



# City Of Attleboro, Massachusetts

**ZONING BOARD OF APPEALS**  
GOVERNMENT CENTER, 77 PARK STREET  
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## MINUTES

**MARCH 9, 2023**

In accordance with the provisions of the General Laws of Massachusetts, Chapter 40A, as amended, public hearings were held on Thursday, March 9, 2023 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, Kent Richards, Kathy Rautenstrauch, and Sandra Varrieur

Members Absent: Johnny Bender

The Board heard Case #5656, the application of Attleboro Energy Storage, LLC for a variance pursuant to §17-8.9 VARIANCES under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS from the minimum lot frontage requirement and a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to construct a battery energy storage system; the subject premises being located at 0 North Avenue Rear, more specifically Assessor's plat #89, lot #125, located in the Single Residence-B zoning district.

The Board reviewed the Form Z3 - Request to Withdraw Petition submitted by Attleboro Energy Storage, LLC, received February 28, 2023, relative to the special permit and variance application for 0 North Avenue, Case #5656.

Cathy Merkle made a motion to grant the applicant leave to withdraw without prejudice. Kent Richards seconded the motion. All voted in favor to grant the applicant leave to withdraw without prejudice.

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

The Board heard Case #5657, the application of Mariana Santos for a variance pursuant to §17-8.9 VARIANCES from the minimum lot width requirement under §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to create a buildable lot, the subject premises being located at 101 Coleman Avenue, more specifically Assessor's plat #87, lot #601 -#619, located in the Single Residence -D zoning district.

Speaking in favor of the application was project manager David Lavoie of D&L Design Group who distributed an updated site plan to the Board. He stated that the existing lot has frontage on three sides, Coleman Avenue Extension, Coleman Avenue, and Prospect Avenue. He stated that Coleman Avenue and Prospect Avenue are both paper streets, but that they still need to maintain a 30-foot front yard setback. He noted that Prospect Avenue has approximately 100-feet of pavement and that the existing house uses it as an access driveway. He stated that the house that was on the property was deemed unsafe by the Building Inspector and at his direction, it was demolished. He stated that the lot has also been cleared for development. He stated that they are looking to subdivide the 51,000 square foot lot and create two house lots. He stated that they are proposing one lot that meets all the minimum zoning criteria. He stated that the second lot meets all the minimum zoning criteria except for the minimum lot width requirement. He stated that the minimum lot width requirement is 120-feet in the zoning district, but the second proposed lot only contains 80-feet of lot

width, so they are seeking a variance. He noted that they performed soil testing with the Board of Health and that the updated plans that he just distributed show the proposed location of the septic system on each lot.

Director of Planning and Development Gary Ayrassian pointed out that a Form A plan had been recently approved by the Planning Board creating both lots.

Senior Land Use Planner Stephanie Davies noted that the Planning Board was compelled to approve the plan because its review of such plans is quite narrow; it may only consider whether a proposed lot satisfies the minimum lot frontage requirement in the underlying zoning district and that such frontage is essentially on a paved street. She asked why the driveway for proposed Lot 2 is proposed off Prospect Avenue instead of from Coleman Street Extension.

Mr. Lavoie stated that they were proposing to maintain the existing driveway, but that it could be moved to Coleman Avenue Extension and constructed on top of the septic system.

Ms. Davies expressed concern with emergency vehicles being able to find the house if the driveway is off Prospect Avenue.

Speaking in opposition was John Farroba of 218 Wilmarth Street who stated that the applicant is creating their own hardship by dividing the lot. He stated that he felt the additional house lot would overly intensify the short dead-end street.

