



City Of Attleboro, Massachusetts

ZONING BOARD OF APPEALS
GOVERNMENT CENTER, 77 PARK STREET
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MINUTES

AUGUST 13, 2020

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, as amended, the Zoning Board of Appeals held a public meeting on Thursday, August 13, 2020, at 6:30 p.m. remotely via Zoom, relative to the following:

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

Zoning Board Members Absent: None

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

Shevalin Grant spoke in favor of the application. He stated that they relocated the parking spaces, as recommended by the Board.

Senior Land Use Planner Stephanie Davies stated that the final revised plan addresses all of the Board's concerns.

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

The Board heard Case #5508, the application of Zachary M. Nigro for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#10) TABLE OF USE REGULATIONS - RESIDENTIAL to construct twelve (12) multi-family dwelling units contained in three (3) buildings for the elderly and handicapped, the subject premises being located at 868 Pleasant Street, more specifically Assessor's plat #124, lot #1, located in the Single Residence -D zoning district .

The Board reviewed the email from Zachary M. Nigro, received August 13, 2020, to Director of Planning and Development Gary Ayrassian, requesting the Board to continue the public hearing relative to his special permit application, Case #5508.

Sandra Varrieur made a motion to continue the public hearing. Kathy Rautenstrauch seconded the motion. All voted in favor to continue the public hearing.

The Board heard Case #5510, the application of John Quinn for variances pursuant to §17-8.9 VARIANCES from the minimum lot area requirement, from the minimum front yard setback requirement, and from the minimum side yard setback requirement from the provisions pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to subdivide a lot containing two existing single-family detached dwellings into two

lots, the subject premises being located at 22 Campus Road and 16 Glen Street, more specifically Assessor's plat #15, lot #120, #121, #122, #123, #124, #125, and #126, located in the Single Residence-B zoning district.

Speaking in favor of the application was John Quinn who stated that he lives at 22 Campus Road. He stated that his grandmother's property is next door at 16 Glenn Street. He stated that the houses are on the same lot and that they are submitting this property plan to rectify the issue. He stated that due to the existing sheds and undersized lots, several variances are required. He stated that he had originally filed a Form A with the Planning Board and was directed to first apply for relief from the Zoning Board and that the Board would take up the Form A plan following the Zoning Board's decision. He noted that he slightly changed the plan that he filed with the Planning Board. He stated that he did so to eliminate the need for one of the variances.

Cathy Merkle sought to confirm that avoiding the need for that variance is why the line is not straight.

Mr. Quinn replied yes. He added that the proposed property line is what has been mutually respected by both homeowners and reflects their existing shrubbery and garden line.

Ms. Davies noted that the Board typically does not create non-conforming lots but asserted that the existing situation is already non-conforming and that the change will actually make it slightly less non-conforming.

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

The Board heard Case #5511, the application of Justin & Michelle Tiews for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#2D) TABLE OF ACCESSORY USE REGULATIONS to raise and keep more than six (6) chickens at their place of residence, the subject premises being located at 970 South Main Street, more specifically Assessor's plat #24, lot #51, located in the Single Residence-B zoning district.

Speaking in favor of the application was Justin Tiews who explained that they are seeking a special permit to keep up to twenty (20) chickens at their place of residence. He stated that they made that determination based on the fact that chickens lose their ability to lay eggs as they age and so they want to have the flexibility to add to their flock as they mature. He stated that his research indicates that it is not best to add only one or two chickens at a time to a flock. He stated that socially, they do better when added in groups of three to four. He noted that many places only allow you to buy six chicks at a time.

Cathy Merkle noted that the coop is proposed to be only 9-feet from the property line and inquired how far it is located from their neighbor's house.

Mr. Tiews replied that the coop consists of an 8'x8' structure and that the run comes off 13-feet from that. He stated that the neighbor's house is about 30' to 35' from the coop run.

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

Mr. Tiews answered yes. He stated that it is a 6-foot high wooden fence.

