

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

November 14, 2023

Mr. Chuck Comeau, Member announced that the Zoning Board of Appeals will be conducted via hybrid participation. Mr. Chuck Comeau, Member called the meeting to order at 7:25 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: Edward Mekjian, Jeffrey Tibnam, Chuck Comeau, Gerri Picardi

Members not present: Peter Crone, Kevin Foster

Visitors: Kevin Reilly, Counsel for Café Management; Paul Cusson, Delphic Associates, Inc.; Muhammad Itani, Windsor Heights, Rami Itani, Windsor Heights and Kristen Braun, Vanasse & Associates, Traffic Engineer (via Zoom), Owen Carrel, Linda Carrel, Judith Leggitt, Brian Campbell

Warrant:

Edward Mekjian to pay the warrant for \$ 8,032.50 to GCG Associates, Inc. for professional services for Case # 19-3, JoAnna Estates, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Edward Mekjian made a motion to pay the warrant for \$482.00 for advertisement in The Enterprise for Case # 23-7, 68 East Main Street, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Edward Mekjian made a motion to pay the warrant for \$ 482.00 for advertisement in The Enterprise for Case # 23-6, 16 North Main Street, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Edward Mekjian made a motion to pay the warrant for \$ 240.00 for professional services for Case # 22-7, Windsor Estates to pay Mead Talerma & Costa, LLC., seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Minutes:

Edward Mekjian to approve the meeting minutes for September 12, 2023, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Edward Mekjian to approve the meeting minutes for October 3, 2023, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Continued Public Hearing - Case # 23-5, Café Management Associates, LLC (Dunkin Donuts), 600 Page Street

Kevin Foster, Chair opened the Public Hearing at 7:15 p.m. The following Public Hearing notice was read into the meeting minutes:

7:15 p.m. Continued Public Hearing – Case # 23-5 Petitioner, Café Management Associates, LLC of 169 Main Street, Stoneham, MA 02180, request relief in the form of a Variance under Section 255-10.5, B & E, to permit installation for speaker-menu canopy signage for existing Dunkin' Donuts shop at the property located and known as 600 Page Street, Avon, Massachusetts

Kevin Reilly, Counsel for Café Management discussed the request for relief in the form of a Variance to permit installation for speaker-menu canopy signage. He explained that the menu board will be put in the same location. The clearance bar will be at the top of the drive-thru lane. The applicant discussed the updated the Site Plan to include the following proposed modifications: add pavement striping and directional signage to funnel traffic from the Drive-Thru lane behind the existing building to the parking lot exit on Bodwell Street.

The Zoning Board of Appeals member discussed the following:

- Traffic pattern layout and flow
- Signage to direct drivers not to block the intersection.
- Westerly side requires better traffic flow (exit strategy)
- Additional striping and set up of cone on the right hand side of the back of the building

Edward Mekjian made a motion to grant a Variance under Section 255-10.5, B & E of the Town of Avon Zoning Bylaws to permit installation for speaker-menu canopy signage for existing Dunkin' Donuts shop at the property located and known as 600 Page Street, Avon, Massachusetts with the following conditions, seconded by Gerri Picardi. The conditions are as follows: (1) Drive thru exit signage with arrows directing traffic; (2) Add arrow to the easterly side of the entrance to funnel traffic to the right; (3) Add line striping to direct drivers for better traffic flow. All in favor. All in favor. Voted Unanimous.

The Zoning Board of Appeals members approved the plan layout.

Edward Mekjian made a motion to close the Public Hearing at 7:28 p.m. for Case # 23-5, Dunkin Donuts, 600 Page Street, seconded by Gerri Picardi. No discussion on the motion. All in favor. The motion carries.

Continued Public Hearing – Case # 22-7, Windsor Heights, 253 Page Street

Chuck Comeau, Member opened the Public Hearing at 7:42 p.m. The following Public Hearing notice was read into the meeting minutes:

Paul Cusson, Delphic Associates, Inc.; Muhammad Itani, Windsor Heights, Rami Itani, Windsor Heights and Kristen Braun, Vanasse & Associates, Traffic Engineer (via Zoom)

Abutters in attendance: Owen Carrel, Linda Carrel, Judith Leggitt (in-person)

7:15 p.m. – Continued Public Hearing – Case # 22-7 Petitioner, Windsor Heights, LLC by Muhammad Itani, Manager of 253 Page Street, Avon, MA. originally requested approval of a Comprehensive Permit under M.G. L. 40B, at 253 Page Street, and known as Assessors Map C6, Block 1, Plot 4, Avon, Massachusetts for 24 condominium units, in which 6 units (25%) would be designated as affordable units for median income applicants. Notice of Public Hearing for that project was published in The Brockton Enterprise on October 31, 2022, and November 8, 2022. Since the public hearing opened on November 15, 2022, the Petitioner has revised its proposal to 12 single-family homes in which 3 units (25%) will be designated as affordable.

Kristen Braun, Traffic Engineer, Vanasse & Associates, discussed the traffic report dated 11/1/23.