Speaking in opposition was Mike Stepka of 30 Coleman Avenue Extension who noted that he also owns 0 Coleman Avenue that is on the opposite side of the Coleman Avenue paper street that the subject lot abuts. He stated that he has lived at 30 Coleman Avenue Extension since before it was a publicly accepted roadway. He stated that his address was previously 209C Wilmarth Street. He stated that due to issues with emergency vehicles finding his property, he worked with the city to have Coleman Avenue Extension accepted. He stated that due to that, he agrees with the concerns raised regarding having a driveway off Prospect Avenue. He stated that he also has concerns about how the two proposed homes will obtain water services. He stated that he has paperwork from the Planning Board documenting the 1-inch water line tapped off Wilmarth Street that was intended only for a previous development and that it could not be used by any additional development. He asked whether wells are proposed. He explained that there are also concerns regarding the potential of flooding from additional stormwater. He stated that with large rainstorms presently, he gets flooding in his basement and the end of Coleman Avenue Extension routinely has up to 1-foot of water pooled there. He stated that he is not necessarily opposed to two houses being constructed, but that he wants to see his concerns addressed first.

Mr. Ayrassian pointed out that the Board's jurisdiction over the variance application does not extend to the water main or to stormwater. He explained that the Water Superintendent has jurisdiction over water services and that one-family dwellings are exempt from the local Stormwater Management Ordinance.

Mr. Stepka noted that he has a copy of a plan approved by the Planning Board that shows a turnaround as part of the Coleman Street Extension development. He stated that the hammerhead was never constructed.

Mr. Ayrassian invited Mr. Stepka to contact the Planning Department the next day to make an appointment so that they may review the Planning Board's Coleman Street Extension file and figure out what happened to the hammerhead turnaround.

Speaking in opposition was David Barton of 24 Coleman Avenue Extension who asserted that his driveway already routinely floods during storm events. He expressed concern that he will get even more water on his property and have worsened flooding problems if the grading is not done properly on the two new house lots.

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

**The Board heard Case #5658, the application of Bristol Place Investments, LP for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-16.3 ADMINISTRATION to vary from the applicable sign regulations pursuant to §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS that govern the maximum permissible surface area of a wall sign associated with a retail store, the subject premises being located at 1137 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 Scott Bilbrey of Blair Sign Programs who stated that the Burlington building is located at the rear of the Bristol Place shopping plaza and that they are requesting a special permit to install a larger sign than the sign ordinance permits to be able to maintain a competitive visual presence in the commercial center. He described many of the signs and their dimensions located in the shopping center. He noted that all of them are larger than the proposed Burlington sign. He stated that they are requesting a sign with a surface area of 250 square feet. He pointed out that the Burlington store is located over 1,000-feet back from Newport Avenue and located at an oblique angle from the entrance, making the building difficult to be seen and identified.

Cathy Merkle asked whether any lighting is proposed for the signage.

Mr. Bilbrey replied that the signage will have standard internal LED backlighting, but that the tag line at the bottom of the name will be dimmer than the top portion.

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

**The Board heard Case #5659, the application of Jackson Barros for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to establish a tattoo studio, the subject premises being located at 965 Washington Street, more specifically Assessor's plat #3, lot #227, located in the General Business zoning district.**

Speaking in favor of the application was Jackson Barros who explained that he previously co-owned a tattoo studio in North Providence for eight years and would like to open a tattoo studio in Attleboro.

Cathy Merkle asked where in the plaza the commercial space is located.

Mr. Barros replied next to JD Byrider and Speedway.

Ms. Davies inquired about the number of employees.

Mr. Barros answered six, including himself.

Ms. Davies asked whether they will be full- or part-time employees.

Mr. Barros answered that most are likely to be full-time, but it will depend upon their workload and interest from clientele.

Mr. Ayrassian asked how many employees are anticipated to be working at the tattoo studio at any given time.

Mr. Barros replied up to six. He explained that the proposed business hours are Monday through Saturday from noon to 8:00 p.m. He explained that artists will be renting space at the tattoo studio and will be free to come and go as they please during those set business hours. He stated that the artists are not his employees.

Mr. Ayrassian inquired about the proposed method or process for disposing of any medical paraphernalia or waste by-products that are generated.

Mr. Barros replied that used needles will go into a sharps container and be picked up periodically by a specialized disposal company.

