

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

TOWN OF AVON
2022 SEP 21 A 9:27
TOWN CLERK

August 2, 2022

Mr. Kevin Foster, Chairman 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. Kevin Foster 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. Kevin Foster, member called the meeting to order at 6:55 p.m. due to technical issues. 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, Edward Mekjian, Peter Crone, Chuck Comeau, Gerri Picardi

Members not present: Peter Marinelli, Carl Walker

Visitors: Joe Harnan, Director of Leasing for Avon West Trust, c/o Messina Enterprises; Cynthia Edwards and Marl Edwards of the Edwards Group; Patrick Carrara, PMP Associates; Mr. Paul Cussen of Delphic Associates, Mr. Brian Campbell of A&B Campbell Realty, LLC, and Mr. Brian Dunn of MBL Land Development Permitting Corporation; Kristen Braun, Ron Mueller Associates; Robert Borden, Building Inspector; Brian Winner, Special Counsel; Lynne McKenney, Recording Secretary

Linda and Owen Carrel, 1 Carrel Court; Jean Zarrillo, 3 Collins Circle; Pam Pacheco, 209 Page Street; Russell Swanson, 208 Page Street; Phillip Clancy, 1 Collins Circle; (all in person) Justin Williams, Michelle Estime, and Kristen Braun (via Zoom)

Minutes:

No meeting minutes were approved.

Continued Public Hearing for Case # 22-5, 75 Stockwell Drive (Messina)

The continued Public Hearing for Case # 22-5, 75 Stockwell Drive opened at 6:56 p.m. This Public Hearing was continued from July 19, 2022.

Case #22-5 Petitioner, Avon West Trust, c/o Messina Enterprises, 400 Franklin Street, Braintree, MA 02185,

A letter dated August 2, 2022 was read in by Chair, Kevin Foster from Mr. Joe Harman, Director of Leasing of Avon West Trust, c/o Messina Enterprises that he is withdrawing his request for a Special Permit as required by Section 255.5.3 E.5 of the Avon Zoning By Law to allow Food Trucks as a convenience to shoppers at the following addresses: 15, 20, and 75 Stockwell Drive without prejudice.

Motions

A motion was made by Chuck Comeau to accept the request from Mr. Joe Harman, Director of Leasing of Avon West Trust, c/o Messina Enterprises to withdraw his request for a Special Permit as required by Section 255.5.3 E.5 of the Avon Zoning By Law to allow Food Trucks at the following locations: 15, 20 & 75 Stockwell Drive without prejudice, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Chuck Comeau voted aye, Peter Crone voted aye, Gerri Picardi voted aye, and Edward Mekjian voted aye. The motion carries.

A motion was made by Chuck Comeau to close the Public Hearing at 6:57 p.m. for 15, 20 & 75 Stockwell Drive, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Chuck Comeau voted aye, Peter Crone voted aye, Gerri Picardi voted aye, and Edward Mekjian voted aye. The motion carries.

Public Hearing for Case # 22-6, Cynthia Edwards, 188 Page Street

The Public Hearing for Case # 22-6, 188 Page Street opened at 7:00 p.m.

Kevin Foster, Chair read in the following Public Hearing Notice.

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Tuesday, August 2, 2022 at 7:15 p.m. to hear the following petition(s) requesting a Special Permit from the Avon Zoning By-Laws. The hearing will be held at the Avon Town Hall, 65 East Main St. Avon, MA. Please visit <https://www.avon-ma.gov/node/63/agenda/2022> for updates on hybrid participation and COVID protocols.

Case # 22-6 Petitioner, Cynthia Edwards, 64 Hillsdale St. Dorchester, MA 02124 is requesting relief in the form of a Variance of the lot frontage. Section 255- 6.4 of the Avon Zoning By Law from the required 200 feet to the proposed 182.65 feet and a Special Permit as required by Section 255 -9.2 to tear down the existing dwelling and rebuild on the residential property located and known as 188 Page Street, 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>.

AVON ZONING BOARD OF APPEALS
Kevin Foster, Chairman

Ad placement in The Brockton Enterprise on July 15, 2022, and July 22, 2022

Discussion

Kevin Foster, Chairman recognized the Petitioner, Cynthia Edwards. She explained that she is requesting relief in the form of a Variance of the lot frontage. Section 255- 6.4 of the Avon Zoning By Law from the required 200 feet to the proposed 182.65 feet and a Special Permit as required by Section 255 -9.2 to tear down the existing dwelling and rebuild on the residential property located and known as 188 Page Street, Avon, MA.