Cathy Merkle inquired about their proposed plan to dispose of chicken waste.

Mr. Tiews stated that they have an existing compost pile in the backyard for their garden that is about 25-feet from the property line.

Cathy Merkle asked whether the coop and run have a covered top.

Mr. Tiews replied yes and that it is covered with a gambrel roof.

Mr. Ayrassian asked the Tiews if they currently have chickens.

Mr. Tiews answered yes and that they have six chickens.

Mr. Ayrassian asked whether they have received any complaints from the neighbors regarding nuisances such as odors, dust, or noise.

Mr. Tiews replied that they have not, but noted that they just started keeping them at the start of the season. Mr. Ayrassian sought confirmation that the chickens are for domestic purposes only and that they do not intend to sell the eggs or birds for retail.

Mr. Tiews confirmed that they are keeping the chickens so his family can consume the eggs.

Speaking in opposition was Gary Ahrendts of 26 Theodore Lane who stated that he previously worked in an industrial park in Mansfield in proximity to a person who raised chickens and that the smell was unbearable. He expressed concern that the rates of botulism have increased as a result of backyard chickens waste entering the groundwater. He stated that the run off from the Tiews compost heap has the potential to impact drinking water and the nearby wetlands.

Mr. Ayrassian asked how far away he lives from the Tiews' property.

Mr. Ahrendts replied that they are at the end of the street, so less than a quarter of a mile away. He stated that he did not perceive a problem at present, but that the number they want has the potential to increase in the future.

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

The Board heard Case #5512, the application of Aaron Wluka and Jeffrey Farrington for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#10) DOWNTOWN RESIDENTIAL CLUSTER DWELLINGS to allow the conversion of the ground floor of a building located within the Central Business zoning district into two residential units and a special permit pursuant to §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing, non-conforming structure to allow the conversion of the ground floor of a building located within the Central Business zoning district from business use to residential use; the subject premises being located at 33 Bank Street, more specifically Assessor's plat #28, lot #27A, located in the Central Business zoning district.

Speaking in favor of the application was Aaron Wluka who explained that he manages the properties owned by Jeffrey Farrington. He stated that they are seeking permission to convert the first floor of 33 Bank Street from commercial space to two residential units. He stated that the floor has been vacant for five years and that they have been actively marketing it for three years to no avail. He stated that they have, however, frequently gotten calls looking for the availability of apartments in the building. He noted that they are not seeking to eliminate commercial uses from the site completely, as they intend to finish the rear building as a commercial office space or ice cream shop. He stated that they are proposing to create two apartments on the first floor of the building. He stated that one would be a one-bedroom unit and the other a two-bedroom unit. He stated that there are already two residential units on the above floors, one of which is a three-bedroom unit on the second floor and the other is a two-bedroom unit on the third floor.

Cathy Merkle inquired about the accesses for each apartment.

Mr. Wluka pointed out the location of the entrances and exits of each apartment by use of the plan. He noted that the proposed renovations were designed by a professional architect and that they meet all applicable building codes.

Mr. Ayrassian asked about the interior wall or walls that separate the two proposed units.

Mr. Wluka pointed out walls by the use of the plan.

Mr. Ayrassian asked whether the first floor was originally residential before it was converted to commercial.

Mr. Wluka admitted that he was unsure, as he was not familiar with the entire history of the building.

Cathy Merkle stated her recollection that there may have been a hair salon on the first floor previously.

Mr. Wluka agreed and noted that the only two commercial interests in the first floor had been hair salons, but neither of those materialized and there had been no activity for commercial purposes for at least the past eight months.

Cathy Merkle inquired about the on-site parking.

Mr. Wluka stated that they are providing two parking spaces for each residential unit, as required, and that there are three additional spaces for the 390 square foot office building at the rear of the site. He stated that he did not anticipate any safety issues as a result of the additional residential units and that many by-right commercial uses could have a negative impact on the surrounding area. He stated that the proposed units would also fill a desperate need for affordable housing in the area.

