



The Commonwealth of Massachusetts
Town of Avon

TOWN OF AVON

2023 MAY -2 P 1:12

TOWN CLERK

(This form to be filed with Town Clerk with the required fee)

TO THE BOARD OF APPEALS:

The undersigned hereby petitions the Avon Board of Appeals for a hearing to vary the terms of the Zoning by-laws of the Town of Avon, Acts of 1977 as amended or for a Special Permit at premises know as:

Street Address: 108 Bodwell Street
Map/Block/Lot: B5/1/7

In the following respect:

To provide a variance from section 255-8.1(Off-Street parking and loading requirements) that requires parking be provided in accordance with section 255-8.6(Table of Off Street Parking Regulations)

See attached letter for additional information on required and provided parking.

Or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear as necessary or proper in the premises.

State briefly reasons for Variance / Special Permit:

The land owner requests to expand the building but will not create the demand for the required parking.

See attached letter for an expanded discussion of parking and hardships.

Petitioner Epro, LLC

By ahmet kincak



Address 108 Bodwell Street, Avon, 02322, MA

Telephone Number 5085104757



April 13, 2023

Avon Zoning Board of Appeals
65 East Main Street
Avon, MA 02322

Cc: Ahmet Kincak , ERD Metal
Paul Oliveira, Haynes Group

RE: *Variance Application*
ERD Metal
108 Bodwell St, Avon MA
Map B5, Block 1, Lot 7

Dear Members of the Board:

On behalf of our client, ERD Metal of 108 Bodwell Street, Avon MA, we respectfully submit the following documents.

- One (1) Original & Five (5) copies of the Town of Avon Board of Appeals Variance Request Form
- One (1) Original & Five (5) copies of denial letter from the Avon Building Department dated April 6, 2023
- Five (5) copies of the Plans to Accompany Variance Request by Kelly Engineering Group, Inc. , 4 sheets, dated April 13, 2023.
- One check in the amount of \$600.00 for the variance request.
- One Certified Abutters List
- Property Field Data Sheets.

The purpose of these documents is to respectfully request that the Board issue a Variance per **Section 225.12.9 for relief from parking under Section 255-8.1/255-8.6** of the Town of Avon Zoning Bylaw.

The existing 6.33 Acre site is located at 108 Bodwell St within the Industrial Zoning District. The site is bordered by Kiddie Drive to the North, Bodwell Street to the East, and industrial properties to the west and south. The site is currently developed with one 50,058 s.f. warehouse building, multiple loading areas and paved parking lots, utilities, and other site development features. The site has three curb cuts along Bodwell St. An extensive Bordering Vegetated Wetland (BVW) exists on the southern and western portion of the site. There is also a small wetland system located in the front corner of site where Bodwell St and Kiddie Drive meet. Currently there are no striped car parking stalls at the site.

The property is owned and operated by ERD Metal. The company imports aluminum products from overseas and re- distributes aluminum to locations throughout the United States. The operation currently employs approximately 13 employees and receives/sends approximately 4 trucks of aluminum per day.

ERD wishes to expand the facility as shown on the attached Layout Plan. The plan will expand the main warehouse by 26,592 s.f. and expand the northerly warehouse by approximately 5,839 s.f.

ERD anticipates that with the addition they could employ 15 to 20 employees at a maximum and could receive as many as 5 trucks per day when the facility is expanded.

As shown by the employee count ERD currently does not have a high parking demand for the current or future employee count. However, the Avon Zoning Bylaw section 255-8.6.8 requires 1 parking space per 1,000 s.f. of gross floor area for Wholesale, Warehouse or Storage Establishment. Therefore the applicant is seeking relief from the parking requirement.

In order to demonstrate that the zoning required parking could fit on the site we have submitted an Alternate Parking Plan. The Alternative Parking Plan demonstrates that the zoning required parking stalls could be permitted and constructed. However, providing parking that is not needed has the following negative impacts.

- Requires placing additional pavement at the site.
- Creates odd turning movements at the north end of the site.
- Requires placing parking and foundation underpinning for the parking on the east side of the building.
- Requires clearing of additional trees and encroaching into the conservation buffer zones.
- Requires parking in areas that are intended for truck maneuvering.

