



The Commonwealth of Massachusetts
Town of Avon

TOWN OF AVON

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

2020 MAR 14 P 1:37

TOWN CLERK

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 Avenue
Map/Block/Lot: B6-1-16

In the following respect:

The petitioner is the owner of the premises. Its tenant, Waste Management of Massachusetts, Inc., and the previous owner (Boston Brace) received a variance from §255-806#8 (parking), dated June 2, 2021 (see attached recorded copy of approval), which has lapsed according §255-12.9(F).

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 reason for the delay was the previous owner (Boston Brace) faced significant hurdles finding and building out their new space, causing them to occupy the building much longer than anticipated. The Tenant, Waste Management, was unaware of the bylaw's lapse provision. The new owner, however, is eager to exercise the previously approved variance to assist Waste Management with its operations. Just like before, the proposal shows 29 parking spaces where 77 (or 71) are required—there are currently 49 spaces, making the parking pre-existing non-conforming. The applicant is merely seeking to renew the approval. The petitioner sincerely appreciates the board's patience and understanding in this regard.



Petitioner Rhino Capital Advisors LLC

By Its attorney, Robert Pellegrini, Esq (PK Boston
Law)

Address 63 Main St, Suite 1, Bridgewater, MA 02324

Telephone Number 508-807-1131 rpellegrini@pkboston.com

TOWN OF AVON ZONING BOARD OF APPEALS

APPLICANT/OWNER: RHINO 20 LEDIN INVESTORS LLC
PROPERTY: 20 LEDIN AVENUE (ASSESSOR MAP B6-1-16)

MEMORANDUM IN SUPPORT OF APPLICANT'S REQUEST FOR RELIEF

I. INTRODUCTION

The ZBA previously granted this identical application on June 1, 2021. The approval consisted of: (1) a special permit (because §255-5.3 G11 requires this for a “recycling” use in the Industrial zone; (2) a “finding” (due to the fact that the existing building’s front setback is 39.4 feet, where 40 feet is required); and (3) a variance for reduced parking (because §255-8.6 requires 71 parking spaces, but 29 spaces are proposed).

The approvals were granted to the prior owner, Boston Brace International (BBI). When the application was made, BBI intended to vacate the premises to allow the tenant, Waste Management of Massachusetts, Inc. (Waste Management), to occupy the entire premises. However, BBI was delayed in vacating and, since then, the variance only lapsed (per §255-12.9(F)—“one year”).¹

Therefore, the new owner is before you because the variance approval lapsed.

II. VARIANCE

The tenant, Waste Management, has not changed.

The reason for the relief requested is that there are only 4 staff present at any given time. The zoning requirements have been reduced from the time the original application was approved. In 2021, the bylaw required the greater of one space per 600 s.f. of building **OR** .75 spaces per employee of the largest two successive shifts. The 2021 requirements therefore required that 71 parking spaces be required. But there are no visitors to this site (or reasons for any visitors) and there will never be a need to have more than 4 employees there. So, the ZBA approved the requested relief to provide 29 spaces. In other words, the reduced parking resulted in approval of 42 spaces less than what was then required by the bylaw. Now that the bylaw has been revised to require less parking, the variance requested would no longer be for a reduction of 42 spaces, but it would be a reduction of 13 spaces.

There is no further relief requested.

¹ The Special Permit does not lapse until 3 years, per §255-7.2(J).

PRIOR APPLICATION
(INCLUDING DENIAL LETTER)



April 30, 2021

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 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

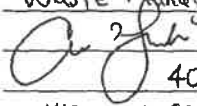
In the following respect:

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
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 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
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.

Sincerely,

Robert C. Borden
Building Commissioner
Town of Avon

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

ZBA HEARING MINUTES
DATED: 6/1/2021

ZONING BOARD OF APPEALS

TOWN OFFICES/BUCKLEY CENTER
AVON, MASSACHUSETTS 02322-1456
TEL. (508) 588-0414 - FAX (508) 559-0209

TOWN OF AVON
2021 AUG -5 P 4: 51

June 1, 2021

Mr. Chuck Comeau, member announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, Subchapter 20 and the Governor's March 23, 2020 Order imposing limitations on the number of people that may gather in one place, this hearing of the Zoning Board of Appeals will be conducted via remote participation. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public can adequately access the proceedings as provided for in the Order. Chairman Comeau reminded the viewing audience that persons who would like to view this meeting while in progress may do so by joining the Zoom link for the videoconference in session.

Mr. Chuck Comeau, member called the meeting to order at 7:00 p.m. with all members present. Each Board member acknowledged their presence at the meeting by responding in the affirmative during the roll call.

The following were present:

Appeals Board Members: Kevin Foster, Charles Comeau, Edward Mekjian

Members not present: Peter Crone; Christopher Canducci, Gerald Picardi

Visitors: Kesner and Marie Derosla of 28 Nichols Ave., Chris Lucarelle, Ed Conley, Peter Richer representing Waste Management of Massachusetts, Inc., Robert Borden, Building Inspector.