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

The Board heard the continued public hearing relative to Case #5502, the application of Green River Cannabis Co., Inc. for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-10.15 MARIJUANA BUSINESS USES to establish a Marijuana Retailer, the subject premises being located at 1815 County Street, more specifically Assessor 's plat #26, lot #278D, located in the Industrial zoning district.

The Board read the emails from Lynn Ferreira of 30 Jennie Way, received July 31, 2020 and August 11, 2020, to Director of Planning and Development Gary Ayrassian expressing opposition to Green River Cannabis' special permit application for property located at 1815 Count Street, Case #5502.

There was no one present to speak in favor.

Speaking in opposition was Deb Fernstrom of 636 Read Street who stated that with the existing traffic congestion at the corner of County Street and Read Street, the proposed marijuana business is an accident waiting to happen. She stated that the neighborhood does not support it. She stated that she would like to see a traffic study performed to identify traffic patterns and ensure pedestrian safety. She stated that since it will be a cash-only business, she would also like a crime rate analysis performed. She stated that a lot of people will be coming to the store from Rhode Island. She stated that she recently stopped by the Nova Farms facility and found it to be nicely tucked away from any residential areas. She stated that that facility had customers from Massachusetts and Rhode Island and it was so busy there was a line out the door. She stated that she could not imagine that level of activity on that site and in residential area. She stated that the areas is already too congested. She stated that she also visited the marijuana dispensary in Fall River and that 1/3 of the customers were from Rhode Island. She asserted that the residents living near the marijuana dispensary could not even get out of their driveway and that the facility has been cited by the City for traffic issues. She stated that she does not think that the County Street is the right area for such a business.

Cathy Merkle stated that the applicant is preparing a traffic study.

Ms. Fernstrom asked whether the size of the facility and the easement on site will be taken into consideration when deliberating.

Cathy Merkle answered yes.

Speaking in opposition was Attorney Michael Mineau who stated that he represents Nova Farms, LLC and would like to reserve the right to appear and present at a future hearing.

Cathy Merkle stated that is it their right to do so.

Speaking in opposition was Amy Burgin of 1797 County Street who stated that she is the closest resident to the proposed marijuana business and that she attended the community outreach meeting with many questions. She stated that she is still staunchly opposed to the proposal because she is concerned about the traffic impacts and potential safety implications for children in the area. She stated that she also has concerns with the potential increase in crime and adverse environmental impacts. She stated that she does not feel the area can support the traffic without a light at the intersection of County Street and Read Street. She questioned the value of traffic study that the applicant is preparing given that the current traffic is not at pre-COVID levels.

The Board read the email from Ana Champagne of 22 Jennie Way, received August 11, 2020, to Director of Planning and Development Gary Ayrassian expressing opposition to Green River Cannabis' special permit application for property located at 1815 Count Street, Case #5502.

The Board read the letter from Duff White, received August 13, 2020, to the Zoning Board expressing opposition to Green River Cannabis' special permit application for property located at 1815 Count Street, Case #5502.

Speaking in opposition was Duff White of 12 Carnegie Way who stated that based on his experiences with Nova Farms on Extension Street, there are days where a very distinct odor emanates from their facility even though it is strictly a retail facility.

Mr. Ayrassian reminded the public that Green River Cannabis Co. is proposing only a marijuana retail business. He stated that they are not proposing to operate a marijuana cultivation facility or a marijuana manufacturing facility both of which would emit odors into the atmosphere.

Mr. White stated that he realizes that only a marijuana retail business is being proposed but noted that odors can still be generated. He suggested that they might be addressing a ventilation issue, but cannot specifically speak to that. He suggested that the Board closely analyze how things are going at Nova Farms, as it is a perfect test case for how such facilities impact the City. He stated that the traffic to that site is far greater than he ever anticipated that it would be. He stated his sense that they make every effort to be a good, corporate, neighbor, but that they do not have control over patrons racing up and down the street or using drugs publicly. He stated that the rush hour after work when patrons are racing to get to the facility before they close on Friday afternoons are especially difficult.

