



ZONING BOARD OF APPEALS

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TOWN OF AVON
2019 SEP 20 A 8:35
TOWN CLERK

PUBLIC HEARING MINUTES - July 16, 2019

CASE #19-3 | JOANNA HILLS ESTATES, LLC continued from May 30, 2019

The Public Hearing is the result of the Petition of Joanna Hills Estates, LLC., at the property located off Joanna Road, and known as Assessors Map C7 Block 3 Plot 15, Avon, Massachusetts and is continued from May 30, 2019.

The following were present:

Appeals Board Members- Gerald Picardi, Edward Mekjian,, Charles Comeau, Carl Walker (Carl Walker left the hearing at 7 p.m.)

Town Counsel, Joseph Lalli and Special Counsel, Brian Winner

Paul Cusson of Delphic Associates, Rami Itani of Joanna Hills LLC, and Brian Dunn of MBL Land Development Corp.

Visitor's- Abutters/ Members of the Community.

The Public Hearing was called to order at 6:35 P.M. by Charles Comeau.

Paul Cusson of Delphic Associates apologized for the lateness of the request for a continuance. Charles Comeau noted that it was too short of a notice and there is some work that can be done tonight.

Paul Cusson passed out three (3) copies of full-size plans and six (6) 11 x 17 plans for the board to review. The plans labeled 'Preliminary Site Plans' and dated July 16, 2019 consisting of 10 sheets including the cover page. The sheets are labeled cover sheet, general notes & legend, index sheet, site layout & materials plan, utility plan, test pit logs, detail sheets, and fire truck turning radius plan and were prepared by MBL Land Development and Permitting Corp of Raynham, MA.

Paul Cusson requested information as to the Peer Review Consultant, Charles Comeau noted that they are still in the negotiating stages.

The board requested clarification as to the size of the houses, current owner and amount paid for the property. Paul states that the plans are listed in the book which was provided to the board in tab #8 and they range from 1800 to 2300 square feet and if the board is interested, they can add more styles of homes around 1800 or 1900 square foot range. Some units tend to be age directed and not age restricted with a one-bedroom on the first floor and have found that there has been a demand for that type of unit. The current owner of the property is SNA Realty Trust in which one of the trustees is the wife of Muhammed Itani, a copy of the purchase and sale agreement was included in tab #4 of the book and he would have to look up the price paid. Paul Cusson states that Mass Housing hired an independent company to determine the fair market value of the property and that is how they determine the allowable profit and a developer is allowed a 20% return on costs on their development and that is subject to cost certification by Mass Housing. Any profit that is more than 20% goes to the town to be used for affordable housing and not to be used for general funds.

Charles Comeau asked about the list of waivers. Paul Cusson noted that the waivers are a work in progress and could possibly be further amended. The board does have to act on the waiver list at some time and they need to have these waivers in order to build the development as proposed. Brian Dunn went over some of the waivers listed.

Charles Comeau questioned whether they had been to see the Conservation Committee. Paul Cusson noted that they were in front of the committee in June 2017 and they have a valid Order of Resource Area Delineation (ORAD). The wetland line delineation is on our plans. A Notice of Intent (NOI) will be filed for the roadway system and for some of the houses near the buffer zone. He clarifies that the Conservation Committee never saw a development plan. We are not filling in any wetlands associated with this project. The wetlands we would be filling in if for the roadway coming in the middle which is isolated federal wetlands.

Joseph Lalli, Town Counsel asked about waivers for Conservation Commission and the Board of Health which were not listed and justification for the all the waivers. Attorney Brian Winner, Special Counsel states that the board needs to have some sort of understanding of why a waiver would be justified and what impact it would have on the project. The board is entitled to know what the necessity is for requesting the waiver, what would be the consequences not granting the waiver, how would it change the project, how it would change the parameter or any other aspects of the way the project has been designed in order to have a comfortable understanding of whether or not the waiver is justified. Paul Cusson notes that it is difficult to justify each individual waiver and it is a difficult task for the board and we will work very closely with the board.

Charles Comeau requested a phasing plan, we have to look at the traffic flow in and out and the truck route.

Edward Mekjian asked if they were confident that the houses will sell. Paul Cusson states 24 houses were sold in Kingston on 6,000 square foot lots.

Gerald Picardi requested clarification about the Market Study. Paul Cusson states that a market study and financial analysis was done and submitted to Mass Housing. As we get closer and begin to break ground, the market study is an ongoing thing.

Ed Mekjian asked for the location of the affordable homes. The low-income homes would be spread out among the other homes and you would not be able to tell the difference from the outside of the house.

Steve Rose requested clarification as to what documents were supposed to be received at this meeting and it was noted by Paul Cusson that they hadn't completed the requested definitive set of documents in time for this meeting and that is why they had requested the continuance.

Charles Comeau asked if there were any further questions.

An abutter asked if it was difficult to explain why you need a waiver then why do you need it. Paul Cusson explained that according to town bylaws we are supposed to be submitting this to the Planning Board. We will need a waiver for that because we are submitting this to the Zoning Board. A lot is procedural in addition to density, frontages and so on.

Charles Comeau asked if there were any further questions.

Robert Borden suggests that-for the understanding of the community- all paperwork be submitted digitally so that information can be provided on the town website and that the client submit 24 x 36 so that all the printing is legible. The list of waivers be submitted and detail the reason for the waiver, how they affect the profitability of the job and whether the job can proceed without the waiver.

Charles Comeau requested that emails be sent to Doreen Gouthro and she will forward the information and submit information to the town website.

The board and Petitioner discussed the timeline and date for the next meeting. The traffic report will be discussed at the next meeting and other submissions will be submitted for the Peer Review Consultant by August 17. The Petitioner states that they feel that an efficient way of handling an application is to tackle one issue at a time. Charles Comeau states that they may run out of time and refers to the 180 days. Paul Cusson states that if there is progress and some more time is needed-it is not my sole decision – we would give an extension which we have done in the past.

Steve Rose requested that the residents be informed prior to each meeting of the particular information which will be reviewed at each meeting.

Adjournment

A motion was made by Edward Mekjian to adjourn the meeting of the zoning board, seconded by Gerald Picardi. All in favor.

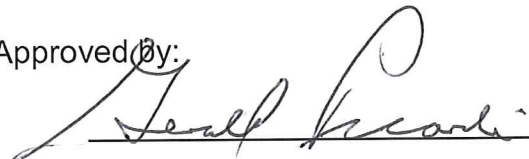
VOTED: to continue the public hearing to August 27 2019 at 6:30 PM, as stipulated.

Approved by:



Charles Comeau, Acting Chairman

Approved by:



Gerald Picardi, Member