Cathy Merkle asked for confirmation that since space in the studio will be rented to individual artists, Mr. Barros does not necessarily have control over appointments and walk-in business.

Mr. Barros reiterated that unless an artist is being paid on commission, they will operate as they please within the studio shop's business hours.

Cathy Merkle asked if they are seeking any relief from the sign ordinance.

Mr. Barros replied that he is not seeking any such relief at this time and stated his intent to reface the existing signage on site.

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

**The Board heard Case #5660, the application of Michael Gelinias for a special permit pursuant to §17-9.0 SPECIAL Permits for the outdoor storage of liquid nitrogen as an accessory use under §17-3.5(#19) TABLE OF ACCESSORY USE REGULATIONS, the subject premises being located at 45 Frank Mossberg Drive, more specifically Assessor 's plat #147, lot #10A, located in the Industrial zoning district.**

Speaking in favor of the application was Michael Gelinias of Mini-Systems, Inc. who stated that there is currently an aboveground 3,000 gallon liquid nitrogen tank located outdoors on the site. He stated that they are proposing to replace the existing tank with an aboveground 11,000 gallon liquid nitrogen tank.

Cathy Merkle inquired about the design and engineering of the proposed tank.

Mr. Gelinias stated that they have performed some preliminary design work and site engineering but that nothing so far is stamped by a structural engineer. He stated the site engineering indicates that the site could support the weight of the new tank with the addition of special anchors.

Mr. Ayrassian asked whether the liquid is apt to expand.

Mr. Gelinias stated that there are special blow-offs built into the tank to ensure it never reaches a pressure that would cause the tank to rupture.

Mr. Ayrassian asked if the atmosphere release is toxic or pose any non-toxic public safety hazard.

Mr. Gelinias answered that an atmosphere release would not be toxic or a fire hazard but because it is kept at 200° C, it could cause burns.

Mr. Ayrassian asked whether the proposed tank is double-walled.

Mr. Gelinias answered yes.

Mr. Ayrassian inquired about other safety features of the new tank such as breach alarms or other containment measures.

Mr. Gelinias stated that the double-walled tank will equipped with an alarm system and that in the event of a breach, the product will immediately turn into a gas and dissipate into the atmosphere and therefore a containment structure is not necessary.

Mr. Ayrassian asked whether any design cross-section for the tank or written emergency protocols have been submitted.

Mr. Gelinas replied no.

Mr. Ayrassian stated that he needs to meet with the Fire Department sooner than later and inquired when such materials and information will be submitted.

Mr. Gelinas stated that their contract with their chemical supplier will end at the end of the month and that they will need to store a temporary liquid nitrogen tanker truck on the site until they can obtain permits from both the city and the state for the new 11,000 gallon tank. He stated that this is going to be costly but that without the temporary measure, the facility will have to shut down. He stated that they are seeking permitting in as timely a fashion as possible.

Sandy Varrieur inquired the purpose in the increased capacity of the tank.

Mr. Gelinas stated that they are working a new vendor who can offer financial savings to the company by reducing the number of chemical deliveries. He noted that they had run out of product at one point during the pandemic and a larger capacity tank would have avoided the issues they faced. He cited the ability to have back-up supplies on hand with a larger capacity tank in the event of supply chain issues. He asked whether anything is needed for the Board to allow for the temporary storage tanker.

Cathy Merkle stated that that is outside of the Board's purview, as the Board only regulates permanent tanks.

Mr. Ayrassian advised Mr. Gelinas to consult the Fire Department regarding the temporary storage tanker.

Kent Richards inquired whether any other regulatory bodies will need to inspect or approve the new tank other than the state and Attleboro Fire Department.

Mr. Gelinas replied not that he is aware of.

