

TOWN OF AVON
2023 MAY -1 A 8:29
TOWN CLERK

BUCKLEY CENTER, Avon, MA 02322
Telephone: 508-588-0414

Avon Planning Board

Date: April 6, 2023

Members Present: Chuck Comeau, Chair; Robert Pillarella, Member; Charles Marinelli, Jason Suzor, Jr.

Members Absent: n/a

Others Present: Robert J. Annese, Esquire; Elias Elkhaouli, Rami Sidini, Engineer (via Zoom), Edward Mekjian, Abutter; Mark Bogan, Property owner of 110 Ladge Drive; Robert Borden, Building Inspector; Lynne McKenney, Recording Secretary

Chuck Comeau, Chair called the meeting to order at 7:03 p.m. with all members present. Each Board member acknowledged their presence at the meeting by responding in the affirmative during roll call.

This meeting of the Planning Board is being conducted via a hybrid method. The public may attend the meetings in-person or may continue to participate via remote Zoom access. Until further notice, in-person attendees, who are not vaccinated, will be recommended to wear a mask. Due to technical difficulties, the meeting was not accessible via remote Zoom access.

Minutes

A motion was made by Charles Marinelli to approve the meeting minutes of March 30, 2023, seconded by Robert Pillarella. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Public Hearing – 273 East Main Street

The Public Hearing opened at 7:16 p.m.

Chuck Comeau, Chair read in the following public hearing notice:

Notice is hereby given that the Avon Planning Board will hold a Public Hearing on Thursday, April 6, 2023, at 7:15 P.M regarding amending the Zoning By-Law under Section 255-5.3 1B, Table of Use Regulations regarding self-service gasoline sales outlet. This amendment would require a Special Permit. The current By-Law only allows for full-service gasoline sales. Petitioner, Elias Elkhaouli of 273 East Main Street is requesting relief in the form of a Special Permit under Section 255-5.3 1b Table of Use Regulations regarding self-service gasoline sales outlet.

The hearing will be conducted via hybrid participation at the Avon Town Hall, 65 East Main Street. The meeting link can be found at <https://www.avon-ma.gov/node/59/agenda>.

Text may be viewed prior to the hearing in the Town Clerk's office.

Publication dates: March 22, 2023, and March 29, 2023, in The Brockton Enterprise

Discussion

Mr. Robert J. Annese is representing Mr. Elias Elkhaouli. Mr. Annese discussed the reason they are requesting a by-law change under Section 255 -5.3 1B, Table of Use Regulations regarding self-service gasoline sales outlet. He explained at Town Meeting in 2021 it did not receive the 2/3 vote that was required to pass. He explained that Mr. Elias Elkhaouli would like to construct a small new convenience store and four new fuel pumps. The Planning Board received preliminary drawings on 3/27/23 for the proposed convenience store and gas station, along with a proposed layout drawing both dated 3/3/2020 and a definitive site plan dated 4/8/20, all drawn by NorthCounty Group, Inc.

Elias Elkhaouli discussed the importance of self-service gasoline sales at his place of business at 273 East Main Street. He explained that his station needs to be able to compete with the competition that has self-service gasoline services. He discussed constructing a new convenience store and installing four new gasoline pumps. He explained that the new gasoline pumps would not have gas pump clips. The customer would have to stay with the vehicle while pumping gasoline. If the customer walks away, the attendant will automatically shut the pump off for safety.

Robert Pillarella, Planning Board member discussed that once self-service gasoline services are allowed by Special Permit, it allows bigger companies to develop land in town as well. He is also concerned with one attendant working. The one attendant will not be able to run the store

and safely watch the gasoline pumps. Chair Comeau discussed the importance of protecting the water supply.

Edward Mekjian, abutter discussed his concerns with the self-service gasoline sales. He is very concerned with how close the proposed convenience store and fueling stations are to the Town of Avon's drinking water.

The following memos were read into the meeting minutes by Chuck Comeau, Chair.