Case # 21-1 28 Nichols Avenue

The Public Hearing for Case # 21-1, 28 Nichols Avenue opened at 7:05 p.m. 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 May 14, 2021 and May 21, 2021 in the Legal Notice section. Chuck Comeau, member read the Public Hearing Notice for 28 Nichols Avenue.

Notice is hereby given that a Public Hearing will be held via remote participation on Tuesday, June 1, 2021 at 7:00 PM to hear the following petition(s) requesting a Special Permit from the Avon Zoning By-Laws. Case # 21-1 Petitioner, Kesner and Marie Derosla, 28 Nichols Avenue, request relief in the form of a Special Permit under Section 255-7.5M, for an extension or alteration of a preexisting nonconforming structure and a Variance of the front yard setback of requirement of 25 feet to a proposed 24 feet at the property

located and known as 28 Nichols Avenue, Avon, Massachusetts. The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 28 Nichols Avenue Plot # D3-2-5, Avon, Massachusetts 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 Petitioner is requesting a Special Permit from the Avon Zoning By-Laws. Case # 21-1 Petitioner, Kesner and Marie Derosla, 28 Nicholas Avenue, request relief in the form of a Special Permit under Section 255-7.5M, for an extension or alteration of a preexisting nonconforming structure and a Variance of the front yard setback of requirement of 25 feet to a proposed 24 feet at the property located and known as 28 Nichols Avenue, Avon, Massachusetts.

Discussion:

The Chair recognized the Petitioner, Kesner and Marie Derosla of 28 Nichols Avenue requesting relief in the form of a Special Permit under Section 255-7.5M, for an extension or alteration of a preexisting nonconforming structure and a Variance of the front yard setback of requirement of 25 feet to a proposed 24 feet at the property at 28 Nichols Avenue. The Petitioner states that they are requesting a 5 x 8 feet wide mudroom that will be attached to the existing closed porch.

The Board of Appeals reviewed the plans and requested clarification. Kevin Foster asked for clarification regarding a handicap ramp in the rear. There were no questions from abutters. Mr. Borden, Building Inspector stated that the building permit will not be approved until the Board of Health approves it and there are no zoning restrictions on handicap ramps. Chuck Comeau asked if there were any further questions or concerns. See none. No Comments from the public regarding 28 Nichols Avenue.

Motions:

A motion was made by Ed Mekjian to request relief in the form of a Special Permit under Section 255-7.5M for an extension or alteration of a preexisting nonconforming structure, seconded by Kevin Foster. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Ed Mekjian voted aye, and Chuck Comeau voted aye. The motion carries.

A motion was made by Kevin Foster to grant a Variance of the front yard setback of the requirement of 25 feet to a proposed 24 feet at the property located and known as 28 Nichols Avenue, Avon, Massachusetts, seconded by Ed Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Ed Mekjian voted aye, and Chuck Comeau voted aye. The motion carries.

Case # 21-2 20 Ledin Avenue

The Public Hearing for Case # 21-2 Waste Management of Massachusetts, Inc. was opened at 7:45 pm. 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 May 14, 2021 and May 21, 2021 in the Legal Notice section. The Public Hearing is the result of the Petitioner Waste Management of Massachusetts, Inc. 20 Ledin Ave., Avon, MA. 02322. Chuck Comeau, member read the Public Hearing Notice for 20 Ledin Avenue.

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Tuesday, June 1, 2021 at 7:30 PM to hear the following petition(s) requesting a Special Permit and Variance from the Avon Zoning By-Laws. The hearing will be conducted via remote participation. The meeting link can be found at <https://www.avon-ma.gov/node/63/agenda/2021>. Case # 21-2 Petitioner, Waste Management of Massachusetts, Inc., of 20 Ledin Ave. request a Special Permit for the processing material for recycling at 20 Ledin Ave. as required by Section 255-5.3, G-11 of the Avon Zoning Bylaw. The petitioner also request a Variance of the parking capacity requirement for an industrial warehouse of the Zoning Bylaw section 255-806 #8 of the "Table of Off Street Parking Regulations".

The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 20 Ledin Ave., Assessors Map B6-1-16, Avon, Massachusetts 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, Chris Lucarelle received a letter on behalf of the Petitioner that discussed the owner of 20 Ledin Ave., Boston Brace International Inc. has authorized Waste Management of Massachusetts, Inc. to seek approval of all necessary land-use permits to construct a proposed building addition and associated site improvement to 20 Ledin Ave. property. The proposed building addition and associated site improvements will be for the sole purpose to develop the 20 Ledin Ave. property for recycling operations by WMMA.

