

# ZONING BOARD OF APPEALS

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

TOWN OF AVON

2022 APR 6 A 8:36

TOWN CLERK

January 4, 2022

Kevin Foster, Chair called the meeting to order at 7:04 p.m. with the following members present. Each Board member acknowledged their presence at the meeting by responding in the affirmative during the roll call.

This meeting of the Zoning Board of Appeals 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.

A roll call was taken.

Appeals Board Members present: Kevin Foster, Chair; Robert Ogilvie, Member; Carl Walker, Alternate Member and Edward Mekjian, Alternate Member

Members not present: Peter Crone, Member; Chuck Comeau, Member; Gerald Picardi, Member

## **Public Hearing for 382 Page Street**

Kevin Foster called the Public Hearing to order at 7:08 p.m. on January 4, 2022.

The Public Hearing is the result of the Petition of Adriano Gomes & Emanuela Barbosa of 382 Page Street, Avon, MA 02322.

The following were present: Appeal Board Members- Kevin Foster, Robert Ogilvie, Carl Walker, Edward Mekjian

Visitor's- Abutters, Lynn and George Houhoulis, 373 Page Street; Robert Borden, Building Inspector; Lynne McKenney, Recording Secretary

The members of the board and visitors introduced themselves and the board noted that the Public Hearing Notice(s) had appeared in The Enterprise on December 17, 2021 and December 23, 2021 in the Legal Notice section. Below is the Public Hearing Notice:

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Tuesday, January 4, 2022 at 7:15 pm to hear the following petition(s) requesting a Special Permit from the Avon Zoning By-Laws. The hearing will be conducted via hybrid participation. The meeting link can be found at <https://www.avonma.gov/node/63/agenda/2022>.

Case # 22-1 Petitioner, Adriano Gomes & Emanuela Barbosa of 382 Page Street., requesting relief in the form of a Special Permit under Section 255-7.5 for Temporary Additional Living Quarters at the residential property located and known as 382 Page St., Avon, Massachusetts. Plans may be viewed by appointment prior to the hearing at Town Offices or found on the Town Website. <https://www.avon-ma.gov>. The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 382 Page Street, Avon, Massachusetts, map lot block ..... 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.

### **Discussion**

The Chair recognized the Petitioner, Adriano Gomes and Emanuela Barbosa who are requesting relief in the form of a Special Permit under Section 255-7.5 for Temporary Additional Living Quarters at the residential property located and known as 382 Page Street, Avon, MA. The Petitioner is requesting the living space that is above the garage be used as additional living quarters for Emanuela Barbosa's mother, Maria Barbosa. Maria Barbosa, grandparent helps take care of the three minor children. The Petitioner explained that the living quarters are 728 square feet which is under the 775 square feet by-law for additional living quarters.

Mr. Robert Borden, Building Inspector stated that the additional temporary living quarters (pre-existing) was constructed by the original owners in 2006. The current owners purchased the property approximately a year ago. Zoning Board member, Edward Mejkian clarified the size and location of the additional living quarters, (which cannot exceed 775 square feet.) Mr. Mejkian stated that the Petitioner/s would not be able to add any additional living quarters. If the living space exceeds 775 square feet, it is considered a two family house. Kevin Foster, Chair clarified that the Petitioner/s will not be constructing any additional living quarters and that the Petitioner/s are requesting a Special Permit from the Board of Appeals for additional living quarters for Maria Barbosa, grandparent.

Abutter, Mr. George Houhoulis of 373 Page Street, Avon introduced himself and reviewed the site plans with the Zoning Board of Appeals. He stated that the site plans are incorrect and are from 2012. Mr. Houhoulis discussed the drawings regarding 382 Page Street. These drawings show that the front door was moved to the side. Kevin Foster discussed that these are the original drawings from 382 Page Street (previous to

