

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

AVON TOWN CLERK
REC'D MAR 13 2024 AMB:19

February 6, 2024

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 7:15 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

Members not present: Gerri Picardi, Peter Crone

Visitors: Robert Borden, Building Inspector; Lynne McKenney, Recording Secretary

Minutes:

A motion was made by Edward Mekjian to approve the meeting minutes of January 9, 2024, seconded by Jeffrey Tibnam. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Warrants:

A motion was made by Edward Mekjian to approve the warrant for \$ 9,132.50 to pay GCG Associates, Inc. for professional services for the JoAnna Estates project, seconded by Jeffrey Tibnam. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Edward Mekjian to approve the warrant for \$ 595.00 to pay JDE, Inc. for project manager services for 188 Central Street, 2023, seconded by Jeffrey Tibnam. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Kevin Foster, Chair opened the Public Hearing at 7:17 p.m. The following Public Hearing notice was read into the meeting minutes:

Public Hearing, Case # 23-8: Petitioner Brooke Patterson, 18 McCoy Street

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on February 6, 2024 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/2024> for updates on hybrid participation. Case # 23-8 Petitioner, Brooke Patterson of 18 McCoy St, Avon, MA 02322, request relief in the form of a Variance under Section 255-6-4 the table of Dimensional and Density Regulations Table. Petitioner requesting a setback of 2.9' of the westside property line for a 12ft x 28ft addition. The minimum side yard setback in Residential A Zoning District is 15 feet at the property located and known as 18 McCoy 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, Chairman Ad placement in The Enterprise on January 23rd and January 30th

Others present: Brooke Patterson, 18 McCoy Street, Shannon Sabree, 10 Lawson Street (friend), Nancy Kuoni, 304 Central Street, Kevin Mooney, 304 Central Street, Robert Borden, Building Inspector, Ms. Farley (via Zoom)

Kevin Foster, Chair read in the memo received on January 3, 2024 from the Board of Health.

The Zoning Board of Appeals introduced Brooke Patterson who is representing 18 McCoy Street. The applicant would like to add a mudroom and office/den space to her home. She explained that she works from home and this would be more efficient and beneficial for her. The addition would be 29 feet from the property line at its closest point. She is looking to get a variance to allow this project. The plan was drawn up by Brian Curran Construction.

The building inspector denied the request for a variance in a letter dated 11/17/23. The memo explained that the proposed 12 ft. x 28 ft. addition to the westerly side of the dwelling as shown on the plot plan prepared by Gregory A. Brunavicz, Land Surveyor, to be within 2' 9" of the westside property line. The minimum side yard setback in your Residential A Zoning District is 15 feet.

Questions from the Board:

Kevin Foster will abstain from the discussion due to him being an abutter. Chuck Comeau and Edward Mekjian discussed the project with the applicant. Chuck Comeau explained the guidelines and zoning bylaws. The Zoning Board members explained that the applicant requires additional information regarding the project. The board members discussed some other options to help the applicant with the design. The board explained that the set back is close to the neighbor's property. It is illegal to be on another person's property. Jeffrey Tibnam asked about

the septic test to make sure it passes. Mr. Comeau explained to the applicant that she needs a copy of the plan of the existing house, CAD drawing, updated plot plan which shows the measurement to the foundation from the property line and septic system information when she purchased her house.

Questions from the Abutters:

Shannon Sabree (friend), 10 Lawson discussed the project. She is in favor of the project.

Chuck Comeau made a motion on behalf of the applicant, Brooke Patterson to continue the Public Hearing to March 12, 2024 at 7:00 p.m. for Case # 23-8, 18 McCoy Street, seconded by Edward Mekjian. Discussion on the motion. Kevin Foster, Chair will abstain from the vote (abutter). Chuck Comeau, Edward Mekjian, and Jeffrey Tibnam voted aye. The motion carries.

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

Others present: Ellen & Dan Norian, 62 East Main Street, Nancy Kuoni, 304 Central Street, Kevin Mooney, 304 Central Street, Robert Borden, Building Inspector, Brian Campbell, 19 Klondike Road

Kevin Foster, Chair opened the Public Hearing at 7:50 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.

Others present: Frederick Casavant, Esq. (via Zoom), Ellen & Dan Norian, 62 East Main Street, Nancy Kuoni, 304 Central Street, Kevin Mooney, 304 Central Street, Robert Borden, Building Inspector, Brian Campbell, 19 Klondike Road

Frederick Casavant, Esq. Adley Electric on behalf of the applicant has been in discussions with the Town of Avon regarding the possible sale of 68 East Main Street. The applicant would like to move forward with the project if the sale does not go through. The applicant is asking for one more continuance to go over the new design.

The Zoning Board of Appeals received an email from Frederick Casavant, Esq. Mirrione, Shaughnessy & UTTI, LLC, on behalf of the applicant for 68 East Main Street to continue the Public Hearing 60 days from the 2/6/24 public hearing. The board feels

that they would like to move forward with a denial for the variance at the property located at 68 East Main Street. The board explained that the main issue is the frontage for the Variance, issue with the design size of the project, drainage issues, there has never been a new engineering design as part of the equation, the information has always been inconclusive.

Questions from Abutters:

The abutters have knowledge of the property located at 68 East Main Street. There have been many owners that have wanted to move forward with projects on this property. Kevin Mooney, 204 Central Street discussed the original plan has issues. All of the zoning requests should be completed at one time.

The board explained that the Variance will not change. After the discussion, Frederick Casavant, Esq. on behalf of the applicant withdrew the petition for a Variance at the property located at 68 East Main Street.

Chuck Comeau made a motion to accept the request to withdraw without prejudice the request for a Variance at the property located at 68 East Main Street, seconded by Edward Mekjian. No Discussion on the motion. All in favor. The motion carries.

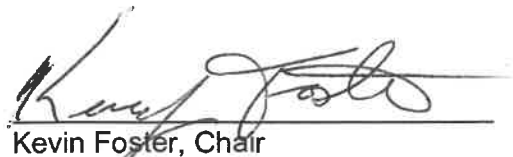
The public hearing for 68 East Main Street closed at 8:15 p.m.

Robert Borden, Building Inspector explained to the board members that JoAnna Estates and Brave Estates will be moving forward with their projects. He explained that foundation permits will not be given out until an engineer reviews them. Once he receives a stamped letter from the engineer, foundation permits will be give out for the projects to proceed.

The Brave Estates updated mylar plans were signed.

Edward Mekjian made a motion to adjourn the Zoning Board of Appeals meeting at 8:30 p.m., seconded by Chuck Comeau

Approved by:



Kevin Foster, Chair

List of Documents

February 6, 2024, meeting agenda
68 East Main Street extension letter
18 McCoy application/BOH memo
January 9, 2024, meeting minutes
Warrants