Chris Lucarelle explained that the rear of the property will be modified from a current undeveloped area to a paved lot with three catch basins, including one water quality unit, three drainage manholes, and an infiltration chamber with a retaining wall along the east and south of the property. The stormwater system in the rear of the property is designed to capture rainfall on the rear of the property, as well as from the property to the west, 40 Ledin Avenue, that flows onto the property, and to prevent stormwater system from draining o the adjacent property to the east, 10 Ledin Avenue. The proposed stormwater system will better capture stormwater when compared to the existing system, and will

provide water quality measures and an infiltration system. In addition, an existing stormwater catch basin located adjacently east of the building, as well as the roof drain leading to the catch basin, and the drainage culvert draining away from the catch basin, will be replaced. The expansion will include a canopy and siding on the east wall to minimize debris from being blown from the facility. The south facing wall will remain open for vehicle ingress and egress to and from the facility. The proposed roof expansion does not increase the existing floor area of the building or impervious area on the site, and would have no impact on existing utilities, landscape features, walkways, parking or site drainage. Internal vehicular and pedestrian circulation would be minimally impacted as the expansion simply partially encloses existing site operation. The project promotes the health, safety and general welfare of the community by better managing stormwater runoff and overall improving the management of the site, without any negative impacts to the groundwater table or surface waters.

The Board of Appeals reviewed the plans and requested clarification regarding the height of the building and what will happen to the existing building along with additional questions regarding parking spaces and the amount of trucks that will be coming through on a daily basis. Mr. Lucarelle explained that the proposed building height will be 38.7 feet and the existing building will stay the same. Two larger trucks and eight other trucks will be in and out on a daily basis. Mr. Lucarelle is also proposing a chain link fence for protection at the back side of the property along with a retaining wall. Chuck Comeau asked if there were any further questions or concerns. Mr. Ed Mekjian discussed that being a member of the Conservation Commission, they are happy with drainage on both lots, the Conservation Commission will meet again after the Planning Board reviews the plans. Kevin Foster, being appointed from the fire department to the committee, he discussed his concerns with the fire alarm suppression system. Mr. Foster discussed 527-CMR rules and regulations fire suppression systems and/or will be governed by the building permit and Building Department. The original layout of the building, there were shunts or shut offs put in for fire fighter safety, which terminates the conveyers. This will be a similar situation in the new complex of the addition for fire fighter safety. He has witnessed several conveyers or pits that were brought back into the building, and asked the Petitioner if they are sure at this juncture that there is no room for expansion instead of asking six months from now asking for more expansion. Mr. Lucarelle is on board with Mr. Foster's request regarding fire suppression system. Mr. Lucarelle discussed there are limitations that have been used for the past twenty years. Their intension is to purchase the property at 20 Ledin Ave. Ed Mekjian asked what is done regarding pest control. Mr. Lucarelle stated that a pest control company comes in on a monthly basis. No questions from the public.

Motions:

A motion was made by Kevin Foster to grant a Special Permit under section 255-5.3 G11 to allow processing of material for recycling in the industrial zoning district, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Edward Mekjian voted aye, and Chuck Comeau voted aye. The motion carries.

A motion was made by Kevin Foster to grant a variance under Section 255-8.6 Table of Off Street Parking Regulations number 8 for reduction of the required 41 spaces to 31 spaces as shown and depicted on the proposed site plan, seconded by Ed Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Edward Mekjian voted aye, and Chuck Comeau voted aye.

A motion was made by Kevin Foster as an amendment to the above motion regarding the variance under Section 255-8.6 Table of Off Street Parking Regulations number 8 for reduction of the required 41 spaces to 29 as spelled out on the proposed site plan, seconded by Ed Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Edward Mekjian voted aye, and Chuck Comeau voted aye.

A motion was made by Kevin Foster to find that the extension, alteration/addition is not more substantially detrimental to the neighborhood as listed under the Avon Zoning bylaw 255-9.2 seconded by Ed Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Edward Mekjian voted aye, and Chuck Comeau voted aye.

Warrants:

A motion was made by Chuck Comeau to pay the warrant for \$ 5,062.50 for the invoice for Jacobs Driscoll Engineering, Inc. for JoAnna Road, Stonebridge Homes, Inc., seconded by Kevin Foster. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Edward Mekjian voted aye, and Chuck Comeau voted aye. The motion carries.

Discussion:

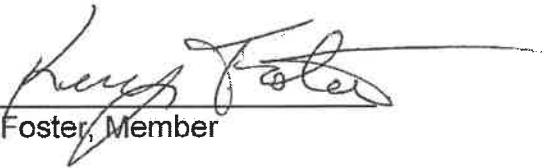
A motion was made by to approve the meeting minutes of March 2, 2021 by Kevin Foster, Edward Mekjian seconded. A roll call vote was taken. Kevin Foster voted aye, Edward Mekjian voted aye, and Chuck Comeau voted aye. The motion carries.

A motion was made by Kevin Foster to schedule the Public Hearing for 85 Oak Street to July 20, 2021 at 7:15 p.m., seconded by Edward Mekjian. A roll call vote was taken. Kevin Foster voted aye, Edward Mekjian voted aye, and Chuck Comeau voted aye. The motion carries.