Building Inspector, Robert Borden suggested the following conditions (mandatory at any site):

1. Site minimum 200 ft. frontage
2. Access driveways minimum 50 ft. from intersecting streets
3. Pumps and pumping areas under continuous digital monitoring with onsite personnel
 - a. Surveillance "tapes" or electronic storage to be maintained for a minimum of 48 hours.
4. Pumps to be located
 - a. 40 ft. setback from front or rear property lines
 - b. 20 ft. setback from either side property line
 - c. Minimum 40 ft. setback from any residentially zoned property
5. Queuing lines
 - a. A minimum of 40 ft. clearance from any sidewalk or street of 40ft. for automobile fueling
 - b. A minimum of 80 ft. clearance from any sidewalk or street for truck fueling
6. Spill containment
 - a. A concrete containment pad to accommodate 1 vehicle plus 5 ft. clearance on all sides for each pump.
 - b. Concrete pad must drain to a sealed containment tank with a minimum capacity of 50 gallons for each pump.
 - c. Sealed tank to be emptied monthly or immediately after any spill.
 - d. Fluids removed to be analyzed for fuel and hydrocarbon contaminants each time tank is emptied. The report of the contents to be provided to the Avon Department of Public Works and the Avon Planning Board within 7 days.
 - e. The proprietor to the self-service station may request less frequent pumping and analyzing of the containment tanks after 1 year.
7. Monitoring wells to be installed at intervals not greater than 100 ft. along the entire property line.

Building Inspector Borden explained that there is a prohibition on controlled substances and alcohol.

The Planning Board received a memo dated April 6, 2023 from the Board of Selectman stating that they have reviewed the Public Hearing notice regarding 273 East Main Street. The Board of Selectman have no objections to this request.

The Planning Board received a memo dated March 29, 2023, from the Board Health stating that they have no objection to allowing self-service gasoline sales. The Board of Health does have a concern if this property is looking to expand services, gasoline bays or any other increase that would affect the existing septic system.

The Planning Board received a memo dated April 4, 2023, from the Fire Chief that supports the concept of self-service fueling. The memo stated that the Fire Department is quite interested in the conditions of the special permits, and look forward to commenting on them should this move forward.

A motion was made by Jason Suzor, Jr. to close the Public Hearing portion of the meeting. The Planning Board members discussion will resume on April 20, 2023, at 7:00 p.m. to receive input from members of the public, seconded by Charles Marinelli. No discussion on the motion. The motion carries.

Informal discussion – 110 Ladge Drive

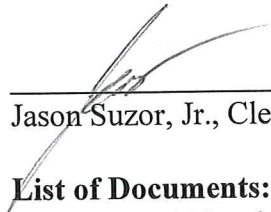
Mark Bogan, the owner of 110 Ladge Drive introduced himself and thanked the members of the Planning Board. He discussed that on his behalf, Plant Healthcare Associates, Inc. performed a site visit to 110 Ladge Drive. Mr. Bogan explained his plans to create a bioretention basin to collect stormwater from the property. The intention is to direct the stormwater from the property to a bioretention basin in a wooded area of his property lying outside of the 100' buffer zone of the protected wetlands. There is approximately 40,000 sq. ft. area in which the basin can be created. He explained that no Conservation Committee approval is required.

Mr. Daniel E. Cathcart from the American Society of Consulting Arborists who is a Massachusetts Certified Arborist #41801, ISA Board Certified Master Arborist states that the plans are compliant with The Town of Avon's Water Protection bylaw §255- 5.4 under provision D(1)(a) Conservation of water, plants and wildlife, including wildlife management shelters. The bioretention basin will be created outside of the 100' buffer zone but will still meets the criteria of the Massachusetts Stormwater Management Standards set forth in the Stormwater Management Handbook.

The Planning Board members reviewed and discussed the site plan.

The next Planning Board meeting will be held on April 20, 2023, at 7:00 p.m.

A motion was made by Jason Suzor, Jr. to adjourn the meeting at 8:52 p.m., seconded by Charles Marinelli.



Jason Suzor, Jr., Clerk

List of Documents:

March 30, 2023, minutes

April 6, 2023, agenda

Misc. mail

Application & Public Hearing notice – 273 East Main St.

Site Plan- 110 Ladge Dr.