

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

**March 12, 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: 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, Gerri Picardi

Members not present: Peter Crone

Visitors: Richard Jordan, Town Planner (via Zoom); Brian Curran; Brooke Patterson; Owen Carrel; Danny Nguyen (via Zoom); Robert Borden, Building Inspector; Lynne McKenney, Recording Secretary

**Minutes:**

A motion was made by Edward Mekjian to approve the meeting minutes of February 6, 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 Chuck Comeau to approve the warrant for \$ 80.00 to pay Mead Talerman & Costa LLC. for professional services dated 1/30/24 & 2/15/24 for Case # 19-3, JoAnna Estates project, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau to approve the warrant for \$3,657.50 to pay GCG Associates, Inc. for professional services dated 1/15/24 through 1/25/24 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.

A motion was made by Chuck Comeau to approve the warrant for \$7,935.00 to pay GCG Associates, Inc. for professional services dated 1/29/24 through 2/23/24 for Case # 19-3, JoAnna Estates project, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau to approve the warrant for \$13,640.00 for services dated 11/27/23 through 12/22/23 and \$10,000.00 for services dated 11/6/23 through 11/21/23, warrant

totaling \$23,640.00 for professional services by GCG Associates, Inc. for Case # 19-3 JoAnna Estates, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau to approve the warrant for \$1,077.45 to pay Vanasse & Associates, Inc. for professional services dated October 29, 2023, to November 25, 2023, for Case # 22-7, Windsor Heights, 253 Page Street, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau to approve the warrant for \$1,355.00 to pay JDE, Civil for peer review for the following dates 3/5, 3/6, 3/8, 2024, for Case # 22-7, Windsor Heights, 253 Page Street project, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau to approve the warrant for \$481.18 to pay GateHouse Media (The Enterprise) for Case # 24-2, 22 South Street Public Hearing advertisement, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau to approve the warrant for \$120.00 to pay Mead Talerman & Costa LLC. for professional services dated 1/23/24 & 2/12/24 for Case # 22-3, Brave Estates, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Edward Mekjian to take the agenda out of order, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

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

Kevin Foster, Chair opened the Public Hearing at 7:25 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 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**

Kevin Foster, Chair read in the memo received on March 5, 2024, from the Board of Health stating that Title 5 Inspection report dated February 19, 2024, by W.H. Blakemore Company indicated that the system passes. Due to the system being older, operating by acceptable limits with the understanding that the cesspool servicing the property will be replaced by February 19, 2029. The system shall be maintained and replaced within the above time frame.

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. The applicant brought in the required paperwork that the Zoning Board of Appeals requested at the last meeting.

No questions from the abutters.

Chuck Comeau made a motion to grant the Variance under Section 255-6-4 the table of Dimensional and Density Regulations Table from the required 15 feet side yard setback to a side yard setback of 4.9 feet of the westside property line for a 12ft x 28ft addition, seconded by Gerri Picardi. 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 # 22-7 Windsor Heights, 253 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:

**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.

Kevin Foster, Chair read in the email dated February 26, 2024, from Paul Cusson, Delphic Associates on behalf of the applicant, Windsor Heights, 253 Page Street requesting a continuance until the next available meeting date due to perc test results that are unavailable prior to the March 12, 2024, meeting.

Questions from Abutters:

Owen Carrel discussed Safe Harbor. He believes that the Town of Avon has surpassed the required 40B projects in town. The Zoning Board of Appeals will discuss this with the Select Board and get back to Mr. Carrel.

## Motion

Chuck Comeau made a motion on behalf of the applicant to continue the Public Hearing for Case # 22-7, Windsor Heights, 253 Page Street to April 2, 2024, at 7:45 p.m., seconded by Edward Mekjian. No discussion on the motion. All in favor. The motion carries.

Chuck Comeau made a motion to adjourn the meeting at 7:58 p.m., seconded by Edward Mekjian. No discussion on the motion. All in favor. The motion carries.

Approved by:

A handwritten signature in black ink, appearing to read "Kevin Foster", is written over a horizontal line.

Kevin Foster, Chair

## List of Documents

March 12, 2024, meeting agenda  
18 McCoy application/BOH memo  
February 6, 2024, meeting minutes  
Warrants  
Windsor Heights memo