The Zoning Board of Appeals members discussed realigning the board at the next meeting.

A motion was made by Edward Mekjian to adjourn the meeting at 8:35 p.m., seconded by Kevin Foster. A roll call vote was taken. Ed Mekjian voted aye, Kevin Foster voted aye, and Chuck Comeau voted aye. The motion carries.

Approved by:



Kevin Foster, Member

List of Documents

1. June 1, 2021 Meeting Agenda
2. 20 Ledin Ave. Application for Special Permit and Variance
3. 20 Ledin Ave. Site Plan
4. 20 Ledin Ave. Public Hearing notice
5. 28 Nichols Ave. Site Plan and application
6. 28 Nichols Ave. Public Hearing notice
7. Warrant for Gate House Media for \$ 434.20
8. Warrant for Tat and Howard for \$489.11
9. Warrant for Mead Talerma & Costa LLC for \$140.00

COPY OF THE RECORDED DECISION
(RECORDED 8/9/2023)



**The Commonwealth of Massachusetts
Norfolk County
Board of Appeals**

Wednesday, June 02, 2021

**Certificate of Granting of Variance(s) and/or a Special Permit(s)
(General Laws Chapter 40A, Section 11)**

The Board of Appeals of the Town of Avon hereby certifies that Variance(s) and/or a Special Permit(s) have been granted:

To: Waste Management of Massachusetts, Inc.
Owner: Thomas Morrissey of Boston Brace International
Address: 20 Ledin Avenue
City or Town: Avon, MA 02322

Affecting the rights of the owner with respect to land or buildings at
20 Ledin Avenue
As specified in 21-2 Public Hearing Minutes,
Dated: 6/1/2021

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance(s) and/or special permit(s), and that the copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the town clerk.

The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty-one days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

For Title reference see Deed recorded
in Norfolk County Registry of Deeds
at Book 25158, Page 576.

Chairman:


Kevin Foster

Member:


Edward Mekjian



ZONING BOARD OF APPEALS

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

PUBLIC HEARING MINUTES - June 1, 2021

Case # 21-2, Waste Management of Massachusetts, Inc., 20 Ledin Ave.

The Public Hearing was called to order at 7:45 p.m. on June 1, 2021 by Chuck Comeau.

The Public Hearing is the result of the Petition of Case # 21-2 Petitioner Waste Management of Massachusetts, Inc. of 40 Ledin Ave.

The following were present: Appeal Board Members- Chuck Comeau, Kevin Foster, and Ed Mekjian

Visitor's-Karlis Skulte of Civil & Environmental Consultants, Inc., Chris Lucarelle, Waste Management of MA. Peter Richer, Director of Engineering, Robert Borden, Building Inspector.

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 May 14, 2021 and May 21, 2021 in the Legal Notice section.

Case # 21-2 Waste Management of Massachusetts, Inc. 20 Ledin Ave.

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals Case #21-2 Waste Management of Massachusetts, Inc. will be referred to as the "Petitioner".

Case # 21-2 Petitioner, Waste Management of Massachusetts, Inc. of 40 Ledin Ave. request a Special Permit for the processing of material for recycling at 20 Ledin Ave. as required by Section 255-5.3 G-11 of the Avon Zoning Bylaw. The petitioner also requests a Variance of the parking capacity requirement for an industrial warehouse of the Zoning Bylaw section 255-806 #8 of the "Table of Off Street Parking Regulations." Plan 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 20 Ledin Ave., Plot # B6-1-16, Avon, Massachusetts 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: The Chair recognized the Petitioner, Chris Lucarelle received a letter on behalf of the Petitioner that discussed the owner of 20 Ledin Ave., Boston Brace International Inc. has authorized Waste Management of Massachusetts, Inc. to seek approval of all necessary land-use permits to construct a proposed building addition and associated site improvement to 20 Ledin Ave. property. The proposed building addition and associated site improvements will be for the sole purpose to develop the 20 Ledin Ave. property for recycling operations by WMMA.

Chris Lucarelle explained that the rear of the property will be modified from a current undeveloped area to a paved lot with three catch basins, including one water quality unit, three drainage manholes, and an infiltration chamber with a retaining wall along the east and south of the property. The stormwater system in the rear of the property is designed to capture rainfall on the rear of the property, as well as from the property to the west, 40 Ledin Avenue, that flows onto the property, and to prevent stormwater system from draining o the adjacent property to the east, 10 Ledin Avenue. The proposed stormwater system will better capture stormwater when compared to the existing system, and will provide water quality measures and an infiltration system. In addition, an existing stormwater catch basin located adjacently east of the building, as well as the roof drain leading to the catch basin, and the drainage culvert draining away from the catch basin, will be replaced. The expansion will include a canopy and siding on the east wall to minimize debris from being blown from the facility. The south facing wall will remain open for vehicle ingress and egress to and from the facility. The proposed roof expansion does not increase the exiting floor area of the building or impervious area on the site, and would have no impact on existing utilities, landscape features, walkways, parking or site drainage Internal vehicular and pedestrian circulation would be minimally impacted as the expansion simply partially encloses exiting site operation. The project promotes the health, safety and general welfare of the community by better managing stormwater runoff and overall improving the management of the site, without any negative impacts to the groundwater table or surface waters.