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

**The Board heard the continued public hearing for Case #5654, the application of David Stebbings for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(2A) TABLE OF ACCESSORY USE REGULATIONS to keep horses at his place of residence for domestic and personal (non-commercial) purposes, said premises being located at 136 West Street, more specifically Assessor's plat #99, lot #34 and #34A, located in the Single Residence -D zoning district.**

David Stebbings spoke in favor and stated that he had submitted additional materials requested of him to both the Zoning Board and Conservation Commission. He stated that on March 1<sup>st</sup>, the Conservation Commission approved his permit to install the horse fencing within the wetland buffer.

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

**The Board heard the continued public hearing for Case #5650, the application of Canna-Farm, LLC for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to establish a marijuana business (cultivation and manufacturing), the subject premises being located at 1 Turner Street, more specifically Assessor's plat #1, lot #12, located in the Industrial zoning district.**

Speaking in favor was attorney Daniel Glissman who asked the Board to continue the public hearing because they are still working on their security plans. He stated that their lead security officer is Daniel Linskey of Kroll, LLC.

Speaking in favor was Daniel Linskey of Kroll, LLC who stated that he worked for 20 years in a Police Department and now works for a global security company. He stated that he has found through his work that marijuana facilities are not the nuisance he expected them to be, and discovered ways to ensure they do not negatively impact their surrounding neighborhoods. He stated that the plans for the site are currently being revised to include both a "sally port" and a vehicle trap. He stated that they are looking to incorporate products into the design of their security system that will allow local police visual security of the building.

Mr. Ayrassian informed the Board that the Police Chief and planning staff had met with the applicant and that they are making progress with the security plans.

Cathy Merkle asked whether revised plans have been submitted.

Attorney Glissman answered no, but they anticipate submitting them soon.

Speaking in favor was Rich Riccio of Field Engineering who stated that the revised plans will clarify existing curb cut locations, distinguish between existing and proposed parking areas, striping, show parking connections, as well as fencing and gates and an updated parking table. He stated that all gates will have emergency knock-boxes. He stated that there are 85 parking stalls currently on the premises. He stated that they are proposing to add 48 parking spaces strictly for Canna-Farm's proposed uses, which would increase the total to 133 parking spaces.

Mr. Ayrassian inquired the height of the proposed fencing.

Mr. Riccio replied 6- or 7-foot chain link fencing.

Attorney Glissman noted that some of the existing fencing along the railway has barbed wire, but that is not being proposed for the vehicle trap. He stated that the "sally port" will be used for marijuana product deliveries. He stated that the adjacent existing loading and unloading bays are for larger trucks for all other materials and supplies.

Mr. Ayrassian stated his understanding that the CCC does not allow more than one loading and unloading bay for a cannabis business.

Attorney Glissman stated that that is true only for marijuana product, but other supplies can be loaded elsewhere.

Mr. Riccio pointed out the location of the dumpster. He also submitted the site's photometric plan.

Speaking in favor was Kurt Smith of Fuss & O'Neill who stated that the site's existing lighting meets their requirements and will remain and that they will add additional lighting.

Mr. Smith stated that the odor suppression plan is being revised and will be submitted shortly. He stated that the louvered exhaust system within the windows is shown at the center of the building now. He stated again that a portion of the building will remain unoccupied and undeveloped but is included in the special permit application so as to accommodate future build-out as business increases.

Attorney Glissman noted that the Board and staff had expressed concern about security system in light of the other occupants within the building. He explained that while Canna-Farm, LLC will occupy the entire second floor of the building, the property owner occupies all the space on all of the other three remaining floors with his machine wiring business on the ground floor and with floors 3 and 4 being used for supply storage. He

stated that the other occupants are aware of the proposed use and they have added detail to their security plans regarding access points, including the several shared stairwells and elevators shafts. He stated that other tenants will be able to utilize the remainder of the building save the secured second floor.

Mr. Ayrassian stated that at the original public hearing, it was presented that the proposed water system would not be a reclamation system but that at his request, it was asserted that they system would be redesigned to a reclamation system. He inquired about the status of the redesign.

Mr. Smith stated they are proposing to capture and reuse the condensate from the air conditioning, which normally would just be discharged. He offered to augment the wastewater statement previously provided to include details on that recirculation.

