



TOWN OF AVON
2023 MAR 22 A 10:13
TOWN CLERK

BUCKLEY CENTER, Avon, MA 02322
Telephone: 508-588-0414

Avon Planning Board

Date: January 26, 2023

Members Present: Chuck Comeau, Chair; Robert Pillarella, Member; Jason Suzor, Jr. Clerk, Charles Marinelli (all in person)

Members Absent: n/a

Others Present: Luke Niemiec, Contractor; Chief Spurr, Fire Chief; Al Loomis; Robert Borden, Building Inspector; Lynne McKenney, Recording Secretary

Chuck Comeau, Chair called the meeting to order at 7:13 p.m. with all members present. Each Board member acknowledged their presence at the meeting by responding in the affirmative during the roll call.

This meeting of the Planning Board is being conducted via a hybrid method. The public may attend the meetings in-person or may continue to participate via remote Zoom access. Until further notice, in-person attendees, who are not vaccinated, will be recommended to wear a mask. Due to technical difficulties, the meeting was not accessible via remote Zoom access.

Minutes

A motion was made by Jason Suzor, Jr. to approve the meeting minutes of December 8, 2022, seconded by Charles Marinelli. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Motion

Chuck Comeau, Chair read in the letter dated December 8, 2022, from Charles Comeau, Jr. The letter stated that he was resigning as Vice Chair of the Planning Board.

A motion was made by Robert Pillarella to accept the letter of resignation from Charles Comeau, Jr. as Vice Chair of the Planning Board, seconded by Charles Marinelli. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

The Planning Board members reviewed the annual report of the Planning Board. A motion was made by Jason Suzor, Jr. to approve the annual report of the Planning Board, seconded by Charles Marinelli. A roll call vote was taken. Vote unanimous. The motion carries.

Public Hearing

The Public Hearing was re-opened at 7:48 p.m. Chuck Comeau, Chair read in the following Public Hearing notice:

Notice is hereby given that the Avon Planning Board will hold a Public Hearing on Thursday, January 26, 2023 at 7:30 P.M regarding amending the Zoning By-Laws by changing all references of the Board of Selectmen to the Select Board, and for such purposes, in each place they appear, replace the words "Board of Selectmen" and "Selectmen" with the words "Select Board", the word "selectman" with the words "select board member", and, consistent therewith, the word "chairman" with the word "chair". The hearing will be conducted via hybrid participation at the Avon Town Hall, 65 East Main Street. The meeting link can be found at <https://www.avon-ma.gov/node/59/agenda>. Text may be viewed prior to the hearing in the Town Clerk's office. Charles Comeau, Chairman AVON PLANNING BOARD

Publication dates: January 11 & 17, 2023 in The Brockton Enterprise

The Zoning By-Law change is supported by the Planning Board members.

A motion was made by Robert Pillarella to approve the Zoning Bylaw Section of Chapter 255 changes to all places that if refers to "Board of Selectman" to "Select Board"; in all places that if refers to "Chairman" to "Chair", seconded by Charles Marinelli. No discussion on the motion. Vote unanimous. The motion carries.

A motion was made by Jason Suzor, Jr. to approve the Zoning Bylaw Section of Chapter 350, Subdivision of Land changes to all places that if refers to "Board of Selectman" to "Select Board"; in all places that if refers to "Chairman" to "Chair"; in all places that it refers to "Vice-Chairman" to "Vice-Chair"; in all places that it refers to "Selectman" to "Select Board", seconded by Charles Marinelli. No discussion on the motion. Vote unanimous. The motion carries.

A motion was made by Jason Suzor, Jr. to close the Public Hearing at 8:33 p.m., seconded by Charles Marinelli. No discussion on the motion. Vote unanimous. The motion carries.

Discussions:

Chuck Comeau, Chair discussed the upcoming Stoughton, MA project on Page, Maple and Turnpike Street that will impact the traffic in Avon. The Planning Board was unable to attend the Public Hearing scheduled for tonight. The Planning Board has not received any public hearing notices regarding the project.

The Planning Board members and Building Inspector discussed the upcoming and ongoing 40B projects. They discussed the need for additional help to assist the Planning Board, Zoning Board of Appeals, and Building Inspector such as a project manager/planner type position.

Informal Discussion - 21 Parker Drive:

Al Loomis reviewed the site plan for 21 Parker Drive. The Planning Board discussed the following regarding the site plan, these updates need to be added to the site plan.

- Revisit the thickness of the pavement
- Any trees taken down must be relocated or replaced
- Maintenance program
- Run off calculations/drainage report
- Down spouts/roof water (balance of roof discharge to go down the slope)
- Solid vinyl fence opened up for access (metal swing gate)
- What kind of parking
- Dumpster to be enclosed
- Add outhouse to the site plan, if applicable

The Planning Board would be willing to waive a full site plan review. A Public Hearing for the Special Permit will need to be held regarding the Water Supply Protection Overlay District.

Informal Discussion – 225 Bodwell Street

Chuck Comeau, Chair read in the letter date January 20, 2023, from Robert Borden, Avon Building Inspector stating that the building permit application must be denied for installation of a roof-mounted solar electric panels and associated equipment located on the ground adjacent to the structure at 225 Bodwell Street, Avon, MA.

The letter explained that all exterior work within the Industrial Park requires “site plan review” by the Avon Planning Board (Zoning By-Law 255-12.2). Additionally, the proposed location of the project is within the Avon Water Supply Protection Overlay District, which, as such requires a “Special Permit” (see Avon Zoning By-Law 255-5.4) issued by the Avon Planning Board.

Luke Niemiec, Sunenergy LLC, Contractor is representing 225 Bodwell Street. Mr. Niemiec explained the project and answered questions directed towards him from the members of the Planning Board, Fire Chief Spurr, and Robert Borden, Building Inspector.

Chief Spurr of the Fire Department discussed his concerns regarding the battery storage system and associated structures (equipment) located in the 25 foot required side yard setback of the Avon Industrial Zone (By-Law 255-6.4, Dimensional and Density Regulations Table). He discussed that the Mass. Fire Code has adopted NFPA 855 as reference for the fire protection and structural requirements for battery storage equipment and structures.

As Building Commissioner, pursuant to 780CMR Section 104.11 and in conjunction with Fire Chief Robert Spurr, a third (3rd) party review, at the expense of the client, plans and specifications for full compliance with NFPA 855 by a licensed design specialist of the approval of the Planning Board and Building Inspector.

A Public Hearing for Site Plan Review and Special Permit for the Water Supply Protection Overlay District are required to move forward.

A motion was made by Robert Pillarella to adjourn the meeting at 8:58 p.m., seconded by Charles Marinelli.



Jason Suzor, Jr., Clerk

List of Documents:

Meeting minutes - December 6, 2022

Meeting agenda - January 26, 2023

Planning Board misc. mail

Site Plan - 225 Bodwell Street

Site Plan – 21 Parker Drive