2. Comments, Open Discussion, Questions and Answers: The Board of Appeals reviewed the plans and requested clarification regarding the height of the building and what will happen to the existing building along with additional questions regarding parking spaces and the amount of trucks that will be coming through on a daily basis. Mr. Lucarelle explained that the proposed building height will be 38.7 feet and the existing building will stay the same. Two larger trucks and eight other trucks will be in and out on a daily basis. Mr. Lucarelle is also proposing a chain link fence for protection at the back side of the property along with a retaining wall. Chuck Comeau asked if there were any further questions or concerns. Mr. Ed Mekjian discussed that being a member of the Conservation Commission, they are happy with drainage on both lots, the Conservation Commission will meet again after the Planning Board reviews the plans. Kevin Foster, being appointed from the fire department to the committee, he discussed his concerns with the fire alarm suppression system. Mr. Foster discussed 527-CMR rules and regulations fire suppression systems and/or will be governed by the building permit and Building Department. The original layout of the building, there were shunts or shut offs put in for fire fighter safety, which terminates the conveyers. This will be a similar situation in the new complex of the addition for fire fighter safety. He has witnessed several conveyers or pits that were brought back into the building, and asked the Petitioner if they are sure at this juncture that there is no room for expansion instead of asking six months from now asking for more expansion. Mr. Lucarelle is on board with Mr. Foster's request regarding fire suppression system. Mr. Lucarelle discussed there are limitations that have been used for the past twenty years. Their intension is to purchase the property at 20 Ledin Ave. Ed Mekjian asked what is done regarding pest control. Mr. Lucarelle stated that a pest control company comes in on a monthly basis. No questions from the public.

3. Decision and Vote of the Board of Appeals:

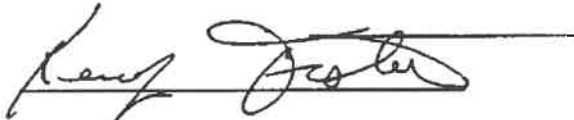
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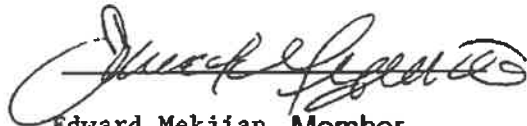
VOTED: to grant the Special Permit and Variance, as stipulated.

Approved by:



Kevin Foster, Chairman

Approved by:



Edward Mekjian, Member,

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK


In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Avon, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Petitioner / Applicant: Waste Management of Massachusetts, Inc.

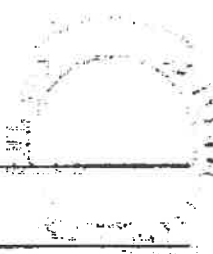
Property Address: 20 Ledin Avenue, Avon, MA 02322

Date: June 23, 2021

Attest:



Patricia C. Bessette, Town Clerk
Town of Avon, Massachusetts



CERTIFIED
ABUTTER'S LIST

300' CERTIFIED ABUTTERS LIST
 20 LEDIN AVE.
 AVON, MA (B6-1-16)

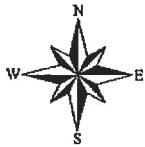
FOR:
 ROBERT R. PELLEGRINI, ESQ.
 OWNER:

RHINO 20 LEDIN INVESTORS LLC

Board of Assessors
 Certified Copy

Susan M. Mahan
 As of 12/31/23

Map	Block	Lot	Location	Owners Name	Mailing Address	City	St Zip
B6	1	11	61 Strafello Dr.	61 Strafello Owner LLC, c/o DH Property Holdings	2 Park Ave., 14th Floor	New York	NY 10016
B6	1	12	190 Bodwell St.	Bodwell Realty LLC	190 Bodwell St.	Avon	MA 02322
B6	1	13	200 Bodwell St.	CSMP Realty Trust, Linda I. Craig, Tr.	8 Pickens Avenue	E. Freetown	MA 02717
B6	1	14	210 Bodwell St.	Lodge 29 International Brotherhood of Boilermakers	210 Bodwell St.	Avon	MA 02322
B6	1	15	12 Ledin Ave.	Ledin Drive Realty LLC	11-02 43rd Avenue	Long Island City	NY 11101
B6	1	17	40 Ledin Ave.	Rhino 40 Ledin Investors LLC	PO Box 1450	Chicago	IL 60690
B6	1	18	41 Ledin Ave.	41 Ledin Avenue LLC, c/o Jon B. D'Allesandro	254 Pleasant St.	W. Bridgewater	MA 02379
B6	1	19	21 Ledin Ave.	Jacobs, Ralph S.	4 Connolly St.	Randolph	MA 02368
B6	1	20	11 Ledin Ave.	NE Truck Solutions of Avon LLC	11 Ledin Ave.	Avon	MA 02322
B6	1	21	1 Ledin Ave.	Cuming Microwave Corp., c/o PPG Industries	1 PPG Place	Pittsburgh	PA 15272
B6	1	22	Strafello De.	Bodwell Realty LLC	190 Bodwell St.	Avon	MA 02322
B7	1	10	Bodwell St.	258 Bodwell Street LLC, c/o Jon B. D'Allesandro	254 Bodwell St.	W. Bridgewater	MA 02379



