



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-November 7, 2016 & June 5, 2017

**Case# 16-7- 86 Page Street, Avon, Massachusetts
Petitioner- Orland Morton**

The Public Hearing on November 7, 2016 was called to order at 7:45 P.M. by Board of Appeals member Kevin Foster. The (Continued Public Hearing was called to order at 7:30 P.M. by Chuck Comeau.

The Public Hearing is the result of the Petition of Orland Morton – Case #16-7

Present –11-7-16 -Board of Appeals Board Members- Gerald Picardi, Charles Comeau, Kevin Foster, and Ed Mekjian. Absent - Peter Crone, Chairman, 6-5-17 Board of Appeals Board Members - Ed Mekjian, Chuck Comeau, Kevin Foster, and Christopher Canducci

Visitors- On 11-7-16 and June 5, 2017, Orland Morton & Robert Borden, Building Commissioner

The members of the board noted that this was a Continued Public Hearing from November 7th, 2016 in which the Public Hearing notices had appeared in the Brockton Enterprise on October 20th, 2016 and Moneysaver on October 27, 2016 in the Legal Notice section.

CASE # 16-7 – 86 Page Street, Avon, Massachusetts

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals Case #16-7 and Orland Morton, will be referred to as the “**Petitioner**”.

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 November 7, 2016 at 7:30 P.M. to hear the following petition requesting a “**Variance**” from the Avon Zoning By-Laws.

Case #16-7, Petitioner, Orland Morton of 86 Page Street, Avon, MA request relief in the form of a “**Variance**” of the side yard setback requirement in residential Zone A of Section 6-4 “Dimensional and Density Regulations Table” or for a finding of the Board that the proposed addition, deck and garage are “not substantially more detrimental to the neighborhood than the existing non-conforming structure” per Section 9-2 of the Avon Zoning By-Law. Accessors Map C-6 Block 2, Lot 4

The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 86 Page Street, Avon, Massachusetts, (Map C6 Block 2 Lot 4) 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.

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:** 11-7-17 -The Chair recognizes the Petitioner, Mr. Orland Morton –Mr. Morton presented the abutters list to the Board. Mr. Orland stated that he bought the property and wants to do updates to make it livable. The property has a leaking roof on right side of yard. Mr. Morton stated that he wants to bring back of kitchen to align with the wall. Property has an existing deck that is in need of repair and he wants to build a wraparound deck. 6-5-17: Mr. Morton stated that he is preparing existing deck & renovations to home. Garage is 5feet between structures. The Board reviewed plans.
2. **Comments, Open Discussion, Questions and Answers:** Mr. Comeau stated that Petitioner needs to draw on stamped engineers plan, and needed a wet stamped Plan. Mr. Comeau stated whatever gets approved needs to match. The Petitioner needs to draw up plan that needs to be recorded. Also an actual foot print of new porch and garage, otherwise the work is fine. Mr. Comeau stated that the garage has to be determined. The ZBA laws for non-conforming, if we change in anyway, we have to have plan that can be recorded at Registry, which need to have correct dimensions on the plans. Mr. Picardi questioned how close is the septic to house? Petitioner stated 6 feet from the left side to street, and driveway the same. An instrument survey would give numbers at own risk, could advise Driscoll Engineering.

Petitioner requested a Continuance, Mr. Foster made a motion to continue the Public Hearing to 11/21/16, and to bring certified plot plan that shows the propose work, seconded by Mr. Mekjian, all in favor unanimous.

November 21st, Petitioner requested an indefinite continuance without prejudice.

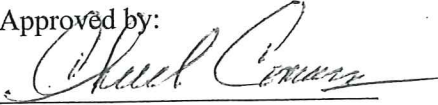
May 8th, 2017, Petitioner requested a reopening for case 16-7, Continuance date is June 5th, 2017.

3. **Decision and Vote of the Board of Appeals:** On June 5th, 2017 – Continued Public Hearing for 86 Page Street. The Zoning Board of Appeals reviewed a revised set of plans, the minutes of the meeting included a vote.
Motion was made by Ed Mekjian – to vote to grant relief in the form of a “**variance**” of the side lot requirement from 15 feet to 13 feet on the West side lot line, in order to construct a two car garage 24X24 and to grant relief from the required 15 feet to 4 feet on the East side lot line, for construction of rear deck. The motion was seconded by Christopher Canducci, vote was 4/0 in favor.

VOTED: to grant Variance, as stipulated.

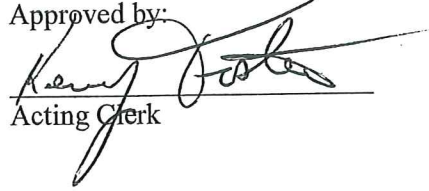
ADJOURNMENT: Motion was made by Mr. Canducci, to adjourn the Hearing known as Board of Appeals Case #16-7, Motion was seconded by Mr. Mekjian and it was unanimous.

Approved by:



Acting Chairman
Chuck Comeau

Approved by:



Acting Clerk