Ms. Davies noted that the water for the site will be obtained from Pawtucket and not from the City of Attleboro.

Mr. Ayrassian stated water is water and in light of progressive climate change policy, saving water is the goal and its source does not matter.

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

**The Board heard the continued public hearing for Case #5651, the application of 42 County Street LLC for special permit pursuant to §17-9.0 SPECIAL PERMITS from the provisions of §17-5.9(F) GENERAL PARKING AND LOADING SPACE STANDARDS to reduce the required minimum number of off-street parking stalls, §17-9.0 SPECIAL PERMITS under §17-5.1 OFF-STREET PARKING REQUIREMENTS to reduce the required dimensions of off-street parking stalls, §17-9.0 SPECIAL PERMITS under §17-5.6(A) LOCATION OF PARKING AND LOADING SPACES to allow the use of off-site private parking stalls located within three hundred (300') feet of the principal lot, §17-9.0 SPECIAL PERMITS under §17-5.7 MUNICIPAL PARKING LOTS to allow the use of off-site municipal parking facilities located within one thousand (1,000') feet of the principal lot, §17-9.0 SPECIAL PERMITS under §17-12.0 FLOOD PLAIN DISTRICT to accommodate work/excavation within the 100-year floodplain and floodway, as well as for variances pursuant to §17-8.9 VARIANCES from the minimum lot area, from the maximum building height, and from the minimum side yard setback requirements pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS in association with the construction of a nine story, 80-unit mixed residential/business use; the subject premises being located at 42 County Street, more specifically Assessor's plat #31, lot #243, located in the Central Business zoning district.**

Speaking in favor was attorney Jack Jacobi who informed the Board that they will be presenting their NOI and stormwater management permit application to the Conservation Commission next week.

Speaking in favor was Daniel Dumais of MDM Transportation Consultants, Inc. who explained that their traffic counts found approximately 1,500 vehicles per day on County Street, ranging from 900 to 1,100 during peak am and pm hours. He stated that they confirmed that the average speed matches the limit in the area of 25 miles per hour. He stated that the development is projected to generate 18 to 26 peak hour trips, which is only 5 more than the traffic generated by the current auto mechanic and sales business.

Attorney Jacobi affirmed that the concept is for residents to work from home or utilize the commuter rail.

Cathy Merkle noted that the current business on the property has not actually been open for some time, so there has not been any traffic to the site.

Mr. Dumais stated that they used industry standards based on the type of business.

Kent Richards asked whether there was any data for comparison from the nearby apartment complexes such as Renaissance North and One Wall Street.

Attorney Jacobi answered no official numbers, but from an anecdotal viewpoint, he felt many inhabitants walk.

Mr. Dumais stated that 34% of people in the area are utilizing non-automobile travel and 3% are carpooling. He acknowledged that the Board was concerned about the safety of the exit driveway potentially conflicting with pedestrians. He stated that they are proposing a stop sign and bar with a flush sidewalk crossing that will reduce vehicle speeds to between 5 and 10 miles per hour. He stated that exiting cars will trip an indicator with lights and an audible sound that will warn pedestrians. He referenced the flush sidewalks in the City Hall parking lot as an example of the traffic control feature.

Mr. Ayrassian sought confirmation that the feature is proposed on both the entrance into the site and the exit.

Mr. Dumais confirmed.

Mr. Ayrassian asked about the location of the pedestrian warning indicator to alert oncoming motorist on County Street.

Speaking in favor of the application was Joey Fonseca of Bohler Engineering who stated that the signage will be affixed to the building so that it is perpendicular to the building and project out so it can be seen from both directions on County Street.

Speaking in favor was Artem Batuyev of JTA who reviewed a number of samples of construction materials with the Board and discussed color and texture. He stated that he suggested a more weathered brick look to match the historic aspect of the Downtown and sought the Board's feedback.