20 Ledin Ave.

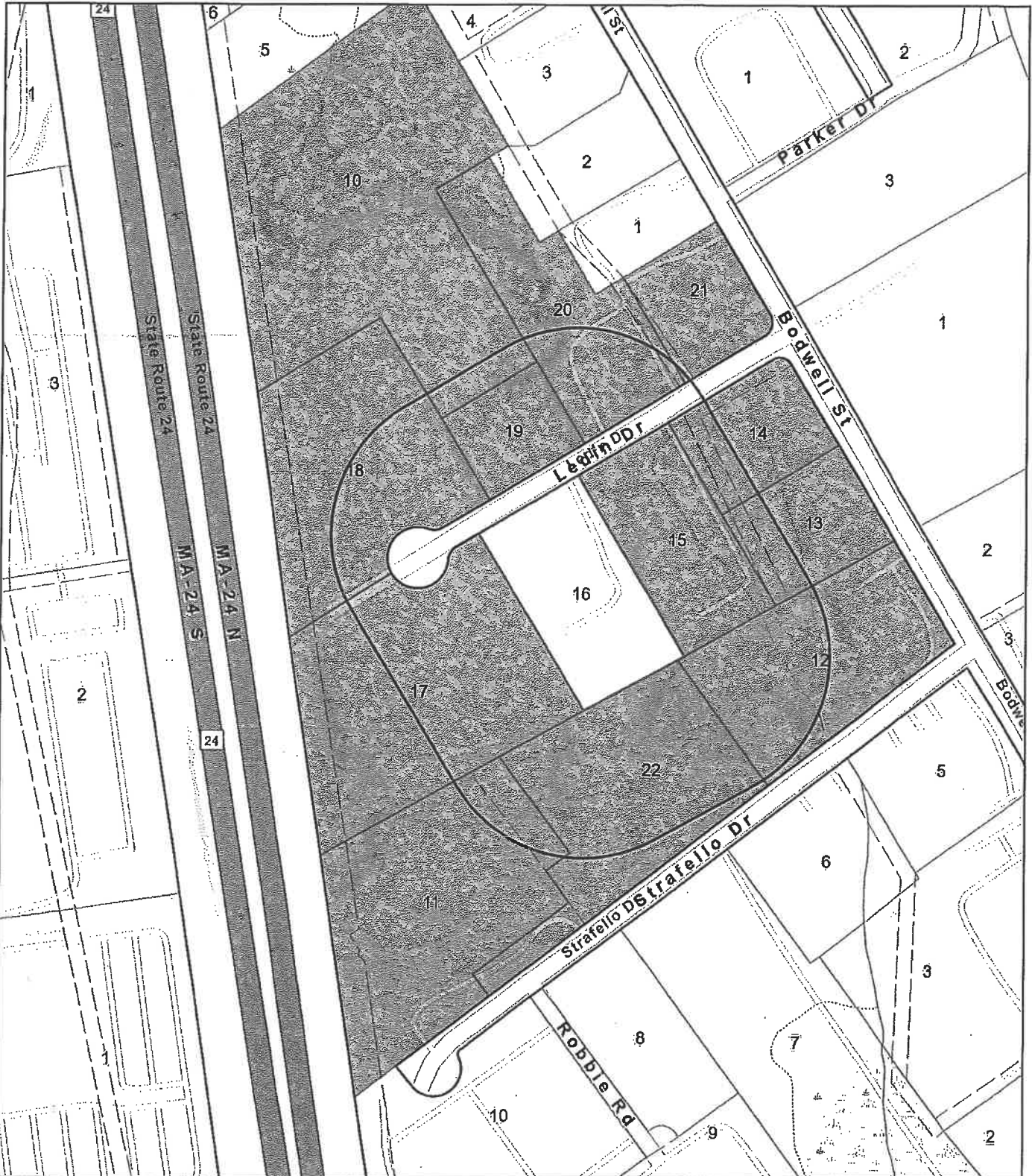
Town of Avon, MA

1 inch = 280 Feet



www.cai-tech.com

January 22, 2024



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

FIELD CARD

PROPERTY	TOPO	UTILITIES	STRT / ROAD	LOCATION	DESCRIPTION	CODE	APPRaised	ASSESSED	401
BOSTON BRACE INTERNATIONAL IN					INDUSTR.	4000	1,226,700	1,226,700	
20 LEDIN AVE					INDUSTR.	4000	546,600	546,600	
REAL OWNERS MA 02322					INDUSTR.	4000	30,000	30,000	AVON, MA

