

ZONING BOARD OF APPEALS

TOWN OFFICES/BUCKLEY CENTER
AVON, MASSACHUSETTS 02322-1496
TEL. (508) 588-0414 - FAX (508) 559-0209

TOWN OF AVON

2022 APR -6 A 8:36

December 7, 2021

TOWN CLERK

Kevin Foster, Chair called the meeting to order at 7:14 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 Zoning Board of Appeals 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.

A roll call was taken.

Appeals Board Members present: Kevin Foster, Chair; Peter Crone, Member; Chuck Comeau, Member; Bob Ogilvie, Member; Gerald Picardi, Member; and Edward Mekjian, Alternate Member

Members not present: Carl Walker, Alternate Member

Visitors: Alessandro DaSilva, Applicant; Deborah Sheridan, Abbuter; Robert Borden, Building Inspector; Lynne McKenney, Recording Secretary

Public Hearing for 532 East Main Street

Kevin Foster called the Public Hearing to order at 7:15 p.m. on December 7, 2021.

The Public Hearing is the result of the Petition of: Alessandro DaSilva, 532 East Main Street, Avon, MA

The following were present: Kevin Foster, Chair; Peter Crone, Member; Chuck Comeau, Member; Bob Ogilvie, Member; Gerald Picardi, Member; and Edward Mekjian, Alternate Member.

The following not present: Carl Walker, Alternate Member

Visitor's-Alessandro DaSilva, 532 East Main Street; Deborah Sheridan; Abutter (757 West Main Street; Robert Borden, Building Inspector; Lynne McKenney, Recording Secretary

The members of the board and visitors introduced themselves and the board noted that the Public Hearing Notice(s) had appeared in The Enterprise on November 19, 2021 and November 26, 2021 in the Legal Notice section.

Kevin Foster, Chair read in the following Public Hearing notice:

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Tuesday, December 7, 2021, at 7:15 PM to hear the following petition(s) requesting a Special Permit from the Avon Zoning By-Laws. The hearing will be conducted via hybrid participation. The meeting link can be found at <https://www.avon-ma.gov/node/63/agenda/2021>.

Case # 21-5 Petitioner, Alessandro DaSilva of 532 East Main St., requesting relief in the form of a Special Permit under Section 255, 5.3, A-13 for parking of a motor vehicle in excess of five tons at the residential property located and known as 532 East Main St. Avon, Massachusetts.

Plans may be viewed by appointment prior to the hearing at Town Offices or found on the Town Website. <https://www.avon-ma.gov>.

AVON ZONING BOARD OF APPEALS
Kevin Foster, Chairman

Ad placement in The Brockton Enterprise on November 19 and November 26, 2021

Mr. Foster read in the Letter dated November 2, 2021 from the Mr. Borden, Building Commissioner regarding a complaint that was filed regarding a business and large delivery truck being operated from the residential property at 532 East Main Street, Avon, MA. The Avon Zoning By-Law specifically prohibits businesses from the residential district in Section 255-5.3 subsection B-11, D, E, F, G, and H. The parking of a motor vehicle in excess of 5 tons requires a Special Permit issued by the Avon Zoning Board of Appeals. The letter states that Mr. Alessandro DaSilva must cease and desist from these violations in 30 days. It stated that he may appeal this notice to the Avon Board of Appeals within 30 days.

Mr. Foster read in the Letter from the Board of Health that stated the Board of Health has no issue with the request.

The Chair recognized the Petitioner, Allesandro DaSilva, 532 East Main Street who is requesting relief in the form of a Special Permit under Section 255, 5.3, A-13 for parking of a motor vehicle in excess of five tons at the residential property located and known as 532 East Main St. Avon, Massachusetts. He stated that his job requires him to bring the truck home Monday through Friday nights. Mr. DaSilva explained that the purpose of the Special Permit would help alleviate the driving back and forth to and from his job in East Brookfield. He stated that his daily routine is to leave his house in Avon, MA at 5:00 a.m. to drive to East Brookfield then come back home between 5:00 p.m. to 7:00

p.m. He stated that he gets sent to different locations. Sometimes his last drop could be in Plymouth, MA. From there he stated he could drive straight home to Avon which takes about 40 minutes. If he does not have his special permit with him, he would have to drive all the way back to East Brookfield to get his personal car which takes about 2.5 hours from Plymouth to East Brookfield. Therefore, he states that it would take more time and according to his logbook it states that he can only drive twelve hours per day.

Abutter, Deborah Sheridan of 757 West Main Street has concerns regarding the noise and stated that the truck starts up at 4:30 a.m. Ms. Sheridan stated that she has noticed that Mr. DaSilva has been running a business (Rock Transportation Inc.) out of his residence located at 532 East Main Street. She stated that this started at least two months ago. Ms. Sheridan showed the members of the ZBA pictures of the motor vehicle from the residence located at 532 East Main Street.

Mr. Comeau asked Mr. DaSilva the type of truck that is being parked at his residence. Mr. DaSilva stated that it is a 2017 International with a GVW of up to 80,000 pounds. Mr. Comeau discussed the bylaws and the zones you can park those types of vehicles at. He stated that the residential zone is not one of these areas. Mr. Comeau discussed that Ladge Drive and other businesses located in Brockton allow you to lease or rent a spot to park these types of vehicles.

Mr. Gerri Picardi has safety concerns. The street is a State Road and is a very busy area. Mr. Edward Mekjian stated that in past practices, it has never been allowed and is concerned about the safety of the residents.

Mr. Kevin Foster discussed the Zoning By-Laws. The Zoning Board of Appeals will not change the By-Law to allow vehicles in excess of five tons in a residential area.

The Board of Appeals discussed the Special Permit request with Mr. DaSilva.

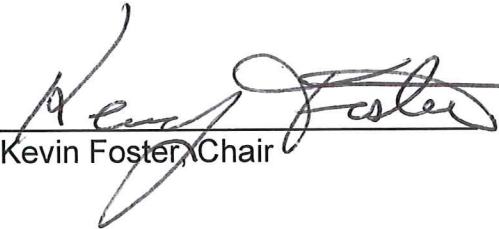
A motion was made by Edward Mekjian to deny the application for Petitioner, Alessandro DaSilva of 532 East Main Street the Special Permit under Section 255, 5.3, A-13 for parking of a motor vehicle in excess of five tons at the residential property located and known as 532 East Main St. Avon, Massachusetts, seconded by Gerald Picardi. No Discussion on the motion. A roll call vote was taken, Chuck Comeau, voted aye, Edward Mekjian voted aye, Gerald Picardi voted aye, Robert Ogilvie voted aye, Peter Crone voted aye and Kevin Foster voted aye. Voted Unanimous. The motion is carried.

Minutes:

Kevin Foster, Chair tabled the approval of the meeting minutes of September 7, 2021 and October 5, 2021 due to voting members being unavailable. The minutes will be approved at the next meeting in January.

A motion was made by Chuck Comeau to adjourn the meeting at 7:39 p.m., seconded by Edward Mekjian.

Approved by:


Kevin Foster, Chair

List of Documents

1. December 7, 2021, Meeting Agenda
2. September 7, 2021, October 5, 2021 Meeting minutes
3. Public Hearing Notice for Case # 21-5, 532 East Main Street
4. Special Permit application
5. List of Abutters
6. Letter from the Building Department
7. Letter from The Board of Health