Mr. Ayrassian noted that the samples of construction materials vary from those that were presented to the Planning Board at their previous meeting. He suggested to the Zoning Board a joint meeting be held with both Boards to review and discuss the same set of materials, colors, and textures at the same time and for feedback to be heard in real by each Board.

Cathy Merkle suggested that the application develop and submit a proposal based on their vision in combination with an old mill town's aesthetic appeal.

Attorney Jacobi pointed out that they had adjusted the building colors to make things more neutral and had also added banners and lighting. He noted that they have maintained the "green" wall on the **façade** that faces the Chinese restaurant.

Mr. Batuyev noted that he is still working on getting a sample of the "green" living wall and that it is likely to be some type of moss that can grow year round. He noted that they cannot use real wood on any of the **façades** because of the Building Code and accordingly, they are proposing wood-like metal panels on all of the upper levels above the ground level.

Mr. Ayrassian inquired the maintenance for such materials and how long before they begin to fade.

Mr. Batuyev replied that a UV protective coating would applied to the panels after the warranty ends in 25 years. He stated that the colors are warrantied not to bleach out.

Mr. Ayrassian inquired when the information regarding the structural integrity of the wall along the Ten Mile River and the upgrades going to be submitted to the Board given its jurisdiction.

Attorney Jacobi stated that they will be submitting a report, plans, and other supporting documentation to the Conservation Commission regarding the river wall.



Mr. Ayrassian advised that a professional structural engineer's stamp will be expected on all of documents.

Attorney Jacobi stated that they would comply. He stated that in terms of off-street parking, he reminded the Board that they have sent a letter of intent to a land owner to lease approximately 30 parking space and are still awaiting a response. He asked the Board to continue the public hearing to April 13, 2023.

Speaking in favor of the application was Kevin Dumas of 214 County Street. He stated that when he served as the city's Mayor, his Administration worked hard to pursue downtown revitalization and that he is thrilled to see so much redevelopment in the riverside district. He stated his staunch support for the project.

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

**The Board heard the continued public hearing for Case #5646, the application of Laurel Knoll Land Trust for a special permit pursuant to §17-9.0 SPECIAL PERMITS and §17-10.2 EARTH REMOVAL for an earth removal operation associated with a proposed two-lot definitive subdivision plan entitled "LAUREL KNOLL", the subject premises being located at 0 MacDonald Lane, more specifically Assessor's plat #101, lot #9, located in the Single Residence -D zoning district.**

Bill Blais of OHI Engineering spoke in favor and explained that they have made changed the stormwater management system from a subsurface recharge system to a surface-exposed detention basin. He stated that he has also designed a landscaped island in the center of the proposed MacDonald Lane cul-de-sac. He stated that a concrete apron around the island is included to protect the landscaping. He stated that the stormwater basin will be located about 20-feet away from the nearest abutter and they are proposing plantings to screen the stormwater area. He stated that they are now proposing to haul the excavated material off site rather than stockpiling it on the site. He stated that they proposing to haul approximately 9,400 cubic yards of material consisting of 942 truck trips over a period of 5 to 10 weeks. He stated that they had asked for a waiver to work right up to the property lines but due to the design modifications, they no longer need to work right up to the property lines. He stated that in addition, in order to maximize the capacity of the underground stormwater system, they are proposing to excavate closer to the season high groundwater table and therefore are also requesting a waiver to excavate within 2.7-feet from the high groundwater table instead of maintaining the 4-feet of separation required by the ordinance.

Mr. Ayrassian inquired about the specific details of the excavation's projection into the requisite 50-foot setback from property lines and the right-of-way.

Mr. Blais noted that they had yet to submit that information officially in writing. He stated what information he could offer now is that the total area of the site within the 50-feet of the property lines and the right-of-way is 2.82 acres and that their limit of work is only 0.29 acres. He noted that of that disturbed area, 6% is outside of the right-of-way.

Mr. Ayrassian about the proposed design for temporary bank stabilization.

Mr. Blais stated that they have a 10-foot grading easement on 25 MacDonald Lane. He stated that there is a rocky embankment on the property that will be extended to the edge of the right-of-way. He stated that sheeting and boulders will line the edge of the property.

