



TOWN OF AVON  
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TOWN CLERK

## **ZONING BOARD OF APPEALS**

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

### **PUBLIC HEARING MINUTES-February 6, 2018**

**Case# 18-1 – 7 East Main Street, Avon, Massachusetts**  
**Petitioner- Vahan S. Boyajian – by attorney David C. Manoogian**

**Case# 18-2 – 80 Stockwell Drive, Avon, Massachusetts**  
**Petitioner- Floor & Décor – by Heather Hopkins Dudko-Agent**

The Continued Public Hearing on February 6<sup>th</sup>, 2018 was called to order by Board of Appeals member Kevin Foster at 7:30 P.M. It was noted that the meeting for January 8<sup>th</sup>, 2018 was postponed due to lack of quorum.

The Public Hearing is the result of the Petition of **Vahan S. Boyajian – Case #18-1**

**Present** - Board of Appeal Board Members- Gerald Picardi, Kevin Foster, and Ed Mekjian and Chairman, Peter Crone

**Visitors-** Vahan Boyajian, David C. Manoogian, Rosalyn Holderfield, Heather Dudko, Robert Borden. Building Commissioner

#### **CASE # 18-1 – 7 East Main Street, Avon, Massachusetts**

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals **Case #18-1 and Vahan S. Boyajian** will be referred to as the **“Petitioner”**.

Board of Appeals member Kevin Foster read the Public Hearing notice-  
Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Buckley Center, 65 East Main Street, Avon, Massachusetts on **January 8, 2017 at 7:30 P.M.** to hear the following petition requesting **Variances** from the Avon Zoning By-Laws. **Case #18-1, Petitioner, Vahan S. Boyajian by attorney David C. Manoogian** of 149 Pleasant Street, Attleboro, MA request a **“Variance”** as required by Section 6-4 “Dimensional and Density Regulations Table” of the By-law requiring a minimum lot size of 8,000 square feet to enable the subject premises to have a total lot area of 6,688, and the By-law requiring a minimum lot frontage of 50 feet in the General Business Zoning district to enable the subject premises to have a lot frontage of 40 feet. The applicant seeks the variances to allow the subject property to be sold as a separate

parcel for the property located at 7 East Main Street, Avon, Massachusetts. Assessors Map, D6/4/9

The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 7 East Main Street, 80 Map D6, Block 4, Lot 9, Avon, Massachusetts and concerned parties had been notified of the intent of this hearing. All the requirements had been met with reference to notifications, publications, and postings, as mandated by Laws Governing the action of Public Hearings and the Board of Appeals (*Massachusetts General Laws, Ch. 40A § 11*); and, Town of Avon Board of Appeals Procedures for Applicant(s)/Petitioner(s), effective January 1, 2001. Mr. Foster received receipts from Petitioner; Public Hearings were in the Brockton Enterprise on 12/20/17 & Moneysaver on 12/27/17.

The Board of Appeals advised the attendees of the format of the Public Hearing as follows:

1. Petitioner's Presentation
2. Comments, Open Discussion, Questions and Answers
3. Decision and Vote of the Board of Appeals

1. Petitioner's Presentation: The Chair recognizes the Petitioner, Vahan S. Boyajian by attorney David C. Manoogian, Mr. Manoogian has requested a "Variance" from the Avon Zoning by-Law as required by Section 6-4 "Dimensional and Density Regulation Table of the By-Law. Mr. Manoogian stated the Mr. Boyajian and his late wife Louise Boyajian purchased the premises know as 3-5 East Main Street, Avon Massachusetts. The 3 East Main lot has an area of 6,720 square feet and the site of the former Avon Rug Company dry cleaning and carpet sales business owned and operated by the applicant.

On May 24, 1964 they purchased the property at 7 East Main Street which is the subject of this application. The lot has 6,688 Square feet. Because the 3 East Main lot and the 7 East Main Lot were held in common ownership and each lot contained less than the minimum lot area required under the by-law for the general business zoning district merger has occurred. The applicant has a purchase and sale agreement with a third party for the sale of 7 East Main Lot and the variances requested hereunder are required in order to allow the sale to be consummated. The applicant is unable to sell the 3 East Main Lot because of the release of hazardous materials on the 3 East Main Lot. The existing use of the structure on 7 East Main Lot as a two family residential dwelling constitutes a validly existing prior nonconforming structure and use. Based on the records of the Town of Avon's Assessors the structure on 7 East Main Lot was constructed in 1900, well before the Town's adoption of zoning. No changes are planned for any of the structures on the 7 East Main Lot.

2. Comments, Open Discussion, Questions and Answers: After discussion the Zoning Board of Appeals stated that there are safety concerns on the contaminated property. Property is Clean for title 5.

