form Z1 – Request to continue a public hearing to May 12, 2022, submitted by Haskell Werlin of Solar Design, on behalf of No Fossil Fuel, LLC, received April 4, 2022, relative to the special permit application for 179 Peckham Street, Case #5590. (See Agenda #2d)
- j. Form Z1 – Request to continue a public hearing to May 12, 2022, submitted by Jacqueline Bart of Allen & Major Associates, Inc. on behalf of JS Fuller TIC LLC & Etal, received April 11, 2022, relative to the special permit application for 50 Fuller Avenue, Case #5593). (See Agenda #2e)
- k. Letter from attorney John F. D. Jacobi of Coogan Smith, LLP on behalf of Damaso Hernandez, dated April 7, 2022, to the Zoning Board of Appeals, requesting to amend his application to include relief to eliminate the required loading space, as well as providing details on deliveries relative to the special permit application for 9 Park Street, Case #5599. (See Agenda #2g)
- l. Revised materials and site plan submitted by Bill Blais of OHI Engineering, Inc., received March 29, 2022, to the Zoning Board of Appeals, relative to the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2i) (previously distributed)
- m. Letter from attorney John F. D. Jacobi of Coogan Smith, LLP, received March 29, 2022, to the Zoning Board, providing an emergency contact relative to the special permit and variance application of Ashli's Farm, Inc. and Ashli's Extracts, Inc. for 76 Frank Mossberg Drive, Case #5604. (See Agenda #2i)
- n. Revised plans submitted by Jane Cabral of Crossman Engineering, received April 4, 2022, to Senior Land Use Planner Stephanie Davies, relative to the special permit and variance application of Omar Halabi & 473 Washington St, LLC for 473 & 0 Washington Street, Case #5602. (See Agenda #3a)
- o. Letter from Project Manager Brian Martinelli of Centerline Communications, dated March 18, 2022, to Zoning Board of Appeals Chairwoman Cathy Merkle, relative to the proposed dish wireless collocation at 15 Washington Street.
- p. Letter from attorney Edward Casey of Coogan Smith, LLP on behalf of Aspen Blue Cultures, Inc., dated January 12, 2022, to Zoning Board Chairwoman Catherine Merkle, requesting to change the operating hours for the marijuana retail facility located at 40 Forest Street, Cases #5455, #5456 and #5484.
- q. Letter from attorney Edward Casey of Coogan Smith, LLP on behalf of Aspen Blue Cultures, Inc., dated March 16, 2022 (received March 21, 2022), to Zoning Board of Appeals Chairwoman Catherine Merkle, providing an update on the request to change the operating hours for the marijuana retail facility located at 40 Forest Street, Cases #5455, #5456, and #5484.
- r. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated February 17, 2022, to City Clerk Kathleen Jackson, regarding revisions to the special permit decision granted to The Leonard J. Irving Center, Inc. & Ashli's, Inc. for 70 Frank Mossberg Drive, Case #5482.
- s. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated February 17, 2022, to City Clerk Kathleen Jackson, regarding revisions to the special permit decision granted to Aspen Blue Cultures, Inc. for 40 Forest Street, Case #5455.
- t. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated February 17, 2022, to City Clerk Kathleen Jackson, regarding revisions to the special permit decision granted to Aspen Blue Cultures, Inc. for 40 Forest Street, Case #5456.
- u. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated February 17, 2022, to City Clerk Kathleen Jackson, regarding revisions to the special permit and variance decision granted to Aspen Blue Cultures, Inc. for 40 Forest Street, Case #5484.
- v. Memorandum from Director of Planning and Development Gary Ayrassian, dated March 25, 2022, to Mayor Paul Heroux, regarding the Departmental Overtime Account.

7. **MISCELLANEOUS PENDING CORRESPONDENCE: NONE**

8. **PENDING MINUTES:**
 - a. June 10, 2021 (pending)
 - b. July 8, 2021 (pending)
 - c. August 12, 2021 (pending)
 - d. September 9, 2021
 - e. September 9, 2021 (Executive Session)
 - f. September 23, 2021
 - g. October 28, 2021
 - h. November 9, 2021 (Executive Session)
 - i. November 10, 2021
 - j. November 18, 2021
 - k. December 9, 2021
 - l. December 15, 2021 (Executive Session)
 - m. December 16, 2021
 - n. December 30, 2021 (Executive Session)
 - o. January 13, 2022
 - p. February 10, 2022
 - q. March 3, 2022
 - r. March 3, 2022 (Executive Session)
 - s. March 24, 2022

9. **PENDING APPEALS:**
 - a. Mark Rioux – 4 Stead Avenue, Case #5462 (Mark Rioux, v. City of Attleboro, et al.)
 - b. Pacifico Energy NA, LLC – 0 Richardson Avenue, Case #5491 (Pacifico Energy North America, LLC and George I. Spatcher, Jr. Trustee of Richardson Pleasant Trust, v. City of Attleboro, et. al.)
 - c. Nova Farms, LLC (f/k/a BCWC, LLC) – 0 Chartier Street, Case #5474 (Nova Farms, LLC, f/k/a BCWC, LLC, v. City of Attleboro, et. al.)
 - d. Green River Cannabis Co., Inc. – 1815 County Street, Case #5502 (Green River Cannabis Company, Inc. v. City of Attleboro Zoning Board of Appeals and its Members)
 - e. Maged Youseff, Trustee – 72 & 80 Pleasant Street, Case #5588 (Maged Youssef, Trustee of the Maged Realty Trust v. Attleboro Ice & Oil Co., Inc., Kenneth Errington, William A McDonough, Building Inspector, and Attleboro Zoning Board of Appeals and its members)

10. **UPCOMING PUBLIC HEARING AND BUSINESS MEETING SCHEDULE/MISCELLANEOUS/OTHER**
 - a. Regular Meeting: May 12, 2022
 - b. Regular Meeting: June 9, 2022