Mr. Ayrassian asked that a detail for the temporary stabilization be shown on the plans.

Attorney Jacobi asked the Board to continue the public hearing to April 13, 2023.

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

**The Board heard the continued public hearing for Case #5639, the application of Abram Agayby for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS to accommodate an electronic message center on an existing sign, the subject premises being located at 289 County Street, more specifically Assessor's plat #44, lot #594, located in the General Business zoning district and Single Residence -A zoning district.**

Ms. Davies stated that she reached out to Mr. Agayby for an update. She informed the Board that he did not mention anything about the light filters that he discussed previously and simply stated that he was going to have to obtain an attorney regarding his dispute with the sign company that installed the subject sign.

Cathy Merkle suggested that the applicant may want to request to withdraw the petition without prejudice until he is ready to move forward. She asserted her unwillingness to approve an electronic sign board with red and green lights so close to County Square.

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

**The Board held a business meeting.**

**The Board reviewed the letter and plan set submitted by Jack Jacobi of Coogan Smith, LLP, dated March 7, 2023, regarding a plan revision to the decision granted to Pacifico Energy North America, LLC for 103 Richardson Avenue, Case #5591.**

Speaking was attorney Jacobi explained that the expiration date of the special permit is approaching and because Pacifico has identified the need to amend the approved design of the approved driveway, they have not yet exercised the special permit. He stated that he would like to request a one year extension of time to act on the permit. He stated that they will be appearing before the Conservation Commission next week and if the Commission favors the redesign, they will file the amendment with the Zoning Board. He stated that as they are going through a stormwater management peer review for the amendment, the completion timeline before Conservation is uncertain.

Cathy Merkle made a motion to grant a one year extension of time to the special permit issued to Pacifico Energy NA, LLC on March 2, 2022 for a photovoltaic facility on property located at 103 Richardson Avenue, Case #5591. Kent Richards seconded the motion. All voted in favor to grant a one year extension of time.

**Speaking before the Board with an appointment to speak were attorney Jack Jacobi and Bill Blais of OHI Engineering regarding the decision granted to W.B. Construction and Development, Inc. for 0 County Street, Case # 5647.**

Attorney Jacobi stated that the Board granted the relief that they filed for but the decision prohibits work within 5-feet of the property line. He stated that that additional 5-feet is critical to their overall design and respectfully requested that the Board reconsider its decision and allow for the full 50-foot waiver and allow the earth removal operation to occur up to the property. He stated that at the request of the Planning Director, the volume of excavation within the 5-foot area along the entire length totals 350 cubic yards of material.

Mr. Blais stated in will involve 17-18 truck trips.

Bill Ward of W.B. Construction & Development, Inc. explained that the ground slopes up to the rear of the proposed buildings and there is 4-feet of foundation on the back side. He stated that as each unit needs two means of egress on opposite sides, they would need to double the size of the foundation and install a massive set of stairs to accomplish that if not working up to the property line. He stated that he proposed to use road steel plates to hold back the soil while they install scabrous riprap while they trench to construct the back wall.

Mr. Ayrassian asked when the temporary stabilization would be installed.

Mr. Blais explained that it would be done simultaneously, with one crew installing the stabilization while the other excavated. He stated that temporary stabilization would not be necessary. He stated that 10 to 15-foot stretches could be completed at a time to avoid a large excavation being left incomplete.

Mr. Ayrassian asked Mr. Blais to submit a written and signed protocol, addressed to the Zoning Board, as well as cross-sections for each area where a specific stabilization design is required.

Cathy Merkle stated that the Board will make a decision after this information is submitted to the Board and the staff has a chance to review it and make a recommendation to the Board. She stated that the revisions are accepted by the Board, the Board would issue an amended decision.

