



The Commonwealth of Massachusetts
Town of Avon

TOWN OF AVON

2022 JUN -2 P 3:41

(This form to be filed with Town Clerk with the required fee)

TOWN CLERK

TO THE BOARD OF APPEALS:

The undersigned hereby petitions the Avon Board of Appeals for a hearing to vary the terms of the Zoning by-laws of the Town of Avon, Acts of 1977 as amended or for a Special Permit at premises know as:

Street Address: 33 Wales Avenue Avon, MA
Map/Block/Lot: B7 / 4 / 1

In the following respect:

Amendment to Special Permit to expand long-standing wine distributorship, with retail sales.

Current Special Permit (Case No. 00-2, dated April 29, 2000) is specific to Suite E at 33 Wales Avenue, and the applicant seeks to into the adjacent Suite D. The Special Permit also contained a condition that the applicant return to the Board of Appeals in one (1) year, but Building Commissioner Robert C. Borden was unable to find any record of such return.

A copy of the current Special Permit is attached.

Or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear as necessary or proper in the premises.

State briefly reasons for Variance / Special Permit:

Additional space sought after over 20 years of successful operation.

TOWN CLERK
2022 JUN -2 A 11:33
TOWN OF AVON

(Signature on the reverse.)

REUBEN, JUNIUS & ROSE, LLP

Jared Eigerman, Of Counsel

jeigerman@reubenlaw.com

May 31, 2022

Hon. Kevin Foster, Chair
Board of Appeals
Buckley Center
65 East Main Street
Avon, MA 02322-1496

Re: Request for Hearing – 33 Wales Avenue – Amendment to SP #00-2
Our File No.: 11559.01

Dear Chair Foster:

On behalf of my client Wine.com, I respectfully request a public hearing to consider amending the existing Special Permit under which Wine.com operates at 33 Wales Avenue in the Town of Avon, to allow expansion of its warehouse space. A complete application is enclosed.

For many years, Wine.Com has operated a warehouse (“fulfillment logistics center”), with onsite retail sales, within “Suite E” at 33 Wales Avenue. On-site sale of wine and malt is conducted under a liquor license as well as a special permit granted in the year 2000 to Wine.Com’s predecessor eVineyard Retail Sales (Case # 00-2). A copy of the recorded decision is enclosed.

Last year, Wine.com removed an interior door to adjacent “Suite D” to gain access to more storage space, although there will be no change to onsite retail operation. The proposal to expand the floor area of the operation requires amending the Special Permit granted in 2000. To emphasize, the onsite retail component, allowed only by special permit, will not actually change.

Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Jared Eigerman, Of Counsel

Enclosures

cc: Nick Facendola, P.E., Level Design Group

Boston Office
112 Water Street, Suite 201, Boston, MA 02109
tel: 978-376-6355

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

www.reubenlaw.com



NOT AN OFFICIAL COPY BOARD OF APPEALS TOWN OF AVON OFFICIAL COPY

RECEIVED AND RECORDED NORFOLK COUNTY REGISTRY OF DEEDS DEDHAM, MA

CERTIFY [Signature] BARRY T. HANNON, REGISTER

BUCKLEY CENTER AVON, MASSACHUSETTS 02322-1496 (508) 588-0414

PUBLIC HEARING MINUTES CASE #00-2: 33 Wales Avenue, Unit E, Avon, Massachusetts Petitioner: eVineyard Retail Sales-Massachusetts, Inc. c/o Mr. James Auffiero Monday, April 24, 2000

045583

Prior to the Public Hearing being called to order a short business meeting was conducted. A motion was made to appoint Alternate Member, Steven Rose, as Acting Clerk for this evening's Public Hearing by Mr. Jackson. Motion was seconded by Mr. Donovan, taken to a vote and passed unanimously.

The Public Hearing was called to order at 7:38 p.m. by Chairman Peter Crone.

The Public Hearing is the result of the Petition of eVineyard Retail Sales-Massachusetts, Inc., c/o Mr. James Auffiero, for a Special Permit in order to conduct retail sales of malt & wine at 33 Wales Avenue, Unit E, Avon, Massachusetts.

All business conducted regarding this Petition will now and forever be known as Town of Avon, Board of Appeals' Case #00-2 and Mr. James Auffiero will be referred to as the "Petitioner" representing eVineyard Retail Sales-Massachusetts, Inc.