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	Q/U	VI	SALE PRICE	VC	Year	Code	ASSESSED	Year	Code	ASSESSED
G/O RHINO 20 LEDIN INVESTORS LLC	41388	260	01-04-2024	01	4,250,000	00	2024	4000	1,226,700	2023	4000	1,226,700
BOSTON BRACE INTERNATIONAL INC	25158	576-7	08-16-2007	U	100			4000	546,600		4000	546,600
20 LEDIN AVENUE TRUST	5943	0371	11-10-1981	U	0			4000	30,000		4000	30,000
C L REALTY TRUST	5054	189-9	06-27-1974	U	0			4000			4000	
Total 1,803,300												

EXEMPTIONS	Year	Code	Description	Amount	Code	Description	Number	Amount	OTHER ASSESSMENTS	Code	Description	Number	Amount
				0.00									
Total 0.00													

ASSESSING NEIGHBORHOOD	Nbrhd	Nbrhd Name	Tracing	Batch
	1		B	

NOTES
 BOSTON BRACE INTERNATIONAL(OOC)
 SDA=LOBBY
 (2) 2 FIX TOILET RMS
 4 WATER CLOSET, 3 LAVS
 2 URN

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments
11-18	01-31-2018	CM	Commercial	113,783		100		REROOF RUBBER ROOF
M1-16	01-11-2016	CM	Commercial			100		AIR HANDLER AND FURNAC
62-05	06-22-2005	CM	Commercial	17,000	07-06-2006	100		REPAIRS
80/95	07-20-1995	CM	Commercial	8,000		100		ALTER BATHRM
105/93	09-20-1993	AD	Commercial Addition	100		100		ADDITN
93/90	08-30-1990	CM	Commercial	15,000		100		PARTITIONS + MEZZ
1/85	12-31-1984	CM	Commercial	57,000		100		ADDITN OFFICE SPACE

B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	I. Factor	Site Index	Cond.	Nbrhd.	Nbrhd Adj	Notes	Location	Adjustime	Adj Unit Pric	Land Value
1	4000	INDUSTRIAL	IND			2,000	153,750.00	1.00000	1	1.00	G	1,750	SITE EXCESS		0	289,062.5	538,100
1	4000	INDUSTRIAL	IND			0.260	25,000.00	1.00000	1	1.00	G	1,300			0	32,500	8,500

LAND LINE VALUATION SECTION	Parcel	Total Land Area:	Parcel Total Land Area:
	2	AC	2

APPRaised VALUE SUMMARY	Appraised Bldg. Value (Card)	Appraised Xf (B) Value (Bldg)	Appraised Ob (B) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value	Total Appraised Parcel Value
	1,128,400	98,300	30,000	546,600	0	1,803,300

VISIT / CHANGE HISTORY	Date	Id	Type	is	Cd	Purpose/Result
	08-14-2020	JH			20	Field Review
	04-14-2016	JH			20	Field Review
	05-22-2015	DW		6	00	Measur-H Listed
	05-07-2015	DW			17	Letter Sent Requesting Ins
	07-17-2013	DW			14	Review
	05-20-2010	DW			14	Review
	04-09-2007	RD			00	Measur-H Listed