The following information was discussed:

March 15, 2022 Site Plan Comments

- Site lines on site plans need to be shown
- Offset of driveway
- 24' paved – sidewalk on one side
- Level with pavement
- As-Built
- Utilities
- Electrical (underground)?
- Infrastructure (side with sidewalk is preferred)
- Add fire hydrant (safety issue)
- Peer review required
- Landscape Plan
- Temporary construction pond/settling basin, fencing along south property line
- Plant drainage ditch along SE LEC
- Applicant willing to widen the roadway for vehicles to park on one side (with signage)

Traffic Peer Review

- Comment 53 – verify distances – site engineer to complete
- Pedestrian warning sign - both directions – at crossing (solar operated)
- Radar speed to alert drivers
- Feedback sign maintenance
- Who will be responsible in the future

Septic System

- Septic Area needs to be secured (add into pipeline)
- Perk tests in the area of proposed septic system needs to be performed
- Title V

Snow Removal

- During construction, contractor must remove snow
- No snow dumping due to wetlands and retention ponds

Miscellaneous

- Protective covenant
- Type of fencing
- Drainage
- Common area changes
- Existing plan
- Mailbox location (discuss with Post Office)
- Trash removal
- Street Lighting
- Granite curb
- Cape Cod berm
- Siding material colors
- Need specification on kids in Avon Schools

HOA

- The HOA handles the fee for perk tests in the area of proposed septic system that will be performed
- Non-payment is lien against the property
- The HOA will draft documents must be submitted

Parking

- No street parking during construction
- Excessive parking/holiday parking /no parking on one side of the street
- Last two lots need to be used for staging/construction parking
- Parking in back of cul-de-sac for visitor parking

Vanasse & Associates Inc.

Traffic Engineer Peer Review Comments (Windsor Heights (Page Street) dated 11/1/23

1. It was recommended that any proposed landscaping, fences or other objects in the vicinity of the Project site roadway intersection with Page Street be designed and maintained so as to not impede the available sight lines.

Comment: We agree that the available sight lines at the Project site roadway intersection with Page Street meet or exceed the recommended minimum sight distances for safe operation of the intersection.

Comment T1: We recommend that a sight triangle plan be prepared and included as a part of the final Site Plans (discussion follows).

Comment T2: The recommended minimum spacing for an off-set intersection based on a design speed of 35-40 mph is 75 feet measured from nearside curb to nearside curb; the current intersection off-set between Tower Circle and the proposed Project site roadway is approximately 50 feet. It is recommended that the Project site roadway be aligned with Tower Circle or shifted to the southeast to meet the 75-foot off-set.

Vanasse & Associates, Inc.

Recommendations as a part of the May 2022 TA, the following recommendations were offered:

1. The Project site roadway should be a minimum of 22-feet in width and provide a sidewalk along at least one side.
2. Vehicles exiting the Project site to Page Street should be placed under STOP-sign control with a marked STOP-line provided.
3. Proposed landscaping or signs in the vicinity of the Project site driveway should be kept low to the ground (less than two feet above street level) or set back sufficiently so as not to impede sight distances for drivers exiting the site.

Subsequent to the preparation of the May 2022 TA, a plan titled "Proposed Improvements" prepared by Ron Müller & Associates and dated September 28, 2023 was prepared that reflects the installation of radar speed feedback signs at two (2) locations on Page Street northwest and southeast of the Project site roadway and the installation of a crosswalk with an accompanying pedestrian actuated Rectangular Rapid Flashing Beacon (RRFB) for crossing Page Street between the Project site roadway and Tower Circle.

Comment: We concur with the recommendations that were offered in the May 2022 TA and as expanded by the September 28, 2023 "Proposed Improvements" plan, and recommend that the design and construction of these measures be included as a part of any conditions of approval that may be granted for the Project, subject to receipt of all necessary rights, permits and approvals.

Comment T3: Pedestrian crossing warning signs should be installed on Page Street in both direction in advance of the proposed crosswalk.

Chuck Comeau, acting Chair read in the Domestic and Fire flow Pressure Calculations. The Department of Public Works (DPW) will review the PSI-13.4 calculations. Currently, there is no more detail on the water supply information. The DPW is working on this.

Questions/Concerns from Abutters:

The abutters are concerned with the water pressure/consumption. The water pressure is low in that area currently. The abutters feel the project will make the water pressure worse. The Avon DPW is currently working on a study regarding water consumption.

Motion:

Paul Cusson, Delphic Associates, Inc. requests 2 ½ - 3 months continuance to review additional testing and plans. They will continue with engineering and soil testing. The applicant will work on more detailed site plans, traffic adjustments, and septic system plans over the next three months for the Windsor Heights project.

Edward Mekjian made a motion to grant the continuance request for Windsor Heights to March 5, 2024, at 7:15 p.m., seconded by Gerri Picardi. No discussion on the motion. All in favor: The motion carries.

A revised motion was made by Edward Mekjian to grant the continuance request for Windsor Heights to March 12, 2024, at 7:15 p.m., seconded by Gerri Picardi. Revised motion. 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 9:16 p.m., seconded by Gerri Picardi.

Approved by:

Chuck Comeau

Chuck Comeau, Acting Chair

List of Documents

Meeting Agenda 11/14/23

Meeting Minutes 9/12/23 & 10/3/23

Warrants

Windsor Heights:

Site Plan

Ron Muller & Associates Traffic Engineering & Consulting Services (Windsor Heights) dated 11/14/23

Traffic Engineering Peer Review (Vanasse & Associates) dated 11/1/23

GIO Group Domestic & Fire Flow Pressure Calculations