



# City Of Attleboro, Massachusetts

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

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## AGENDA JUNE 10, 2021

- |   | <u>DEADLINE</u> |
|---|-----------------|
| <b>1. NEW PUBLIC HEARINGS: <a href="#">LINK*</a></b>  |                 |
| a. Christopher S. Varner – 53 Smith Street (Special Permit, Case #5547)   |                 |
| b. A. Cerrone Limited Partnership – 68 Washington Street (Special Permit & Variance, Case #5548)  | 8/26/21         |
| c. Kerri L. Coleman – 367 South Main Street (Special Permit, Case #5549)  |                 |
| <b>2. PUBLIC HEARINGS HELD OPEN: <a href="#">LINK*</a></b>  |                 |
| a. Antoine Zamy – 178 North Main Street (Special Permit, Case #5539)  |                 |
| b. McDonald's USA, LLC – 444 Washington Street (Special Permit, Case #5543)   |                 |
| c. Stephen Yellin – 0 Pond Street (Special Permit & Variance, Case #5533)   | 5/22/21         |
| d. W.B. Construction & Development, Inc. – 1400 County Street (Special Permit, Case #5521)  |                 |
| <b>3. PENDING APPLICATIONS: <a href="#">LINK*</a></b>   |                 |
| a. Tanuja Arany – 54 Todd Drive (Special Permit, Case #5546)  | 8/11/21         |
| b. Ideal Bud, LLC – 129 Bank Street (Variance, Case #5541)  | 7/11/21         |
| <b>4. APPOINTMENTS TO SPEAK: NONE</b>   |                 |
| <b>5. STAFF REPORT: TO BE E-MAILED</b>  |                 |
| <b>6. CORRESPONDENCE: <a href="#">LINK*</a></b>   |                 |
| a. Cover letter and revised site plans submitted by Nicola Facendola of Level Design Group, received June 3, 2021, to the Zoning Board of Appeals, relative to the special permit and variance application of Stephen Yellin for 0 Pond Street, Case #5533. (See Agenda item #2c)   |                 |
| b. Memorandum from Wastewater Superintendent Thomas Hayes, dated May 21, 2021, to Planning Administrator Lauren Stamatis, providing comment on the special permit application of W.B. Construction & Development, Inc. for 1400 County Street, Case #5521. (See Agenda item #2d)  |                 |
| c. Memorandum from Public Works Superintendent Michael R. Tyler, dated May 18, 2021, to the Zoning Board, providing comment on the special permit application of W.B. Construction & Development, Inc. for 1400 County Street, Case #5521. (See Agenda item #2d)  |                 |
| d. Letter from attorney Edward Casey of Coogan Smith, LLP, dated May 17, 2021, to Zoning Board Chairwoman Catherine Merkle, requesting a driveway width variance and providing a density justification relative to the special permit application of W.B. Construction & Development, Inc. for 1400 County Street, Case #5521. (See Agenda item #2d)                |                 |
| e. Memorandum from Heather L. Monticup of Greenman-Pedersen, Inc., dated December 10, 2020 (received May 14, 2021) to Scott L. Rolfe of OHI Engineering, providing a traffic trip-generation and site access letter relative to the special permit application of W.B. Construction and Development, Inc. for 1400 County Street, Case #5521. (See Agenda item #2d) |                 |
| f. Letter from attorney Edward J. Casey of Coogan Smith, LLP, dated June 2, 2021, to Zoning Board Chairwoman Catherine Merkle, relative to the relief granted for 105 Maple Street, Cases #5471 and #5495. (waiting on digital copy)  |                 |
| g. Email and plan from Russ Dion of Campanelli, received April 27, 2021, to Director of Planning and Development Gary Ayrassian, regarding mail logistics relative to 1 Wall Street, Case #5457.  |                 |