**The Board reviewed the letter from attorney Edward Casey of Coogan Smith, LLP, dated December 12, 2022, to Chairwoman Catherine Merkle of the Zoning Board, regarding proposed alterations to fencing relative to the decision issued to 220 ONEIL, LLC for 220 O 'Neil Boulevard, Case #5556.**

Mr. Ayrassian distributed the proposed revision to the approved parking lot fencing in the upper left hand corner of the site. He stated that he and the Police Chief spoke about it. He stated that both he and Police Chief recommend to the Board that revised parking lot in the upper left hand corner of the site that involves approximately six off-street parking stalls would not have an adverse effect on the overall parking lot. He stated that it will result in a net loss of three parking spaces.

The Board discussed the matter. He Board accepted the recommendation and asked staff to prepare the paperwork reflecting the Board's consent based on the opinion of the Planning Director and Police Chief.

**The Board discussed Case #5654, the application of David Stebbings for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(2A) TABLE OF ACCESSORY USE REGULATIONS to keep horses at his place of residence for domestic and personal (non-commercial) purposes, said premises being located at 136 West Street, more specifically Assessor's plat #99, lot #34 and #34A, located in the Single Residence-D zoning district.**

Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(2A) TABLE OF ACCESSORY USE REGULATIONS to allow the petitioners to keep two (2) horses at their place of residence located at 136 West Street for domestic and personal (non-commercial) purposes, as shown on the site plan. Kent Richards seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

**The Board discussed Case #5659, the application of Jackson Barros for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to establish a tattoo studio, the subject premises being located at 965 Washington Street, more specifically Assessor's plat #3, lot #227, located in the General Business zoning district.**

Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.1 USE DESIGNATIONS to allow the petitioner to establish a tattoo studio business consisting of a maximum of six artists booths at the shopping plaza located 965 Washington Street, as described herein. Sandy Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

**The Board discussed Case #5657, the application of Mariana Santos for a variance pursuant to §17-8.9 VARIANCES from the minimum lot width requirement pursuant to the provisions of §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to create a buildable lot, the subject premises being located at 101 Coleman Avenue, more specifically Assessor's plat #87, lot #601-#619, located in the Single Residence-D zoning district.**

Cathy Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of forty (40') feet from the minimum lot width requirement of one hundred twenty (120') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to create a buildable lot, as shown on the site plan entitled "VARIANCE PLAN FOR 101 COLEMAN AVENUE", drawn and surveyed by Bruce E. Wilson, Jr., PLS, #36870, of D&L Design Group, 115 Water Street, Milford, MA 01757, dated January 23, 2023 and revised through March 8, 2023. Sandra Varrieur seconded the motion. A discussion followed. All voted in opposition. The motion failed.

**The Board discussed Case #5658, the application of Bristol Place Investments, LP for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-16.3 ADMINISTRATION to vary from the applicable sign regulations pursuant to §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS that govern the maximum permissible surface area of a wall sign associated with a retail store, the subject premises being located at 1137 Newport Avenue, more specifically Assessor's plat #27, lot #4, located in the Planned Highway Business zoning district.**

Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-16.3 ADMINISTRATION to vary from the applicable sign regulations pursuant to §17-16.9 TABLE OF PERMITTED SIGNS & DIMENSIONAL REGULATIONS that govern the maximum permissible surface area of a wall sign associated with a retail store and hereby allow the installation of a two hundred fifty (250) square foot wall sign, which exceeds the maximum permissible surface area limitation of fifty (50) square feet – an increase of an additional two hundred (200) square feet, as shown on the plan entitled "EXTERIOR SIGN UPDATE, ATTLEBORO, MA - STORE NO. 1444", drawn and designed by Nick Zahner of Blair Sign Programs, 9932 Prospect Avenue, Studio 137, Santee, CA, dated January 31, 2023. Kent Richards seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

Cathy Merkle made a motion to approve the pending minutes of January 12, 2023 and February 9, 2023. Sandra Varrieur seconded the motion. All voted in favor to approve the pending minutes of January 12, 2023 and February 9, 2023.

The Board reviewed all remaining correspondence.

The meeting adjourned at 9:15 p.m.