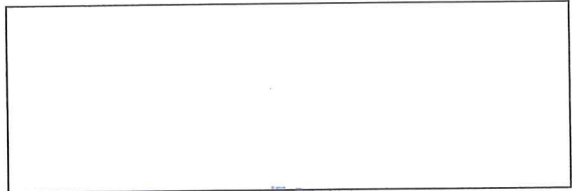




**PROCEDURES FOR APPLICANTS/PETITIONER(S)**

**BOARD OF APPEALS' REQUEST FOR HEARING**



**Application and Document requirements:**

TOWN OF AVON

2021 MAY -3 P 4:15

**FILE APPLICATION AT TOWN CLERK'S OFFICE**

✓	Application with Town Clerk, including denial notice by the Zoning Officer (Building Inspector);
✓	Application Fee of \$300.00 submitted to the Town Clerk at the time of application;
✓	Plan provided by a Commonwealth of Massachusetts Registered Land Surveyor of the property in question; showing clearly any existing conditions and dimensions, along with the requested structure changes, use changes, and or dimension changes. Five(5) copies of said plan required;
✓	All architectural drawings or sketches that show existing conditions, as well as proposed conditions/addition(s) and change(s);
✓	Applicant will provide a type written, or neatly hand printed, explanation of all Special Permit and/or Variance requests that come before the board;
	Applicant will provide any other forms of documentation and or data that will assist the Board of Appeals in its determination for granting approval of said requested Special Permits; and, or Variances;
	Property Field Sheet (Provided by Town of Avon Board of Assessors;
	A certified Abutters list (Provided by Town of Avon Board of Assessors; For a fee.

**BOARD OF APPEALS:**

	<p>The Board of Appeals Secretary will render an advertisement (Notice of Public Hearing) suitable for publication. The Board Secretary will send the Applicant a copy of the Public Hearing notice; and will provide the advertisement to a suitable publisher for publication, two (2) times, in consecutive weeks, with the first publication at least 14 days prior to the Public Hearing and present the tear sheet, the evening of the Public Hearing.</p> <p>The Board Secretary will send a letter notifying the applicant of the public hearing date and procedures required for the mailings of the public hearing notice to abutters. The Board Secretary will include the following with the letter: Public Hearing Notice and surrounding towns address list.</p>
	<p>The Board Secretary <u>will notify all Town of Avon Boards and Commissions of the applicant's Public Hearing</u>, as well as request the <u>Town Clerk to post the Notice of Public Hearing on the Official Town of Avon Bulletin Board</u>;</p>

**Applicant / Petitioner requirements:**

	<p>The applicant will request an abutters list from the Assessor's Office and send a copy of the Public Hearing Notice by <u>Certified Mail</u> to each abutter <u>and</u> the towns and addresses listed on the "Additional Public Hearing Mailing List" with the return address listed as the Board of Appeals, 65 East Main Street, Avon, MA 02322.</p> <p>The expense for the abutters list and the mailing to all abutters and abutting Town/City boards will be the responsibility of the applicant/petitioner.</p>
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April 30, 2021

TOWN OF AVON

2021 MAY -3 P 4: 15

TOWN CLERK

Peter Crone, Chair  
Town of Avon – Zoning Board of Appeals  
65 East Main Street  
Avon, Massachusetts 02322

Subject: Zoning Board of Appeals – Special Permit & Variance  
20 Ledin Avenue, Avon, Massachusetts  
CEC Project 311-399

Dear Mr. Crone:

As part of the Town of Avon Application for Site Plan Approval and Application for Special Permit Approval, Civil & Environmental Consultants, Inc. (CEC) presents this summary of proposed work at 20 Ledin Avenue on behalf of Waste Management of Massachusetts, Inc. (WMMA).

The Special Permit and Site Plan Approval application includes the following information:

- Five (5) copies of Site Plans (Civil, Survey, and Architectural)
- One (1) copy of the application
- One (1) copy of the Building Permit Denial Letter, dated April 20, 2021
- One (1) special permit district fee of \$300.00 (check no. 1069)

## 1.0 INTRODUCTION & PURPOSE OF APPLICATION

The Site is identified as parcel B6-1-16 with an area of approximately 2.3-acres. Per the Assessor's Database, the Site is currently improved with a 25,220 square foot (sf) industrial building. The Site also includes existing parking, loading, and landscape areas. The current Owner (Thomas Morrissey of Boston Brace International) has provided a letter of authorization allowing the Applicant to submit this and future permit applications to the Town for consideration. A copy of this letter is attached for reference.

The Applicant is proposing to construct an approximate 17,200 sf building addition including reconstruction of approximately 7,000 sf of the existing building. In the proposed condition, the Site will have a total building area of approximately 42,420 sf. The modified building will have a Recycling Use as identified by the Town of Avon Zoning Bylaw.