the house fire). Mr. Houhoulis stated the reason he is attending the Public Hearing is because his property value is directly related to what exists across the street and next door at 365 Page Street. The members of the Zoning Board of Appeals and Building Inspector, Robert Borden discussed and clarified with Mr. & Mrs. Houhoulis questions regarding the previous owners of the house located and known as 382 Page Street. Robert Borden clarified the definition of the by-law 255-7.5 regarding Temporary Additional Living Quarters. Kevin Foster, Chair discussed that whatever happened with the previous owners does not have anything to do with the request in front of the Board of Appeals now for Temporary Living Quarters for the applicants, Adriano Gomes and Emanuela Barbosa. Abutter, Lynn Houhoulis is concerned with who lives in the house and if the owners are renting out to unknown people who are constantly coming and going. She explained that the previous owner rented. Mr. Foster explained that if this is something that was happening in the past by the previous owners, it should have been brought to the attention of the building inspector.

Mr. Houhoulis believes that Emanuela Barbosa's mother has been living at the residence for the past two years. He discussed that he has seen many unknown people come and go from the residence located at 382 Page Street. Mr. Foster clarified that the intent of the Petitioner is to move Maria Barbosa, grandparent into the residence to help care for the three children and explained that if there is a complaint filed against them, the Special Permit will be subject for review by the Zoning Board of Appeals. Mr. Foster clarified with the applicant that they are not in front of the ZBA to apply for rental property. The Chair, Kevin Foster clarified for the record that Maria Barbosa, mother of Emanuela Barbosa will be the only one living in the temporary additional living quarters at the residence located at 382 Page Street. The Zoning Board of Appeals received a letter from the Board of Health that states that as long as the number of bedrooms does not exceed five, the Board of Health does not have any objection to the request of the relief of the form of a Special Permit under the by-law section 255.7.5; Additional Living Quarters located at 382 Page Street. The septic system was recently replaced and is designed for no more than five bedrooms. The bedrooms have never decreased or increased in size. The dirt pile that exists at the residence located at 382 Page Street will later be used for grading purposes.

A motion was made by Edward Mejkian to grant the Special Permit under the Town of Avon Zoning Bylaws, Section 255-7.5 for Temporary Additional Living Quarters at the residential property located and known as 382 Page St., Avon, Massachusetts to not exceed 775 sq. ft. for Maria Barbosa. At any time during this permit, Maria Barbosa leaves or vacates the residence located at 382 Page Street, the Special Permit will become null and void, seconded by Robert Ogilvie. No Discussion on the motion. A roll call vote was taken. Edward Mekjian voted aye, Carl Walker voted aye, Robert Ogilvie voted aye and the Chair, Kevin Foster voted aye. Voted Unanimous. The motion carries.

**Warrant:**

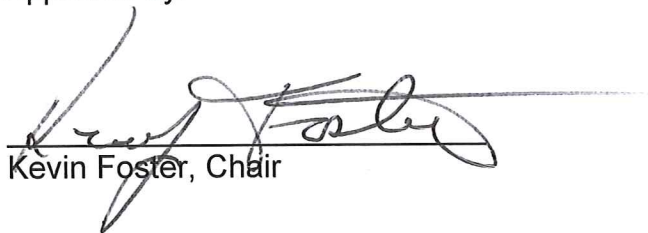
A motion was made by Carl Walker to approve the warrant for Gatehouse Media for \$ 494.32 for 491 West Main Street, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Carl Walker voted aye, Robert Ogilvie voted aye, and Edward Mejkian voted aye. The motion carries.

**Minutes:**

A motion was made by Carl Walker to approve the meeting minutes as read of September 7, 2021 and October 5, 2021, seconded by Robert Ogilvie. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Carl Walker voted aye, Robert Ogilvie voted aye, and Edward Mejkian voted aye. The motion carries.

A motion was made by Edward Mejkian to adjourn the meeting at 7:40 p.m., seconded by Carl Walker.

Approved by:



Kevin Foster, Chair

**List of Documents**

1. January 4, 2022 Meeting Agenda
2. September 7, 2021, October 5, 2021 Meeting Minutes
3. Public Hearing Notice for Case # 22-1, 382 Page Street
4. Special Permit application
5. List of Abutters
6. Letter from The Board of Health