The following chart summarizes the Existing, Proposed, and Alternate Parking development statistics.

	Building Size (s.f.)	Impervious Area(s.f.)	Loading Spaces	Zoning Required Parking	Striped Parking Spaces	# Of Employees
Exist	50,056	135,483*	23	50	0	13-15
Proposed	82,489	130,065	4	83	26	15-20
Change	32,433	-5,418	-19	33	26	2-5
Alternate Plan	82,489	140,000	4	83	83	15-20

*= Includes 37,000 s.f. of broken pavement/gravel area.

The following is a narrative of Zoning By-Law section 255-12.9 C.(Findings for Variances): each required finding is repeated followed by a discussion in *italic* text for the boards consideration.

- (1) That there exist special circumstances relating to soil conditions, shape, or topography of the specific land or structures;

The site has special circumstances relating to soil which result in extensive wetlands. The wetlands, along with their regulated buffer zones occupy more than 1.5 Acres of land. This is equivalent to almost 24% of the total land area. Were it not for these special circumstances the

required parking could be constructed though as described in this application that parking would never be used.

- (2) That said circumstances do not generally affect the zoning district in which the land or structure is situated.

Not all land within the industrial zoning district is encumbered by soil conditions which result in the wetlands that limit the area to provide parking.

- (3) That a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial, or otherwise, to the petitioner (or appellant);

Literal enforcement would create substantive hardships that include the

- *Cost of providing additional paved areas. This includes the cost for pavement and additional costs for drainage improvements and foundation underpinning for the parking on the east side of the building.*
- *Increased impervious areas within the town's aquifer protection district.*
- *Loss of trees within the wetland buffer areas.*
- *Additional permitting and relief from local conservation regulations.*
- *Providing striped parking spaces within a loading and maneuvering area thereby impeding the operations of the facility.*

- (4) That desirable relief might be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes generally of this bylaw.

Parking relief can be granted with no detriment to the public good. The intent of the by-law when written is to provide off-street parking for different uses. This type of warehouse does not require the type of parking stated by the by-law. Evidence of this is the employee count for the existing 50,000 s.f. building. Providing additional parking would derogate from public good by increasing impervious area resulting in additional stormwater runoff and possible wetlands impacts.

We look forward to presenting this project to the Board at an upcoming meeting.

If you have any questions or desire additional information, please feel free to call the office at 781-843-4333.

Sincerely,

KELLY ENGINEERING GROUP, INC.



David A Mackwell, Senior Associate

BUILDING DEPARTMENT

Robert C. Borden, Commissioner

Rborden@avon-ma.gov

Charles Comeau, Assistant Insp.

Al Campbell, Plumbing & Gas Insp.

Dennis Collum, Electrical Insp.

**Town of Avon
Massachusetts**



TOWN OFFICES

Buckley Center
65 East Main St. 02322
Tel (508) 588-0414
Fax (508) 559-0209
www.avon-ma.gov

April 6, 2023

ERD Metal (Certified Mail and USPO Mail)
108 Bodwell St.
Avon, MA 02322

Haynes Group (USPO Mail)
385 West St.
West Bridgewater, MA 02379

To Whom it May Concern:

I must deny your building permit application for 2 additions totaling approximately 32,400 sq. ft. to the existing 50,000 sq. ft. structure at 108 Bodwell St., Avon.

The resulting structure will contain approximately 82,400 sq. ft. of which approximately 76,600 sq. ft. will be warehouse and 5,800 sq. ft. will be office.

The plan as drawn shows 25 parking spaces, 3 loading docks and 1 drive-in truck bay. Section 255-8.6 #8 and 255-8.7 #2 require 82 parking space and 2 loading docks.

You may appeal this decision for a variance of the requirement of the Avon Zoning By-Law, Section 255-8.6 #8 to reduce the parking from the 82 required spaces to the proposed 26 spaces within 30 days of receipt of this letter to the Avon Board of Appeals, 65 E. Main St., Avon, MA 02322.

Sincerely,

Robert C. Borden
Building Commissioner
Town of Avon

CC: P. Bessette, Town Clerk
L. McKenney, Secretary, Board of Appeals
Kelley Engineering, 0 Campanelli Dr., Braintree, MA 02184