Per the Town of Avon Zoning Map as amended through May 17, 2017, the Site is located within the Industrial (IND) Zoning District. In accordance with Section 255-5.3, G11 of the Zoning Bylaw, a Special Permit is requested from the Board of Appeals for the proposed facility processing material for recycling in the IND Zoning District. A variance is requested from the number of required parking spaces in accordance with Section 255-8.6, "Table of Off-Street Parking Regulations Number 8". Due to a minor existing front setback nonconformity (39.4-ft. provided, where 40-ft. is required) a finding is also requested from the Board of Appeals that the alteration and addition to the existing building will not be substantially more detrimental to the neighborhood. Refer to the narrative included in Section 2.0 for additional detail.

## **2.0 NARRATIVE**

Based on a topographic land survey, the existing 25,220 sf industrial building is located approximately 39.4-ft. from the front property boundary along Ledin Avenue, where 40-ft. is required. The remainder of the building under existing conditions complies with all other dimensional and bulk regulations per the Zoning Bylaw. The proposed development has also been designed to meet or exceed all of the dimensional and bulk requirements. All of the work is proposed at the rear of the building and Site with no modifications or alterations to the front of the building as part of this project that would further exacerbate this minor pre-existing nonconformity. Accordingly, we respectfully request the Board of Appeals grant a finding as it relates to this condition.

As previously noted, the Applicant is proposing to construct an approximate 17,200 sf addition to the existing facility and reconstruct approximately 7,000 sf of the existing facility. In the proposed condition, the Site will have a total building area of approximately 42,420 sf. The proposed pre-engineered metal building addition will be fully enclosed while the south facing wall will include three overhead door openings for vehicle ingress and egress to and from the facility. All operations will be performed within the proposed building and no materials will be stored or managed outdoors. Additionally, the overhead doors will allow the tipping hall to be fully enclosed at the end of each workday.

Since this project will supplement existing WMMA operations located at 40 Ledin Avenue, the proposed additional space at 20 Ledin Avenue will increase the building area for material handling activities by approximately 50%, 81,000 sf to 123,420 sf, while the Applicant anticipates volume to increase by approximately only 10%. Effectively, these enhancements will provide the Applicant with additional operating area that will result in improved controls and operating efficiencies at the existing facility at 40 Ledin Avenue.



CEC evaluated the average grade plane around the building in order to confirm the proposed building height does not exceed the maximum height allowed under the Zoning Bylaw. The average finished grade plane around the building was calculated to be elevation 242.6-ft. (NGVD 29), which is approximately six inches below the proposed building Finished Floor Elevation (FFE) identified to be elevation 243.1-ft.. Per the architectural information, the maximum height of the proposed building is 38.7-ft above the FFE. A maximum building height of 40-ft. from the natural grade is identified for the IND district, which would yield a maximum building roof elevation of 282.6 ft. The proposed building roof will reach an approximate elevation of 281.8-ft, approximately 10-inches below the maximum allowable height.

It is expected that the facility will manage approximately 10,000 tons of single stream recycling materials on an annual basis. Incoming materials will be delivered to the Site via traditional recycling collection vehicles. The vehicles will unload the recycled materials within the interior tipping area identified on the Site Plans, which will be accessed by the four (4) overhead doors at the rear of the building. Based on this operating capacity, it is estimated that approximately eight (8) trucks per day will be entering the Facility to deliver recyclable materials. Once the materials are unloaded, they will be processed and baled within the building and prepared for removal and distribution from the Site. It is expected that up to two (2) trucks would arrive at the Site each day to load the baled materials and leave the Site. The loading operations would occur at the two (2) depressed loading docks located along the northerly face of the proposed building addition. The Applicant will develop truck driver training to reinforce the allowable routes for both the recycling vehicles delivering recyclable materials as well as the trucks leaving with the processed materials.

The operations from the proposed project will not require significant parking, as the use will only require up to four (4) staff at any given time and visitors are not expected. In the proposed condition, twenty-nine (29) parking spaces are proposed for the recycling building use, which will exceed the parking need based on the proposed use. The zoning requirements identify that for the proposed use, the parking shall be designed to provide the greater of one space per 600 sf of building or 0.75 spaces per employee of the largest two successive shifts. For the proposed building, these two criteria would require up to 71 spaces based on the total building area, or six spaces based on the number of employees. The proposed 29 parking spaces is significantly more than the requirement based on employee count and is also significantly more than would be expected to be used at the Site. Accordingly, the Applicant respectfully requests for a variance from the required number of parking spaces.

