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Avon Planning Board

TOWN OF AVON
2021 JUL 16 A 8:06
TOWN CLERK

Date: May 6, 2021

Members Present: Charles Comeau, Chairman, Robert Pillarella, Vice Chair, Charles Marinelli, Member Jason Suzor, Jr., Member

Members Absent: Charles Comeau, Jr.

Others Present: Nick Rotiroti, Trustee Village Estates (15 Curtis Circle)
Mario Recupero, 6 Curtis Circle, Robert Borden, Building Inspector

Charles Comeau, Chair 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.

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

Minutes

No meeting minutes were approved.

Discussions:

The Planning Board received a request from the applicant representing 20 Ledin Drive for a site plan review and a special permit. The Planning Board scheduled a Public Hearing for June 3, 2021 at 7:30 p.m.

The Planning Board received a request from a neighbor regarding Jo Anna Road and would like a call back. Mr. Comeau will forward this information to the Zoning Board of Appeals.

Planning Board Reorganization:

A motion was made by Bob Pillarella that Charles Comeau, Sr. remain the Chairman of the Planning Board, seconded by Charles Marinelli. There was no discussion on the motion. A roll call vote was taken. Robert Pillarella voted aye, Charles Marinelli voted aye, Jason Suzor, Jr. voted aye. The motion carries.

A motion was made by Bob Pillarella that Charles Comeau, Jr. become the Vice Chairman of the Planning Board, seconded by Charles Marinelli. There was no discussion on the motion. A roll call vote was taken. Robert Pillarella voted aye, Charles Marinelli voted aye, Jason Suzor, Jr. voted aye. The motion carries.

A motion was made by Jason Suzor, Jr. for Bob Pillarella to become Clerk of the Planning Board, seconded by Charles Marinelli. There was no discussion on the motion. A roll call vote was taken. Robert Pillarella voted aye, Charles Marinelli voted aye, Jason Suzor, Jr. voted aye. The motion carries.

Curtis Circle Discussion:

Mr. Nick Rotiroti of 15 Curtis Circle discussed the option of Curtis Circle gain acceptance of the road or some other option. Mr. Rotiroti attended the recent town meeting and spoke with Mr. Comeau regarding what is involved.

Mr. Comeau, Chair discussed the presentation from the applicant of the Curtis Circle project. He explained that the applicant opted to file a plan under the multiple dwelling provision in the zoning bylaw for the Town of Avon. It allowed them to take the one piece of land commutatively. add up the square footage of buildable and then determined how many units would be allowed to be built on that one piece of land. In doing so, it being one piece of property you are allowed to build multiple dwellings to equal the number of units. It was allowed 15 units could be place on the property, instead the applicant chose to split it up into five three-unit buildings. What is there is one piece of property deeded to a condominium association with condominium units spread throughout that piece of property. Being one piece of property there is no separate roadway that is different, anywhere on that property, it is one lot. In order for the town to accept the street, it has to have a deeded piece of property set by bounds deeded to the Town of Avon which allows it to be accepted at some point. There is no separate deeded roadway on Curtis Circle.

Mr. Comeau, Chair discussed if you try to sub divide the road out of the land, it will then create a bunch of zoning violations, Massachusetts law zoning does not allow you to create zoning violations when you subdivide land.

They were hoping to see what options they have. The tax rate is the same as the house next to them. They are paying funds to the town and getting no services. Mr. Pillarella would like clarification of what the association is looking for. He is looking for a credit for services that are now receiving such as snow removal and trash removal. Mr. Comeau stated that they have the option of filing an abatement with the Board of Assessors.

Sabrina Leroy of 2 Curtis Circle asked if the Condominium Association will get compensated for the services they do not receive, such as trash, road upkeep, and HOA if the road cannot be accepted as a public way. Mr. Comeau, Chair told the Condominium Association they would need to speak with the Board of Assessors. Mr. Pillarella discussed that the Condominium Association has access to fire, police, ambulance, recycling facility,

senior housing, and any other facility. The builder/seller should have informed the purchasers how a condo association works. His suggestion is to go back to the seller that he did not divulge correct information regarding the Condominium Association.

David Fusco of 9 Curtis Circle discussed with the Planning Board does not understand if everyone pays the same tax rate in the Town of Avon and receives general services, such as town garbage and clearing of roadways. He feels the Condominium Association at Curtis Circle should not pay the same tax rate because they do not receive these general services. He understands how the deeded issue works and appreciates the explanation by Mr. Pillarella. Mr. David Fusco feels that is worth discussing the possibility of a lower tax rate with the Town of Avon considering that the Condominium Association pays the same tax rate as everyone else in town. He clarified what common/general services he was referring to that they do not receive at this time (such as town garbage/trash and clearing of roadways).

Mr. Comeau, Chair discussed with the owners of Curtis Circle that he believes that the value of condominiums gets assessed differently than a single-family home, in speaking with the Town Assessor. This is something that the Condo Association will have to check into for themselves. Mr. Comeau, Chair discussed with Mr. Rotiroti that if he had any further questions to please feel free to contact him.

Mr. Nick Rotiroti of 15 Curtis Circle explained in the closing to hand over to the HOA, it was not explained to the HOA by the seller/developer that Curtis Circle would not be able to be deeded over to the town. They will pursue the abatement process.

Bob Borden, Building Inspector update:

The Planning Board discussed the progress of the Fire Station. They are approximately two weeks behind. The project is going well.

The next Planning Board meeting is scheduled for May 20, 2021 at 7:00 p.m.

A motion was made by Charles Marinelli to adjourn the meeting at 8:00 p.m. seconded by Robert Pillarella. A roll call vote was taken. Bob Pillarella voted aye, Charles Marinelli voted aye, Jason Suzor, Jr. voted aye, and Chuck Comeau voted aye. The motion carries.

List of Documents:

1. May 6, 2021 meeting agenda



Charles Comeau, Jr., Clerk