Mr. Ayrassian asked Mr. White if reported any of his concerns to the Police Department.

Mr. White replied no. He stated he did not see what the Police Department could do unless they were staking out the site 24/7.

Mr. Ayrassian noted that it sounds like residents are seeing a pattern of traffic incidents at the Extension Street site that are worthy of bringing to the Police Department's attention.

Mr. White admitted that he did not know if what he observed rises to the level of police intervention. He stated that the volume of traffic is a concern despite the large parking lot at the Nova Farms facility. He stated that cars back-up onto Extension Street. He stated that even though he felt the business was making efforts to curb the congestion, the Board should be aware of the realistic expectations for such sites.

The Board reviewed the letter from attorney Roger Ferris, received August 6, 2020, to the Zoning Board expressing opposition to Green River Cannabis' special permit application for property located at 1815 Count Street, Case #5502.

The Board reviewed the email from Ronald E. Dubuc of Public Works, received July 28, 2020, to Senior Land Use Planner Stephanie Davies about assigning a Venus Way street address to the proposed retail marijuana business.

Mr. Ayrassian stated that he met with the Police Chief, Building Inspector, and applicant a few days ago. He recalled a suggestion that the entrance be relocated to County Street but that he did not agree with this idea as it would prove to be more disruptive to the residential area.

The Board read the letter and Form Z1 - Request to continue a public hearing, received August 10, 2020, from attorney Constant Poholek requesting the Zoning Board to continue the public hearing relative to Green River Cannabis' special permit application for property located at 1815 Count Street, Case #5502.

Cathy Merkle made a motion to continue the public hearing. 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 then held a business meeting.

The Board discussed Case #5507, the application of Jeffrey Robinson for variances pursuant to §17-8.9 VARIANCES from the minimum front yard and side yard setback requirements pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the construction of a carport, the subject premises being located at 57 Owen Street, more specifically Assessor's plat #19, lot #413, located in the Single Residence -A zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of two (2') feet from the minimum side yard setback of four (4') feet, pursuant to §17-4.5(i) ACCESSORY STRUCTURES to accommodate the construction of a carport, as shown on the site plan. 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 eleven (11') feet from the minimum front yard setback of thirty (30') feet, pursuant to §17-4.5(i) ACCESSORY STRUCTURES to accommodate the construction of a carport, 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 #5509, the application of David Reilly for variances pursuant to §17-8.9 VARIANCES from the minimum lot area requirement, pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the subdivision of an existing lot into two non-conforming lots, the subject premises being located at 45 Spruce Lane, more specifically Assessor's plat #88, lot #6 and #7, located in the Single Residence -D zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of three thousand four hundred fifty-six (3,456) square feet from the minimum lot area requirement of twenty thousand (20,000) square feet for proposed lot 6, pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to

accommodate the creation of a buildable lot as shown on the site plan. Sandra Varrieur seconded the motion. A discussion followed. All voted to deny. Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of three thousand four hundred twenty-eight (3,428) square feet from the minimum lot area requirement of twenty thousand (20,000) square feet for proposed lot 7, pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to accommodate the creation of a buildable lot as shown on the site plan. Sandra Varrieur seconded the motion. A discussion followed. All voted to deny.

The Board discussed Case #5511, the application of Justin & Michelle Tiews for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#2D) TABLE OF ACCESSORY USE REGULATIONS to raise and keep more than six (6) chickens at their place of residence, the subject premises being located at 970 South Main Street, more specifically Assessor's plat #24, lot #51, located in the Single Residence-B zoning district.