The rear of the property will be modified from a current paved parking area and partially undeveloped area to a paved circulation area with significant new stormwater management improvements consisting of deep-sump hooded catch basins, water quality units and an underground infiltration system. The stormwater system has been designed to collect and treat





stormwater runoff from the new impervious areas and building roof areas from the Site as well as collecting and treating runoff from portions of the adjacent property to the west, 40 Ledin Avenue that drains onto and through the Site. The treated stormwater runoff will then be directed to the existing municipal drainage system in Ledin Avenue. The proposed stormwater management system will result in a significant improvement to the overall quality of the stormwater leaving the Site.

## 2.0 CONCLUSION AND CLOSING

The proposed recycling use serves a critical need for the community, and the project promotes the health, safety, and general welfare of the community by better managing stormwater runoff and improving the overall management of the site, without any negative impacts to the groundwater or surface waters while meeting the goals of the IND Zoning District.

Please contact us at (774) 501-2176 or via email at [kskulte@cecinc.com](mailto:kskulte@cecinc.com) if you have any questions or need to discuss this project information in greater detail.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

Daniel Petrovic  
Staff Consultant

Karlis Skulte, P.E.  
Principal

Attachments:    Application  
                      Building Permit Denial Letter  
                      Filing Fees  
                      Site Plans (under separate cover)

Cc:                Chris Lucarelle  
                      Ed Conley  
                      Peter Richer





The Commonwealth of Massachusetts  
Town of Avon

(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: 20 Ledin Ave, Avon, MA 02322  
Map/Block/Lot: B6-1-16

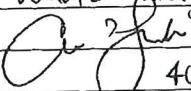
In the following respect:

Per Section 255-5.3, G11 of the Town of Avon Zoning Bylaw, projects that proposed a facility processing material for recycling in the IND Zoning District are allowable via a Special Permit from the Zoning Board of Appeals. Per Section 255-8.6, "Table of Off-Street Parking Regulations Number 8" for a reduction of the required parking spaces. spaces proposed is allowable via a variance from the Zoning Board of Appeals. A finding is also requested from the Board of Appeals that the alteration and addition to the existing building with a minor pre-existing front yard setback will not be substantially more detrimental to the neighborhood.

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 proposed recycling use serves a critical need for the community and allows the Applicant to leverage a facility on the adjacent property providing complimentary services. The project project promotes the health, safety, and general welfare of the community by better managing storm water runoff and overall improving the management of the site, without any negative impacts to the groundwater or surface waters while meeting the goals of the IND Zoning District. The proposed parking is significantly more than will be expected based on the employees that will be working at the facility, and a reduction from the parking requirement per the zoning ordinance will not negatively impact the area. The pre-existing front-yard nonconformity of the existing building will not be modified in any way as part of this project and the expansion of the building to the rear will not be detrimental to the neighborhood.

Petitioner Waste Management of Massachusetts, Inc  
By  Christopher N Lucarello  
Address 40 Ledin Drive  
Telephone Number 413 531-9904



BUILDING DEPARTMENT  
Robert C. Borden, Commissioner  
[Rborden@avon-ma.gov](mailto: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](http://www.avon-ma.gov)

April 20, 2021

Mr. Karlis Skulte, P.E.  
Civil & Environmental Consultants, Inc.  
31 Bellows Rd.  
Raynham, MA 02767

Dear Mr. Skulte:

I address this letter to you acting on behalf of current owner, Thomas Morrissey, of Boston Brace International and the potential buyer, Waste Management of Mass., Inc.

This letter regards site plan review requirements, special permit requirements and variances of the Avon Zoning By-Law.

I must deny the building permit application for the alteration and addition to the structure at 20 Ledin Ave., Avon, MA. The following requirements of the Avon Zoning By-Law must be fulfilled and/or variance of the requirements granted as detailed herein.

1. As required by Section 255-12.2, the Avon Planning Board must review and approve the proposed "site plan" for the expanded building and parking areas on the lot.
2. The Planning Board must grant a "special permit" per Section 255-5.4 for construction and site development in the "Water Supply Protection District" as overlaid on the Avon Zoning Map.
3. The Avon Board of Appeals must issue a "Special Permit" as required by the Zoning By-Law Section 255-5.3, G11 for a facility processing material for recycling in the Industrial Zoning District.
4. The Avon Board of Appeals must grant a variance of the parking requirements of Section 255-8.6, "Table of Off-Street Parking Regulations Number 8" for a reduction of the required 41 spaces to the 31 spaces as shown on the proposed site plan.
5. Our email conversation indicated that the proposed structure had a height of 39 feet above the foundation. As a precaution, because the top of the foundation above finished grade is unknown, I strongly recommend a variance of Avon Zoning By-Law Section 255-6.4 "Dimensional and Density Regulations Table" for building height in the Industrial Zone of 40 feet to a more accurate higher number.





**BUILDING DEPARTMENT**  
Robert C. Borden, Commissioner  
[Rborden@avon-ma.gov](mailto:Rborden@avon-ma.gov)  
Charles Comeau, Assistant Insp.  
Al Campbell, Plumbing & Gas Insp.  
Dennis Collum, Electrical Insp.