- h. Email from Russ Dion of Campanelli, received May 24, 2021, to Director of Planning and Development Gary Ayrassian, providing an update on the access agreement for 1 Wall Street, Case #5457.
- i. Letter from Erik L. Immonen of Annino Incorporated, dated May 27, 2021, to Building Commissioner William McDonough, regarding the temporary Certificate of Occupancy for 1 Wall Street, Case #5457.
- j. Letter and executed Access Agreement, from Russell G. Dion of Campanelli, dated June 1, 2021, to Zoning Chairwoman Catherine Merkle, relative to Condition #1 of the decision for 1 Wall Street, Case #5457.
- k. Cover letter from attorney John F. D. Jacobi, III, dated May 24, 2021, to the Zoning Board of Appeals, regarding the structural inspection of the retaining wall at the BJ's gas station, 463 Washington Street, Case #5487.
- l. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated May 17, 2021, to City Clerk Stephen Withers, regarding approval to withdraw without prejudice the special permit application of New England Builds, Inc. for 136 Hackett Avenue, Case #5545.
- m. Certificate of Vote from Zoning Board Clerk Lauren Stamatis, dated May 17, 2021, to City Clerk Stephen Withers, approving the architectural and elevations revisions associated with the special permit decision issued to 54 Union Street, LLC for 54 Union Street and 12 Dunham Street, Case #5488.
- n. Affidavit of Compliance and Certificate of Service submitted by attorney Constant S. Poholek, Jr., received May 24, 2021, to the City Clerk, relative to the appeal of the special permit decision for 1815 County Street, Case #5502.
- o. Cease and Desist letter from Building Commissioner William McDonough, dated May 7, 2021, to Matthew Borgellas of N.E. Auto, Inc., relative to the lack of an occupancy permit at 71 County Street.
- p. Letter from Building Commissioner William McDonough, dated May 18, 2021, to Matthew Borgellas of N.E. Auto, Inc., denying the application for a change of occupancy for second hand auto sales at 71 County Street.
- q. Letter from Building Commissioner William McDonough, dated May 21, 2021, to Carol Cronin of Prestige Realty Experts, providing a determination as to the buildability of 0 Turner Street, Assessor's Map 16, Lot 74.
- r. Notice of Violation from Zoning Enforcement Officer William McDonough, dated May 24, 2021, to Brian Francis of 844 Pleasant Street, providing a second notice relative to vegetation blocking the visibility at the Richardson Avenue intersection.

**7. MISCELLANEOUS PENDING CORRESPONDENCE:**

- a. Email and plan from Geoff Lewis of Ajax Partners, received November 9, 2019, to Director of Planning and Development Gary Ayrassian, proposing minor alterations to the New England Sports Complex site access.
- b. Letter from Director of Planning and Development Gary G. Ayrassian, dated October 8, 2019, to Planning Board Chairman Paul Danesi and Zoning Board of Appeals Chairwoman Catherine Merkle, regarding proposed changes to processes relative to public hearing legal advertisements.

**8. PENDING MINUTES:**

- a. November 12, 2020
- b. December 10, 2020
- c. December 15, 2020 (Executive Session)
- d. January 14, 2021
- e. March 10, 2021 (Business Meeting)
- f. March 11, 2021
- g. April 8, 2021
- h. April 22, 2021 (Business Meeting)
- i. May 13, 2021

**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. Bright Path Investments, LLC – 14 Fisher Avenue, Case #5503 (Kevin M. Doyle v. Zoning Board of Appeals of The City of Attleboro, et. al.)
- e. 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)

10. **UPCOMING PUBLIC HEARING AND BUSINESS MEETING SCHEDULE/MISCELLANEOUS/OTHER**

- a. Regular Meeting: July 8, 2021 via Zoom
- b. Regular Meeting: August 12, 2021 via Zoom

\*Digital access links are taken down the day after the meeting. For access after that time, please make a request by emailing [planning@cityofattleboro.us](mailto:planning@cityofattleboro.us) or stopping by the Office of Planning and Development during normal business hours.