

**Plainville Zoning Board of Appeals**  
**Minutes of 02/15/2022**

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A meeting of the Plainville Zoning Board of Appeals (ZBA) was held on 02/15/2022. The meeting was held via Zoom teleconference. The meeting was opened at 6:00 pm and was recorded.

Board members present:

Allegra Almeida, Richard Guillette (associate), Raymond Loughlin, William Mackie, Philip Sibilias, Scott Tagen

Board members absent/late:

None

Staff: Chris Yarworth

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Meeting status: New Public Hearing

Time: 6:00 p.m.

Project: 9 Morse Avenue – Sherry Widak

The application of Sherry Widak for property located at 9 Morse Ave. The application is for an appeal of a Building Inspector decision dated 12/21/2021 pertaining to the adequacy of the lot frontage, or for any additional zoning relief as may be determined necessary during the public hearing for the work shown on the submitted plans. The parcel is located on Plainville Assessors Map 8 Lot 110 in the RC zoning district.

Acting on Application: Almeida, Mackie, Loughlin, Sibilias, Tagen

Applicant/Rep Present: Attorney Eliot Brais  
Sherry Widak

Information submitted:

- a. Application for Appeal of Building Inspector Decision form, dated 01/04/2022, and filed with the Town Clerk on 01/13/2022.
- b. Cover letter from Eliot Brais dated 01/10/2022.
- c. Addendum A
- d. Deed Book 6591 Page 679
- e. Plan Book 81 Page 3947
- f. "Proposed Duplex Location plan at No. 9 Morse Avenue in Plainville, MA" by RIM Engineering Co., Inc. last dated 12/20/2021.
- g. Letter from Building Inspector Marshall Adams dated 12/01/2021.
- h. Letter from Building Inspector Marshall Adams dated 12/21/2021.

Discussion: Attorney Eliot T. Brais presented the application request on behalf of the owner, Sherry Widak. The subject parcel, 9 Morse Avenue, is an existing, vacant, zoning compliant lot that was created prior to the adoption of the zoning bylaw. The Applicant's request for a



building permit had been denied by the Building Inspector due to the inadequacy of the frontage. Morse Avenue is a partially improved private way, which, in the opinion of the Building Inspector, does not provide safe and adequate access to the new proposed duplex residential use. The Applicant had submitted a plan showing proposed roadway improvements, which the Building Inspector also deemed was insufficient, unless subjected to additional review by the Planning Board. This application was to appeal that decision, and determine if Morse Avenue provides adequate access. A similar appeal had been approved two years ago by the Board for the abutting lot at 7 Morse Ave., which had identical issues. Water and sewer have been installed to the site. The road to 7 Morse Ave. has been paved.

Resident Chris Desprez of 39 High Street discussed water connection issues and raised concerns about back taxes not being paid. Mr. Brais stated that a building permit could not be issued until the taxes were paid in full.

**Motion by Ms. Almeida and seconded by Mr. Mackie to close the public hearing.** Approved 5-0-0.

**Motion by Ms. Almeida and seconded by Mr. Mackie to approve the appeal of the Building Inspector’s decision, subject to the draft conditions.** Approved 5-0-0.

Status: Closed. A decision will be prepared for signing.

Meeting status: Continued Public Hearing  
Time: 6:20 p.m.  
Project: 27 Cross Street – Twenty Two Commerce Boulevard, LLC et al.  
The application of Twenty Two Commerce Boulevard, LLC, Twenty Four Cross Street, LLC, Two Commerce Boulevard, LLC, Six Commerce Boulevard, LLC, Woodland Village, LLC and Plainville Corp. for property located at 27 Cross St., Plainville. The application is for an appeal of a Development Permit for Site Plan Review, issued by the Planning Board, as allowed under Plainville Zoning By-Law Section 500-39(F). The site is located on Plainville Assessors Map 8 Lot 19, in the IB zoning district.

Acting on Application: Almeida, Mackie, Loughlin, Sibiliala, Tagen

Applicant/Rep Present: None

Information submitted: Letter dated 11/09/2021 from Stacie A. Kosinski of Rackemann, Sawyer & Brewster requesting a withdrawal with prejudice of the application.

Discussion: A settlement agreement between the two parties has been reached.

**Motion by Ms. Almeida and seconded by Mr. Mackie to accept the request for a withdrawal with prejudice on the appeal of the Site Plan Approval by the Planning Board for 27 Cross Street.** Approved 5-0-0.

Status: Closed.

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General Business

**Motion by Ms. Almeida and seconded by Mr. Mackie to approve the 09/21/2021 minutes.**  
Approved 6-0-0.

Mr. Guillette will be switching positions with Mr. Tagen as of 02/28/2022, due to Mr. Tagen's travel schedule. Mr. Guillette will become a full board member, and Mr. Tagen an associate member. The Select Board approved the switch at their 02/07/2022 meeting.

**Motion by Ms. Almeida and seconded by Mr. Mackie to adjourn at 6:27 pm.** Approved 6-0-0.

Prepared by:

Christopher Yarworth  
Director of Planning and Development