# Town of Avon Massachusetts



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6. The Avon Board of Appeals will have to issue a "finding" that the extension, alteration or addition is not more substantially detrimental to the neighborhood as required by the Avon Zoning By-Law Section 255-9.2.

All the above listed site plan reviews, special permits and variances may be applied for simultaneously, although the job may not proceed without approval of all or amendments of the plans to be by-law compliant.

You may appeal this decision within 30 days as detailed in the body of this letter. You will find the application packets for filing with the Planning Board and Board of Appeals attached to this letter.

If you have any questions, please contact me by phone at 508-588-0414 X1022 or email at [rborden@avon-ma.gov](mailto:rborden@avon-ma.gov).

Sincerely,

Robert C. Borden  
Building Commissioner  
Town of Avon

CC: P. Bessette, Town Clerk  
L. McKenney, Planning and Appeals Clerk



TOPO.	UTILITIES	STRT./ROAD	LOCATION
<b>SUPPLEMENTAL DATA</b>			
Other ID: 0B6001016			
Subdivision			
Photo			
Ward			
Precinct			

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	ASSOC PID#
BOSTON BRACE INTERNATIONAL INC	25158/576-7	08/16/2007	U	I	-100		
20 LEDIN AVENUE TRUST	5943/371	11/10/1981	U	I			
C L REALTY TRUST	5054/189-9	06/27/1974	U	I			

EXEMPTIONS				OTHER ASSESSMENTS			
Year	Type	Description	Amount	Code	Description	Number	Amount
<b>ASSESSING NEIGHBORHOOD</b>							
				Tracing			
<b>NOTES</b>							
BOSTON BRACE INTERNATIONAL(OOC)							
SDA=LOBBY							
(2) 2 FIX TOILET RMS							
4 WATER CLOSET, 3 LAV'S							
2 URN							

Yr.	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2020	4000	1,004,700	2019	4000	804,900	2018	4000	804,900
2020	4000	361,100	2019	4000	361,100	2018	4000	361,100
2020	4000	30,000	2019	4000	30,000	2018	4000	30,000
<b>Total:</b>		<b>1,395,800</b>	<b>Total:</b>		<b>1,196,000</b>	<b>Total:</b>		<b>1,196,000</b>

CURRENT ASSESSMENT				PREVIOUS ASSESSMENTS (HISTORY)				
Description	Code	Assessed Value	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
INDUSTR.	4000	1,021,600	4000	4000	1,021,600	4000	4000	1,021,600
IND LAND	4000	546,600	4000	4000	546,600	4000	4000	546,600
INDUSTR.	4000	30,000	4000	4000	30,000	4000	4000	30,000
<b>Total</b>		<b>1,598,200</b>	<b>Total</b>		<b>1,598,200</b>	<b>Total</b>		<b>1,598,200</b>

APPRaised VALUE SUMMARY									
Appraised Bldg. Value (Card)									
Appraised XF (B) Value (Bldg)									
Appraised OB (L) Value (Bldg)									
Appraised Land Value (Bldg)									
Special Land Value									
Total Appraised Parcel Value									
Valuation Method:									
Adjustment:									
Net Total Appraised Parcel Value									

VISIT/ CHANGE HISTORY														
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result
11-18	01/31/2018	CM	Commercial	113,783		100		RE ROOF RUBBER RO	08/14/2020	JH		JH	20	Field Review
MI-16	01/11/2016	CM	Commercial	0		100		AIR HANDLER AND F	10/14/2016	DW	6	DW	20	Field Review
62-05	06/22/2005	CM	Commercial	17,000	07/06/2006	100		REPAIRS	05/22/2015	DW		DW	00	Measur+Listed
80/95	07/20/1995	CM	Commercial	8,000		100		ALTER BATHRM	05/07/2015	DW		DW	17	Letter Sent Requesting In
105/93	09/20/1993	AD	Addition	0		100		ADDTN	07/17/2013	DW		DW	14	Review
93/90	08/30/1990	CM	Commercial	15,000		100		PARTITIONS + MEZZ						
1/85	12/31/1984	CM	Commercial	57,000		100		ADDIN OFFICE SPAC						

LAND LINE VALUATION SECTION																
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	ST. Idx	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value		
1	4000	INDUSTRIAL	IND				2.00 AC	153,750.00	1.00	G	1.75 SITE	1.00	269,062.50	538,100		
1	4000	INDUSTRIAL	IND				0.26 AC	25,000.00	1.00	I	1.30 EXCESS	1.00	32,500.00	8,500		
<b>Total Card Land Units:</b>													<b>2.26 AC</b>	<b>Parcel Total Land Area: 2.26 AC</b>	<b>Total Land Value:</b>	<b>546,600</b>

VISION



