

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

December 5, 2023

Mr. Kevin Foster, Chairman announced that the Zoning Board of Appeals will be conducted via hybrid participation. Mr. Kevin Foster, Chair called the meeting to order at 7:30 p.m. Board members acknowledged their presence at the meeting by responding in the affirmative during the roll call.

The following were present:

Appeals Board Members: Kevin Foster, Edward Mekjian, Jeffrey Tibnam, Chuck Comeau, Peter Crone

Members not present: Gerri Picardi

Visitors: Richard Jordan, Town Planner; Lynne McKenney, Recording Secretary; Robert Borden, Building Inspector

Minutes:

No meeting minutes were approved.

Public Hearing - Case # 23-6, 16 North Main Street, LLC. 16 North Main Street

Kevin Foster, Chair opened the Public Hearing at 7:30 p.m. The following Public Hearing notice was read into the meeting minutes:

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Tuesday December 5, 2023, at 7:15 PM to hear the following petition(s) requesting a Variance from the Avon Zoning By-Laws. The hearing will be held at the Avon Town Hall, 65 East Main Street Avon, MA. Please visit <https://www.avon-ma.gov/node/63/agenda/2023> for updates on hybrid participation.

Case # 23-6 Petitioner, 16 North Main Street LLC of 16 North Main St, Avon, MA 02322, request relief in the form of a Special Permit under Section 255-7.5 and 255-9.2 allowing the expansion and alteration of a pre-existing non-conforming structure at the property located and known as 16 North Main Street Avon, Massachusetts.

Plans may be viewed at town offices or found on the town website <https://www.avon-ma.gov/>.

AVON ZONING BOARD OF APPEALS

Kevin Foster, Chair

Ad placement in The Enterprise on November 20 and November 27, 2023

Visitors: Paul Zager (via Zoom)

Edward Mekjian, member of the Zoning Board of Appeals explained that he will abstain from the vote because he is an abutter of the property.

Petitioner, Mario Moron of 16 North Main Street, LLC discussed the request for relief in the form of a Special Permit under Section 255-7.5 and 255-9.2 allowing the expansion and alteration of a pre-existing non-conforming structure. He discussed his plans to add a second floor to the already existing house. He explained that there will be no digging, only the addition of a second floor.

The Planning Board discussed the following:

- Site Plan prepared by PMP Consulting Inc. Land Surveyors & Civil Engineers
- Add Dimensions & Elevations to the drawing.
- Septic system conditions / Input from the Board of Health
- Approval of proper paperwork

The applicant will contact the Board of Health regarding the septic system conditions and proper paperwork.

No questions from abutters.

Chuck Comeau made a motion to grant the Special Permit under Section 255-7.5 and 255-9.2 allowing the expansion and alteration of a pre-existing non-conforming structure at the property located and known as 16 North Main Street Avon, Massachusetts with the condition that the Board of Health has no issues with the septic system. seconded by Jeffrey Tibnam. No discussion on the motion. Edward Mekjian, abutter abstained from the vote. All in favor. The motion carries.

Chuck Comeau made the motion to close the Public Hearing at 7:55 p.m., seconded by Peter Crone.

Public Hearing - Case # 23-7, 68 East Main Street

Kevin Foster, Chair opened the Public Hearing at 7:56 p.m. The following Public Hearing notice was read into the meeting minutes:

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Tuesday, December 5, 2023 at 7:45 pm to hear the following petition(s) requesting a Variance from the Avon Zoning By-Laws. The hearing will be held at the Avon Town Hall, 65 East Main Street Avon, MA. Please visit <https://www.avon-ma.gov/node/63/agenda/2023> for updates on hybrid participation.

Case # 23-7 Petitioner, Frederick Casavant, Esq. Adley Electric, LLC of 2 Batterymarch Park Suite 202 Quincy, MA 02169, request relief in the form of a Variance under Section 255-6.4, seeking a variance of the 100-foot minimum lot frontage requirement in the mixed-use district at the property located and known as 68 East Main St. Avon, Massachusetts.