The following were present at this Public Hearing:

Appeal Board Members - Chairman Peter Crone, Alternate Clerk Steven Rose, Member James Donovan, Member Jackson Macomber, and Alternate Member Edward Mekjian

Visitor's Forum - Jeffrey Tibnam, 6 King Street, Avon; Barbara Tibnam, 6 King Street, Avon; James Auffiero, 3 Gallery Lane, Canton (The Petitioner); Trish Farnsworth, Lawson & Weitzen, 425 Summer St., Boston

Chairman Peter Crone introduced the Members of the Board to the Visitors and turned the hearing over to Acting Clerk Steven Rose who advised the attendance that the following Public

DO MAY 15 AM 11:41

Hearing Notice had appeared in the Brockton Enterprise Publication on Mondays, April 3 and 17, 2000, in the Legal Notice Section:

A N

"The Town of Avon Board of Appeals will conduct a Public Hearing at the Town Hall in the Board of Health Office at Buckley Center, Avon, Massachusetts on Monday, April 24, 2000 at 7:30 p.m., to vary the terms of the Zoning By-Laws of the Town of Avon, Acts of 1977 (as amended) as petitioned by Mr. James Aufiero, eVineyard Retail Sales-Massachusetts, Inc., for a Special Permit in order to conduct retail sales of malt & wine at 33 Wales Avenue, Unit E, Avon, Massachusetts, as specified in Avon Zoning Bylaws, Section 5, Paragraph 15E, Permitted Uses."

Acting Clerk Rose advised the attendance that all abutters, as certified by the Town of Avon Board of Assessors, to the property located at 33 Wales Avenue, Unit E, (Map/Lot 0B7 004 001) Avon, Massachusetts and concerned parties had been notified of the intent of this hearing. All the requirements had been met with reference to notifications, publications, and postings, as mandated by Laws Governing the action of Public Hearings and the Board of Appeals (General Laws, Chapter 40A, Section 11).

Chairman Crone advised the attendance of the format of the Public Hearing, as follows:

1. Petitioner's Presentation
2. Comments, Open Discussion, Questions and Answers
3. Decision and Vote of the Board of Appeals.

1. PETITIONER'S PRESENTATION: The Petitioner, Mr. James Aufiero, introduced Attorney Trish Farnsworth who provided a background on eVineyard, stating that eVineyard is an internet seller of wines operating in 22 states from logistic centers around the country and because the proposed place of site location is located in the industrial park they will require a Special Permit to operate this internet sales business from the 33 Wales Avenue, Unit E Site.

Mr. Aufiero addressed the Board stating that he has been employed in a family-operated liquor store business for the past 20 years and is familiar with all the laws that follow the control of legal liquor sales in the State of Massachusetts.

Mr. Aufiero stated that eVineyard is a leading Internet destination for consumers of premium wines. It currently offers the largest selection of competitively priced, high-quality, high-volume premium wines of any online wine merchant existing today. It also intends to expand its product by offering complementary products through its website such as accessories, wine clubs and wine cellar management designed to enhance the consumer's overall wine buying experience. eVineyard purchases its wine directly from high volume distributors and ships the wine to customers within one to two business days of the customer's purchase request, the fastest delivery available from any online wine merchant.

eVineyard conducts its business through its fulfillment logistic centers, established in ¹⁰22 states including Oregon, New York, Texas, Florida and Ohio. The logistic centers are primarily used for receiving daily deliveries and for picking and packing wine that will be sent to fill customer orders. Each logistic center is a licensed retailer in its respective state and each provides a location for walk-in sales. The logistic centers are also charged with forming relationships with licensed distributors in their respective areas.

eVineyard wishes to establish such a logistic center at 33 Wales Avenue, Unit E, in Avon. The logistic center's primary function will be for use as a warehouse space from which eVineyard will

receive shipments of wine and repack them for intrastate shipping to fill customer orders. eVineyard will also use the logistic center to establish relationships with licensed distributors in the Massachusetts area. Furthermore, just as in its other logistic centers, eVineyard plans to add a small retail space in the Premises where consumers can purchase wines. The retail store may provide an added convenience for consumers, but eVineyard expects that the retail store will serve a very minor role to its Internet wine sales business.

Mr. Aufiero stated that a Public Hearing has been scheduled with the Board of Selectmen for Thursday, May 4, 2000 and requested issuance of a malt & wine liquor license will be addressed at that Hearing. Mr. Aufiero stated that without the license eVineyard would not be able to legally operate the business at the site.

2. OPEN DISCUSSION, COMMENTS, QUESTIONS AND ANSWERS: It was noted that there were no opposing communications or comments submitted to the Board of Appeals, in person or by letter, prior to the Hearing or at the Hearing.

A Memorandum from Barry W. Perkins, dated March 25, 2000, Town of Avon Board of Health Agent advised the Board that the requested use of the 33 Wales Site is a change of use which could increase the flow to the existing septic system serving this facility and recommended that an inspection be done since one has not been done since the 1986 installation.

When questioned about under-age sale security, Mr. Aufiero stated that eVineyard would contract with Corporate Express for deliveries of all alcoholic beverages. Corporate delivery employees are licensed for delivery of alcoholic beverages and a signature is required from an adult at the time of delivery.