Cathy Merkle made a motion to grant a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.5(#2D) TABLE OF ACCESSORY USE REGULATIONS to allow the petitioners to raise and keep a maximum of ten (10) chickens for domestic purposes at their place of residence located at 970 South Main Street, 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 #5510, the application of John Quinn for variances pursuant to §17-8.9 VARIANCES from the minimum lot area requirement, from the minimum front yard setback requirement, and from the minimum side yard setback requirement from the provisions pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to subdivide a lot containing two existing single-family detached dwellings into two lots, the subject premises being located at 22 Campus Road and 16 Glenn Street, more specifically Assessor's plat #15, lot #120, #121, #122, #123, #124, #125, and #126, located in the Single Residence-B zoning district.

Catherine Merkle made a motion to grant a variance pursuant to §17-8.9 VARIANCES of two thousand nine hundred and ninety-three feet (2,993) square feet from the minimum lot area of twelve thousand (12,000) square feet, pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to subdivide a lot, as shown on the site plan entitled "PLAN OF LAND IN ATTLEBORO, MA AND NORTH ATTLEBOROUGH, MA," prepared by Frank T. Ribelin, R.L.S. of W.T. Whalen Engineering, Co., 481 Mount Hope Street, North Attleborough, MA 02760, dated June 5, 2020 and revised through June 26, 2020. 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 three (3') feet from the minimum side yard setback of four (4') feet for the eastern-most shed on Lot 1, pursuant to §17-4.5(I) ACCESSORY STRUCTURES to accommodate the subdivision of a lot, as shown on the site plan entitled "PLAN OF LAND IN ATTLEBORO, MA AND NORTH ATTLEBOROUGH, MA," prepared by Frank T. Ribelin, R.L.S. of W.T. Whalen Engineering, Co., 481 Mount Hope Street, North Attleborough, MA 02760, dated June 5, 2020 and revised through June 26, 2020. 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 three (3') feet from the minimum side yard setback of four (4') feet for the western-most shed on Lot 1, pursuant to §17-4.5(I) ACCESSORY STRUCTURES to accommodate the subdivision of a lot, as shown on the site plan entitled "PLAN OF LAND IN ATTLEBORO, MA AND NORTH ATTLEBOROUGH, MA," prepared by Frank T. Ribelin, R.L.S. of W.T. Whalen Engineering, Co., 481 Mount Hope Street, North Attleborough, MA 02760, dated June 5, 2020 and revised through June 26, 2020. 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 three (3') feet from the minimum side yard setback of four (4') feet for the shed on Lot 2, pursuant to §17-4.5(I) ACCESSORY STRUCTURES to accommodate the subdivision of a lot, as shown on the site plan entitled "PLAN OF LAND IN ATTLEBORO, MA AND NORTH ATTLEBOROUGH, MA," prepared by Frank T. Ribelin, R.L.S. of W.T. Whalen Engineering, Co., 481 Mount Hope Street, North Attleborough, MA 02760, dated June 5, 2020 and revised through June 26, 2020. Kathy Rautenstrauch seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

