



TOWN OF AVON

BUCKLEY CENTER, Avon, MA 02522

Telephone: 508-588-0414

2020 OCT 22 A 8:25

TOWN CLERK

## Avon Planning Board

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**Date:** October 1, 2020

**Members present:** Charles Comeau, Chairman, Robert Pillarella, Vice Chair, Charles Comeau, Jr., Member, Charles Marinelli, Member

**Others present:** Nick Cristofori, Frank Marinelli, Attorney, Joseph Karas, President of Karas & Karas Glass, David Mackwell of RKB, Mr. Robert Borden, Building Inspector

Chairman Comeau announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, Subchapter 20 and the Governor's March 23, 2020 Order imposing limitations on the number of people that may gather in one place, this hearing of the Avon Planning Board will be conducted via remote participation. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public can adequately access the proceedings as provided for in the Order. Chairman Comeau reminded the viewing audience that persons who would like to view this meeting while in progress may do so by joining the Zoom link for the videoconference in session.

Chairman Comeau called the meeting to order at 7:00 p.m. with all members present. Each Board member acknowledged their presence at the meeting by responding in the affirmative during the roll call.

### Minutes

No minutes were approved.

### StormWater Rules and Regulations

Nick Cristofori reviewed the aspects of the StormWater Rules and Regulations. The discussion involved restructuring the fees due to rising costs. The Planning Board discussed a case by case dollar amount depending on the amount of the project. If a Town Engineer is needed for the project, it is an unknown cost. Mr. Borden, Building Inspector wants to make sure that the applicant/developer knows what the fees are ahead of time prior to getting a permit for a project.

Mr. Comeau asked the other members if there was any objection to a \$3,500.00 deposit. The applicant will get reimbursed if the \$3,500.00 is not utilized. The fees for a base line fee professional peer review and additional reviews would have to be determined later. The Planning Board will make the decision whether or not fees are waived.

The updated StormWater Rules and Regulations will be implemented on or around January 1, 2021. Ninety days is reasonable time line to implement it. Nick Cristofori will complete a write up for the Planning Board to review. The board will further discuss the StormWater Rules and Regulations at the October 15, 2020 Planning Board meeting.

### **Housing Protection Plan**

The Planning Board discussed the Housing Protection Plan. In order to apply for grants, this is required for the Town of Avon. The board members will review the Housing Protection Plan and discuss it at the next Planning Board meeting scheduled for October 15, 2020.

### **Mail**

Mr. Comeau, Chair reviewed the mail with the Planning Board Members. The Planning Board received a bill from T.L. Edwards for Anisa Lane for \$18,767.60.

A motion was made by Bob Pillarella to use the funds in the Anisa Lane account to pay the T.L. Edwards bill, the DPW will pay the balance, seconded by Charles Marinelli. No discussion on the motion. A roll call was done. Bob Pillarella voted aye, Charles Marinelli voted aye, Charles Comeau Jr., vote aye, Chuck Comeau voted aye. The motion carries.

### **Continued Public Hearing for 1 Kiddie Drive**

The Public Hearing for 1 Kiddie Drive opened at 7:35 p.m. Chairman Comeau read the Public Hearing Notice to the board members and members of the public.

The Public Hearing for 1 Kiddie Drive was scheduled for September 17, 2020 at 7:35 p.m. The Public Hearing was continued to October 1, 2020 at 7:35 p.m. due to an error in the Public Notice and on behalf of the applicant.

The Public Hearing was published in the Enterprise on September 3, 2020 and September 10, 2020. The following is the Public Hearing Notice.

Notice is hereby given that the Avon Planning Board will hold a Public Hearing on Thursday, September 17, 2020 at 7:35 P.M. regarding property located at 1 Kiddie Drive. This hearing will consist of Site Plan Review under Section 12-2 for a proposal will entail constructing an 18,000s.f. addition to the existing building along with associated parking, utilities, and stormwater improvements for the site. Also, in conjunction with a Site Plan Public Hearing the Avon Planning Board will hold a Public Hearing in regards to a Special Permit under Section 5-4 Water Supply Protection District. The hearing will either be held in the Avon Planning Board Office at the Avon Town Hall, Buckley Center or will be conducted via remote participation. The meeting link can be found at <https://www.avon-ma.gov/node/59/agenda/2020>.



## Discussion

Mr. Frank Marinelli, Attorney for the applicant reviewed the updated Special Permit and Site Plan Review – second review for 1 Kiddie Drive. The project is ready for conditions and a decision. The applicant has made the updates to the plans due to recommendations from the Town of Avon Consulting Engineer. The applicant submitted a letter to the Board of Health regarding the septic system. The sewage disposal system was evaluated prior, the Title 5 inspection passed. Mr. Comeau asked where the leaching field is located. The applicant explained that he will avoid anything that will affect the septic system. Mr. Mackwell reviewed the updated plans in regards to landscaping and adding dark sky compliant, LED lighting that was requested. Mr. Comeau asked if the lighting is sufficient and safe enough for employees and customers walking through the parking lot. The applicant is willing to add additional lighting if needed. The applicant filed for an Order of Conditions with the Conservation Commission for October 8, 2020.