Mr. Mannoogian mad a request to withdraw application without Prejudice.

**Decision and Vote of the Board of Appeals**: Mr. Mekjian made a motion to grant the applicant to withdraw without prejudice for the Variance, seconded by Mr. Picardi, All in favor. Unanimous vote.

**VOTED:**      **to grant – Withdrawal without Prejudice**

**ADJOURNMENT**: Motion was made by Mr. Picardi to adjourn the Hearing known as Board of Appeals Case #18-1, Motion was seconded by Mr. Crone., and it was unanimous.



**CASE # 18-2 – 80 Stockwell Drive, Avon, Massachusetts**

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals **Case #18-2** and **Floor & Décor**, will be referred to as the “**Petitioner**”.

Board of Appeals member Kevin Foster read the Public Hearing notice-

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Buckley Center, 65 East Main Street, Avon, Massachusetts on **January 8, 2017 at 8:00 P.M.** to hear the following petition requesting **Variances** from the Avon Zoning By-Laws. **Case #18-2, Petitioner, Floor & Décor, by Heather Hopkins Dudko** of 2 Phoebe Way, Worcester, MA request a “**Variance**” as required by Section 10-3 “In General Business, Commercial, and Industrial Districts Signs” #2 - Signs applied to exterior of building – Limit 2. #3 – Total area 5% of wall (not to exceed) #5 – Freestanding sign no higher than 25 feet. #6 – Freestanding sign cannot exceed 150 square feet and no dimension greater than 16 feet. The applicant seeks the variances to allow for larger and more signage for advertising and visibility, for the property located at 80 Stockwell Drive, Avon, Massachusetts. Assessors Map, A6/2/2

The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 80 Stockwell Drive, Map A6, Block 2, Lot 2, Avon, Massachusetts and concerned parties had been notified of the intent of this hearing. All the requirements had been met with reference to notifications, publications, and postings, as mandated by Laws Governing the action of Public Hearings and the Board of Appeals (*Massachusetts General Laws, Ch. 40A § 11*); and, Town of Avon Board of Appeals Procedures for Applicant(s)/Petitioner(s), effective January 1, 2001. Mr. Foster received receipts from Petitioner; Public Hearings were in the Brockton Enterprise on 12/20/17 & Moneysaver on 12/27/17.

1. **Petitioner’s Presentation:** The Chair recognizes the Petitioner, Heather Hopkins Dudko and Rosalyn Holdenfield – agents for Floor & Décor, has requested a “Variance” to allow signage for tenant Floor & Décor on property located at 80 Stockwell Drive, Avon. Ms. Dudko stated that the signage exceeds code allowance of: Section 10-3 #2 Signs affixed to exterior of building limit two. #3 Total area 5% of wall (not to exceed) #5 Freestanding sign no higher than 25 feet. #6 freestanding sign cannot exceed 150 square feet and no dimension greater than 16 feet. Ms. Dudko stated that larger signs are needed to advertise tenant. Floor and Décor carries many types of construction materials, like stone, tile, and wood so that additional signage is needed to convey this to customers. Additionally, there is a separate entrance designated for customer pick up only, which needs to be signed clearly. In regards to the freestanding sign is located on route 24 entrance, and due to the speed of the traffic and volume of traffic on Route 24, a larger sign is needed for visibility.
2. **Comments, Open Discussion, Questions and Answers:** After discussion the Zoning Board of Appeals stated that the square footage is in compliance, it’s about how many signs. Also there were concerns about if another tenant came in and wanted signage. It would fall on the property owner.

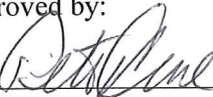
**Decision and Vote of the Board of Appeals:** Mr. Mekjian made a motion to grant a Variance for the signage requested, seconded by Mr. Picardi, All in favor. Unanimous vote.

**VOTED:**     **to grant Signage as stipulated.**

**ADJOURNMENT:** Motion was made by Mr. Picardi to adjourn the Hearing known as Board of Appeals Case #18-2, Motion was seconded by Mr. Crone., and it was unanimous.

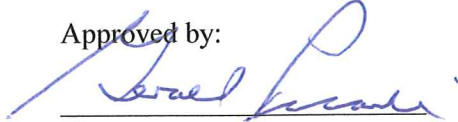
**ADJOURNMENT:** Motion was made by Mr. Picardi to adjourn the Zoning Board of Appeals Meeting at 8:30 P.M. Motion was seconded by Mr. Crone., and it was unanimous.

Approved by:

A handwritten signature in blue ink, appearing to read "Peter Crone", written over a horizontal line.

Peter Crone, Chairman

Approved by:

A handwritten signature in blue ink, appearing to read "Gerald Picardi", written over a horizontal line.

Gerald Picardi, Clerk