Plans may be viewed 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 Enterprise on November 20, 2023 and November 27, 2023

Visitors: Frederick Casavant, Esq. Mirrione, Shaughnessy & UTTI, LLC;

Abutters: Rocco Derienzo, Ellen & Daniel Norian, Kevin Mooney, Linda Mann

On behalf of Adley Electric, LLC. Petitioner, Frederick Casavant, Esq. Mirrione, Shaughnessey & UTTI, LLC. discussed his request for a variance of the 100 foot minimum lot frontage requirement in the mixed use district containing in the Dimensional and Density Regulations Table at Section 255-6.4 of the Avon Zoning Bylaws.

Chuck Comeau, ZBA member discussed the lot on 68 East Main Street. He explained that an engineer will need to do a peer review at the expense of the applicant. There are no drainage calculations. The septic system needs to meet Title V septic and stormwater regulations and management. He discussed the four criteria that are required for a Special Permit.

Bob Borden, Building Inspector explained that the lot is mixed use (residential/business zoned).

Edward Mekjian, ZBA member discussed there is only two feet from the lot line (which should be 10 feet). He does not see a hardship for a variance. He discussed the high water table, zoned for well, if fill was brought in, it would displace the water to affect abutters drinking water and septic system.

The Board of Appeals members discussed the issues that previous applicants have had regarding the site located at 68 East Main Street. They explained what the next steps will be if the applicant decides to move forward with the project.

A motion was made by Chuck Comeau to continue the public hearing on behalf of the applicant to January 9, 2024 at 7:15 p.m., seconded by Jeffrey Tibnam. No discussion on the motion. All in favor. The motion carries.

Zoning Bylaw Section 255-6.4

Dimensional and Density Regulations Table

Minimum Lot Size (square feet)	Minimum Lot Area Per Dwelling Unit (square feet)	Minimum Lot Frontage (a) (feet)	Minimum Yard Depth (b) (feet)			Maximum Building Height (c) (feet)	Maximum Percentage of Lot Coverage by Structure
			Front	Rear	Side		
25,000	10,000 (d)	100 (d)	6(d)	50 (d)	10 (d)	35	25

Dimensional and Density Regulations – Footnotes

- (a) Frontage may be measured at the front yard setback line if the street is in an arc of a curve with a radius of 300 feet or less, provided there be in any event not less than 50 feet width of such frontage at the street. Not less than the frontage requirements shall be maintained throughout the front yard.
- (b) On lots abutting streets on more than one side, the front yard requirements shall apply to each of the abutting streets.
- (c) These height restrictions shall not apply to chimneys, water towers, skylights, and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy.
- (d) See Article VII, Special Permits.
 1. Within the VOD, parking shall be allowed within the front yard setback; provided, however, that parking shall not be closer than 10 feet to the front yard line.
- (e) (Reserved)
- (f) When abutting residential property, the minimum side yard of the business is to be 20 feet.

- (g) No restrictions - determine by required yard depths and parking requirements.
- (g) Where a lot sits at the intersection of two streets, the Planning Board shall designate from which street the frontage will be measured.
- (h) Except 60 feet when abutting or across the street from a residential zone.
- (i) Height restrictions for apartment usage may be varied by a special permit.
- (j) This restriction does not apply to aboveground swimming pools.
- (k) For standards applying to attached dwellings and apartments see § **255-7.5**, Specific requirements for particular uses, Subsection **A**, Apartments, multiple or attached dwellings.

Questions from Abutters:

Kevin Mooney discussed that other applicants have come to the board prior regarding this property. He explained that it is a non-conforming lot and there is no hardship for a variance. He explained that this property has a big issue with water control, water management issues, and previous projects have been stopped.

Richard Jordan, Town Planner discussed his concerns with the wetlands and drinking water in that area.

Ellen and Daniel Norian, abutters next door does not want water/flood issues in their basement or elsewhere on their property.

Linda Mann explained that her yard was previously dry. She continues to have water in her yard and fallen trees that have backed up her system.

Rocco Derienzo asked questions regarding lot size.

A motion was made by Chuck Comeau to continue the public hearing on behalf of the applicant to January 9, 2024 at 7:15 p.m., seconded by Jeffrey Tibnam. No discussion on the motion. All in favor. The motion carries.

Edward Mekjian made a motion to adjourn the Zoning Board of Appeals meeting at 9:26 p.m., seconded by Chuck Comeau

Approved by:



Kevin Foster, Chair

List of Documents

December 5, 2023, meeting agenda
Application/Site Plan 16 North Main Street
Application/Site Plan 68 East Main Street