The proposed eVineyard Fulfillment Logistic Center will operate from 10 a.m. to 5 p.m., Monday through Friday, with no weekend operation.

Chief Macomber questioned the petitioner regarding the fire alarm system inspection and his concern that it is up to code.

Acting Clerk Rose stated that as the Town's Zoning Bylaw Board, the Board is allowed to impose conditions if a decision were made to grant a Special Permit to the Petitioner. Conditions that were discussed were the granting of a liquor license by the Board of Selectmen and a revisit of the Special Permit, one year after the start of the business.

The Open Discussion portion of the meeting closed.

3. DECISION and VOTE: Chairman Peter Crone moved to the decision of the Board and accepted a motion from Mr. Donovan:

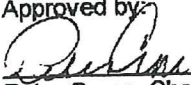
"I move that we grant the Petitioner, eVineyard Retail Sales-Massachusetts, Inc., c/o Mr. James Aufiero, a Special Permit, with the conditions that the Town of Avon Board of Selectmen grant the Petitioner a Liquor License and that there be a revisit of the Special Permit one year after the eVineyard Retail Sales-Massachusetts, Inc., start of business at 33 Wales Avenue, Unit E, Avon, Massachusetts, Avon Zoning Bylaws, Section 5, Paragraph 15-E, Permitted Uses."

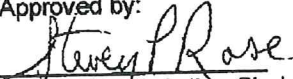
Motion was seconded by Chairman Crone, taken to a vote, after discussion, and unanimously,

VOTED: ^{N O T} to grant the Special Permit ^{N O T} as conditioned.
_{A N} _{A N}

ADJOURNMENT: ^{O F F I C I A L} The Chair accepted motion made by Mr. Jackson Macomber to adjourn the ^{O F F I C I A L} Hearing, known as Board of Appeals Case #00-2, at 8:10 p.m. ^{O F F I C I A L} Motion was seconded by Mr. Edward Mekjian and it was **unanimously**

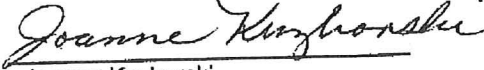
VOTED: to adjourn the Hearing at 8:10 p.m.

Approved by:

Peter Crone, Chairman

Approved by:

Steven Rose, Acting Clerk

Approved Copy of Minutes: The Petitioner, Town Clerk V. Jean Kopke, Building Inspector Robert Mottau, Board of Selectmen, Planning Board, Appeals Board Case File #00-2.

Respectfully recorded and submitted by:


Joanne Kuzborski

THE COMMONWEALTH OF MASSACHUSETTS
A N A N
O F F I C I A L O F F I C I A L
C O P Y A V O N C O P Y
City or Town

BOARD OF APPEALS

Date: May 15, 2000

Certificate of Granting of Variance or Special Permit
(General Laws Chapter 40A, Section 11)

The Board of appeals of the City or Town of A V O N

hereby certifies that a Variance or Special Permit has been granted

To eVineyard Retail Sales-Massachusetts, Inc., c/o Mr. James Aufiero

Address 33 Wales Avenue, Unit E

City or Town Avon

affecting the rights of the owner with respect to land or buildings at 33 Wales Avenue, Unit E *



And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance — special permit, and that copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the city or town clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

* As recorded in Public Hearing
Minutes dated Monday, April 24, 2000

SPECIAL PERMIT

CASE #00-2


Chairman

Clerk

BK 14157PG173



NOT AN OFFICIAL TOWN OFFICES AN OFFICIAL
COPY BUCKLEY CENTER COPY
AVON, MASSACHUSETTS 02322

588-0414

TO WHOM IT MAY CONCERN:

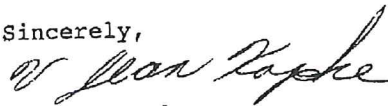
May 15, 2000

CASE NO: #00-2
eVineyard Retail Sales
33 Wales Ave. Unit E
Avon, MA 02322

This is to certify that the decision of the Board of Appeals in the subject case was filed in the office of the Town Clerk on April 29, 2000.

Twenty days from the filing of this decision have expired without notice of appeal.

Sincerely,


V. Jean Kopke
Town Clerk & Town Treasurer



Copy: Building Inspector

LEM:1

BOARD OF ASSESSORS
Warren B. Lane, Chairman
Cynthia A. Bernasconi, Clerk
Jonathan D. Madore

ASSISTANT ASSESSOR
Paul J. Sullivan, MAA 978

Town of Avon Massachusetts

Town Offices
Buckley Center
65 East Main Street
Avon, MA 02322
(508) 588-0414
FAX (508) 559-0209
www.avon-ma.gov



BOARD OF ASSESSORS

REQUEST FOR ABUTTERS LIST

APPLICANT INFORMATION NAME: Nicola Facendola
ADDRESS: 249 South Street
Plainville, MA 02762
PHONE #: 508-838-1803