PREVIOUS ASSESSMENTS (HISTORY)	Year	Code	ASSESSED
Total			1,803,300

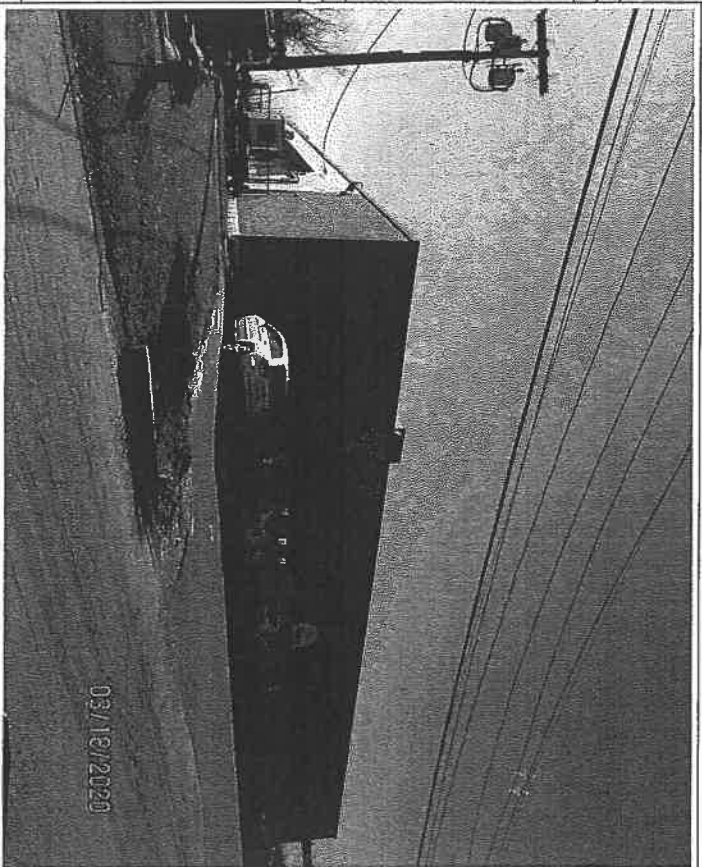


CONSTRUCTION DETAIL		CONSTRUCTION DETAIL CONTINUED	
Element	Cd	Element	Cd
Style: 40	96		
Model: 04	Industrial		
Grade: 04	Ind/Comm Above Avg		
Stories: 1			
Occupancy 1.00			
Exterior Wall 1 15	Concr/Cinder		
Exterior Wall 2 19	Brick Veneer		
Roof Structure 01	Flat		
Roof Cover 04	T+G/Rubber		
Interior Wall 1 01	Minim/Masonry		
Interior Wall 2 05	Drywall/Sheet		
Interior Floor 1 03	Concr-Finished		
Interior Floor 2 14	Carpet		
Heating Fuel 03	Gas		
Heating Type 03	Hot Air-no Duc		
AC Type 01	None		
Bldg Use 4000	INDUSTRIAL		
Total Rooms 5			
Total Bedrms			
Total Baths			
Heat/AC 00	NONE		
Frame Type 03	MASONRY		
Baths/Plumbing 02	AVERAGE		
Ceiling/Wall 03	SUS-CEIL/MN WL		
Rooms/Prtis 02	AVERAGE		
Wall Height 18.00			
% Comm Wall			
1st Floor Use:			

OB - OUTBUILDING & YARD ITEMS/L/XF - BUILDING EXTRA FEATURES/B											
Code	Description	LB	Units	Unit Price	Yr Bld	Cond	Cd	% Good	Grade	Grade Adj	Appr. Value
PAV1	PAVING-ASPH	L	30,000	2.00	1974			50		0.00	30,000
SPR1	SPRINKLERS-	B	20,020	1.00	1991			70		0.00	14,000
MEZ3	PRTRND OFFIC	B	4,000	20.00	1991			70		0.00	56,000
AC/L	AIR CONDITIO	B	9,200	2.50	1991			70		0.00	16,100
LDL1	LOAD LEVELE	B	1	3600.00	1991			70		0.00	2,500
SPR2	WET/CONCEA	B	9,200	1.50	1991			70		0.00	9,700

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
AOF	Office, (Average)	4,000	4,000		82.85	331,408
BAS	First Floor	20,020	20,020		59.18	1,184,784
SDA	Store Display Area	1,200	1,200		79.89	95,872
Ttl Gross Liv / Lease Area		25,220	25,220			1,612,064

Code	Description	Area	Unit Cost	Value
BAS	130	130	1993	40
BAS	130	130		40
AOF	50	50	40	40
OFFICE	50	50	30	40



PRIOR VARIANCE



**The Commonwealth of Massachusetts
Norfolk County
Board of Appeals**

Wednesday, June 02, 2021

**Certificate of Granting of Variance(s) and/or a Special Permit(s)
(General Laws Chapter 40A, Section 11)**

The Board of Appeals of the Town of Avon hereby certifies that Variance(s) and/or a Special Permit(s) have been granted:

To: Waste Management of Massachusetts, Inc.
Owner: Thomas Morrissey of Boston Brace International
Address: 20 Ledin Avenue
City or Town: Avon, MA 02322

Affecting the rights of the owner with respect to land or buildings at
20 Ledin Avenue
As specified in 21-2 Public Hearing Minutes,
Dated: 6/1/2021

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance(s) and/or special permit(s), and that the copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the town clerk.

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Kevin Foster

Member:


Edward Mekjian



ZONING BOARD OF APPEALS

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

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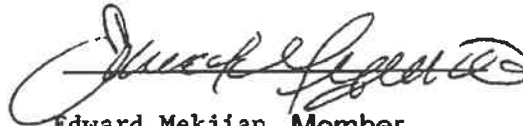
VOTED: to grant the Special Permit and Variance, as stipulated.

Approved by:

A handwritten signature in cursive script, appearing to read "Kevin Foster", written over a horizontal line.

Kevin Foster, Chairman

Approved by:

A handwritten signature in cursive script, appearing to read "Edward Mekjian", written over a horizontal line.

Edward Mekjian, Member,

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Avon, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Petitioner / Applicant: Waste Management of Massachusetts, Inc.

Property Address: 20 Ledin Avenue, Avon, MA 02322

Date: June 23, 2021

Attest:



Patricia C. Besette, Town Clerk
Town of Avon, Massachusetts