Chairman, Comeau reviewed the following recommendations with the Planning Board members:

1. Jacobs Driscoll Engineering recommends the following conditions of approval in regard to construction period monitoring, should the Board wish to approve the above referenced project;

a. One week prior to any land disturbance activities, the Applicant shall conduct an onsite inspection with the Town of Avon's designated representative to observe the erosion controls installed at the site and review the erosion controls anticipated to be employed during construction.

b. At any point during construction, the Applicant shall allow the Town of Avon's designated representative, to enter the site for the purpose of making observations as to the compliance of construction with the approved Site Plans.

c. At a minimum, the Town of Avon's designated representative shall observe the construction of the stormwater management system at the following times;

i. Subsurface Infiltration Systems:

1. Groundwater verification test pit prior to system excavation. The Applicant's approved soil evaluator shall be present to make the groundwater determination. A soil log with the groundwater determination shall be submitted to the Planning Board.

2. Upon completion of excavation.

3. Upon completion of chamber and crushed stone installation and prior to backfill.

ii. Outlet Control Structure(s):

1. Upon completion of installation.

d. The Applicant shall provide at least 72-hours' notice for said inspections.

e. The Town of Avon, may, at its discretion, use consultants to supplement Town Staff for, but not limited to, the purpose of construction observation. The cost of these services shall be paid for by the Applicant from an escrow account. The escrow account shall be fully funded 30-days prior to any land disturbance activities.

f. Upon completion of construction, the Applicant's engineer shall provide a report to the Town of Avon Planning Board certifying that the stormwater management system was installed in accordance with the approved plans. The report shall include a certification that the excavations of the proposed infiltration systems were inspected prior to backfilling. An as-built of the stormwater management system shall be provided with the report.

2. Provide a copy of the SWPPP and US EPA NPDES Construction General Permit coverage documentation to the Planning Board for review prior to earth disturbing activities onsite.

3. The Applicant has included a Long Term Pollution Prevention Plan with maintenance inspection forms for the proposed stormwater management system (included in the Stormwater Management Report). The O&M Plan includes Inspection and Maintenance Logs to be completed during each inspection. As a condition of approval, the Owner should be required to submit a copy of the completed Inspection and Maintenance Forms, stamped by a Professional Engineer, annually to the Planning Board in order to document compliance with the approved O&M Plans.

4. The Applicant shall provide the Planning Board a copy of the IWHT Certification Form (DEP01) upon their completion and submittal to MassDEP.

5. It appears that the project work area is within jurisdictional distance to wetland resource areas and that a filing with the Avon Conservation Commission will be required. The Applicant shall secure all necessary permits from the Avon Conservation Commission and any other Town, State, and/or Federal agencies as applicable prior to commencing construction.

Mr. Pillarella asked if the Town of Avon's designated representative will review the work taking place and will the board be appointing our engineer, Jacobs Driscoll Engineering, Inc. as our representative to make sure this is being done? Mr. Pillarella wants the applicant to be aware that there will be additional costs. Mr. Comeau stated that this is outlined. Mr. Comeau will speak with the consulting engineer regarding the number inspections that will be needed. The applicant will set up an escrow account to take care of the cost. No other questions from the board members.

A motion was made by Robert Pillarella to approve the site plan review for 1 Kiddie Drive, under section 12-2d binding that all requirements are completed with conditions presented by our engineer as well as final approval from the Conservation Commission and Board of Health, seconded by Charles Marinelli. No discussion on the motion. A roll call vote was



taken. Robert Pillarella voted aye, Charles Marinelli voted aye, Chuck Comeau, Jr. voted aye, Chuck Comeau voted aye. The motion carries.

A motion was made by Robert Pillarella to approve the project at 1 Kiddie Drive under section 5-4 water supply protection district having met the standards of E-4 A, B & C, seconded by Charles Marinelli. A roll call vote was taken. Robert Pillarella voted aye, Charles Marinelli voted aye, Chuck Comeau, Jr. voted aye, Chuck Comeau voted aye. The motion carries.

Discussion on motion: The board hasn't received a completed list of pesticides, chemicals, fertilizer, etc. This needs to be sent to the Planning Board. The applicant stated that it was added to the letter addressed to the Planning Board on sheet three of the plans. The applicant will submit a letter of all materials that will be used in the building on Karas & Karas letterhead.

A motion was made by Robert Pillarella to close the Public Hearing on 1 Kiddie Drive, seconded by Charles Marinelli. No discussion on the motion. A roll call vote was taken. Robert Pillarella voted aye, Charles Marinelli voted aye, Chuck Comeau, Jr. voted aye, Chuck Comeau voted aye. The motion carries.

There is a warrant for \$ 855.04 to pay the Enterprise that needs to be signed by two other board members for 273 East Main Street and 144 South Street.

A check has been received for 67 Littlefield Street. The Certificate of Action for 67 Littlefield Street needs to be completed.

### **Adjournment**

At 8:20 p.m., Mr. Robert Pillarella made a motion to adjourn the Planning Board meeting. Mr. Charles Marinelli seconded the motion. A roll call vote was taken. Robert Pillarella voted aye, Charles Marinelli voted aye, Chuck Comeau, Jr., voted aye, Chuck Comeau voted aye. The motion carries.

### **List of Documents:**

1. October 1, 2020 Meeting Agenda
2. Jacobs Driscoll Engineering, Inc. Special Permit & Site Plan Review – second review
3. Application for Site Plan Review
4. Narrative letter from Kelly Engineering Group
5. Site Development Plans by Kelly Engineering Group dated August 10, 2020
6. Building Elevations and Floor plans by RKB Architects, Inc. dated July 31, 2020
7. Stormwater Management Report dated by Kelly Engineering Group, Inc. dated 6/25/20
8. Certified Abutters List
9. Stormwater Rules and Regulations
10. Housing Protection Plan

  
Chuck Comeau, Chairman