REQUEST FOR ABUTTERS LIST OF PARCELS WITHIN 300 FEET OF PROPERTY

LOCATED AT 33 Wales Avenue

MAP B7 BLOCK 4 LOT 1

REASON FOR REQUEST: Special Permit Application filed with the Zoning Board of Appeals

DATE OF REQUEST: 5 / 23 / 2022

APPLICANT SIGNATURE: Nicola Facendola

AMOUNT DUE WITH APPLICATION: \$25.00

ELECTRONIC COPY (EXCEL SPREADSHEET): TO **YOUR** FLASH DRIVE OR EMAILED TO YOU: AN ADDITIONAL \$5.00 CHARGE.

EMAIL ADDRESS: _____



33 Wales Ave.

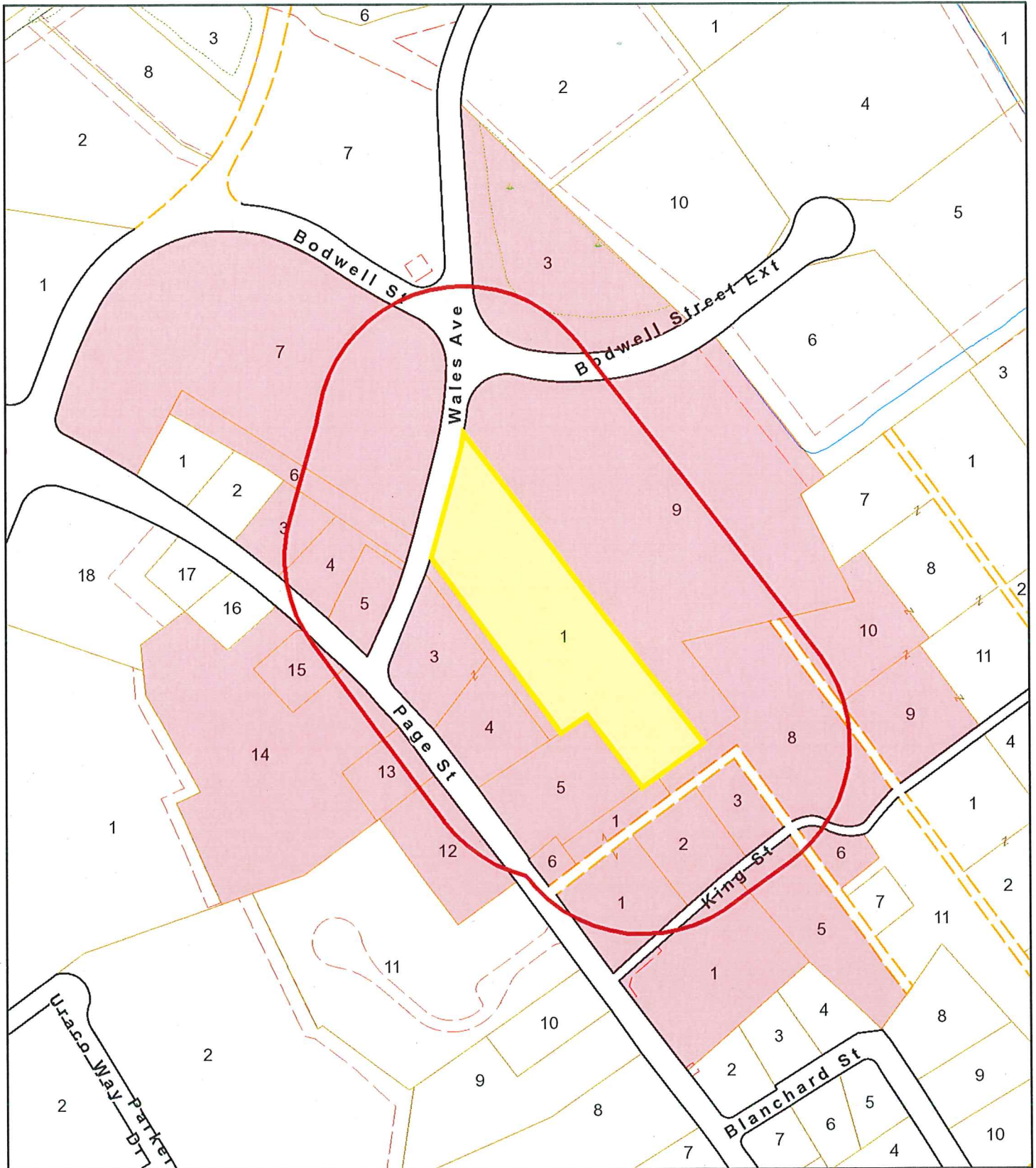
Avon, MA



May 23, 2022

1 inch = 279 Feet

www.cai-tech.com



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