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

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 thirty (30') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY to accommodate the demolition of an existing single family dwelling and construction of a two-family dwelling, as shown on the site plan entitled "14 FISHER AVENUE", drawn by E.A. Design Ltd., 570 Broad Street, Providence, RI 02907, dated July 2, 2020, revised through July 14, 2020. Sandy 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 side yard setback requirement of fifteen (15') feet pursuant to §17-4.9 TABLE OF DIMENSIONAL AND DENSITY to accommodate the demolition of an existing single family dwelling and construction of a two-family dwelling, as shown on the site plan entitled "14 FISHER AVENUE", drawn by E.A. Design Ltd., 570 Broad Street, Providence, RI 02907, dated July 2, 2020, revised through July 14, 2020. 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 lot to accommodate the demolition of an existing single family dwelling and construction of a two-family dwelling, as shown on the site plan entitled "14 FISHER AVENUE", drawn by E.A. Design Ltd., 570 Broad Street, Providence, RI 02907, dated July 2, 2020, revised through July 14, 2020. Sandy Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a special permit pursuant to §17-6.0 NON-CONFORMING USES, STRUCTURES AND LOTS to alter a pre-existing non-conforming lot to accommodate the demolition of an existing single family dwelling and construction of a two-family dwelling, as shown on the site plan entitled "14 FISHER AVENUE", drawn by E.A. Design Ltd., 570 Broad Street, Providence, RI 02907, dated July 2, 2020, revised through July 14, 2020. Sandy Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board discussed Case #5512, the application of Aaron Wluka and Jeffrey Farrington for a special permit pursuant to §17-9.0 SPECIAL PERMITS under §17-3.4(#10) DOWNTOWN RESIDENTIAL CLUSTER DWELLINGS to allow the conversion of the ground floor of a building located within the Central Business zoning district into two residential units and a special permit pursuant to §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing, non-conforming structure to allow the conversion of the ground floor of a building located within the Central Business zoning district from business use to residential use; the subject premises being located at 33 Bank Street, more specifically Assessor's plat #28, lot #27A, 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 §17-10.10 DOWNTOWN RESIDENTIAL CLUSTER DWELLINGS to alter a pre-existing, non-conforming structure to allow the conversion of the ground floor of a building located within the Central Business zoning district from business use to residential use, as shown on the site plan, entitled "#2005 - 33 BANK STREET, ATTLEBORO, MA", drawn by Eric Army, AIA of Studio MEJA, 11 Aleppo Street, Providence, RI 02909, dated July 6, 2020. Sandy 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 §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing, non-conforming structure to allow the conversion of the ground floor of a building located within the Central Business zoning district from business use to residential use, as shown on the site plan, entitled "#2005 - 33 BANK STREET, ATTLEBORO, MA", drawn by Eric Army, AIA of Studio MEJA, 11 Aleppo Street, Providence, RI 02909, dated July 6, 2020. Sandy Varrieur seconded the motion. A discussion followed. All voted in favor. Catherine Merkle made a motion to grant a special permit pursuant to §17-6.0 NON-CONFORMING USES, STRUCTURES, AND LOTS to alter a pre-existing, non-conforming structure to

allow the conversion of the ground floor of a building located within the Central Business zoning district from business use to residential use, as shown on the site plan, entitled “#2005 - 33 BANK STREET, ATTLEBORO, MA”, drawn by Eric Army, AIA of Studio MEJA, 11 Aleppo Street, Providence, RI 02909, dated July 6, 2020. Sandra Varrieur seconded the motion. Sandy Varrieur seconded the motion. A discussion followed. All voted in favor. The Board attached conditions.

The Board read the letter from Vahe Ohannessian of Boston Architects, received July 8, 2020, to Zoning Board Chairwoman Catherine Merkle regarding the affordability restriction condition contained in the decision issued to Marilyn Demusz for 30 -32 Dunham Street (AKA 61 Pine Street), Case #4716A .

Ms. Davies stated that there was no density bonus for affordable units in the decision associated with the variance. She stated that she spoke with Mr. Ayrassian and it was concluded that staff did not have an issue with approving Mr. Ohannessian request to absolve him from the affordability clause. She noted that the applicant was having a very hard time getting the units constructed and that property had passed through several different owners’ hands without being completed.

Cathy Merkle made a motion to amend the decision and eliminate the affordability requirement for Units #7 and #8, as contained in Condition #4 of decision issued to Marilyn Demusz for Case #4716, dated May 25, 2006. Kent Richards seconded the motion. A discussion followed. All voted in favor to amend the decision and eliminate the affordability requirement for Units #7 and #8.

The Board tabled the email and plan from Geoff Lewis of Ajax Partners, received November 9, 2019, to Director of Planning and Development Gary Ayrassian, proposing minor alterations to the New England Sports Complex site access.

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

The Board reviewed all remaining correspondence.

The Board tabled the pending minutes of November 14, 2019, December 12, 2019, January 9, 2020, February 20, 2020, May 21, 2020, June 25, 2020 and July 9, 2020.

The meeting adjourned at 8:37 p.m.