Patrick Carrara of PMP Associates represented Mark and Cynthia Edwards. Mr. Carrara discussed the plan regarding 188 Page Street. Mr. and Mrs. Edwards would like to build a multi-family, single building with four condos. The current layout shows the condo's located in the back with parking in the front. They will need frontage relief due to the shortage. The required parking is eight spaces; they plan on having ten spaces. They discussed that the septic will be in the front. The perk tests were completed and went very well 7-8 feet, 5 ½ feet water table. The applicants are requesting relief in the form of a Variance of the lot frontage. The Avon Zoning By-Law requires 200 feet. The proposed is only 182.65 feet. The applicants are also requesting and a Special Permit to tear down the existing dwelling and rebuild on the residential property located and known as 188 Page Street, Avon, MA.

Patrick Carrara of PMP Associates along with the applicants, Mark and Cynthia Edwards had an informal discussion with the Planning Board on March 17, 2022. They discussed that a Variance will be needed prior to the Special Permit.

Robert Borden, Building Inspector and the Zoning Board members discussed the following:

- Criteria that needs to be met for a hardship (not enough information)
- If the applicant is granted a Variance, will the house be torn down
- Frontage Variance (short by 18 feet); Special Permit
- Drainage

Avon By- Law: Section 255-9.2, Extension and alteration states: Any lawful use of any structure or land or both may be continued although not conforming with the provisions of this bylaw, but no such lawfully nonconforming use shall be changed, intensified, extended or enlarged in any manner except with the approval of the Board of Appeals. Preexisting nonconforming structures or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood. This section shall not apply to billboards, signs or other advertising devices, subject to the provisions of MGL c. 93, §§ 29 through 33.

Avon By-Laws: Section 255-6.4, Dimensional and Density Regulations

Dimensional and Density Regulations Table

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Area Per Dwelling Unit (square feet)	Minimum Lot Frontage (a) (feet)	Minimum Yard Depth (b) (feet)			Maximum Building Height (c) (feet)	Maximum Percentage of Lot Coverage by Structure
				Front	Rear	Side		
Residential A (k)	25,000	25,000 (b)	150 (d)	25 (d)	30 (d)	15 (d)	35 (i)	35 (j)
Residential B (k)	40,000	40,000 (d)	200 (d)	35 (d)	40 (d)	20 (d)	35 (i)	35 (j)

The abutters are concerned with the addition of housing on Page Street and how it will affect an already busy street.

The applicants asked to withdraw their request relief in the form of a Variance of the lot frontage. Section 255- 6.4 of the Avon Zoning By Law from the required 200 feet to the proposed 182.65 feet and a Special Permit as required by Section 255 -9.2 to tear down the existing dwelling and rebuild on the residential property located and known as 188 Page Street, Avon, MA.

A motion was made by Edward Mekjian to accept the request from the applicants of 188 Page Street to withdraw their request without prejudice, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Chuck Comeau voted aye, Peter Crone voted aye, Gerri Picardi voted aye, and Edward Mekjian voted aye. The motion carries.

Continued Public Hearing:

**Case # 22-3 Petitioner, A&B Campbell Realty, LLC of 188 Central St.
(Brave Estates)**

The continued Public Hearing for Case # 22-3, 188 Central Street, Brave Estates opened at 7:49 p.m.

Continued from July 12, 2022

Kevin Foster, Chairman read in the following Public Hearing Notice:

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Massachusetts on Tuesday, July 12, 2022, at 7:15 pm to hear the following petition(s) requesting a Comprehensive Permit under M.G.L. 40B. The hearing will be held at the Avon Town Hall, 65 East Main St. Avon, MA. Please visit <https://www.avon-ma.gov/node/63/agenda/2022> for updates on hybrid participation and Covid protocols.

Case # 22-3 Petitioner, A&B Campbell Realty, LLC of 188 Central Street, requesting approval of a Comprehensive Permit under M.G. L. 40B, at 188 Central Street, and known as Assessors Map B3, Block 1, Plot 15, Avon, Massachusetts. The applicant is proposing an additional 36 units in which 9 will be designated as affordable to low-median income applicants. Proposing 4 buildings, 2 buildings will have 8 units each and 2 buildings will have 10 units each. There will also be the addition of four garage buildings.

Plans may be viewed by appointment prior to the hearing at Town Offices or found on the Town Website. <https://www.avon-ma.gov>.

AVON ZONING BOARD OF APPEALS

Kevin Foster, Chairman

Ad placement in The Brockton Enterprise on June 27, 2022, and July 5, 2022

Mr. Paul Cussen of Delphic Associates, Mr. Brian Campbell of A&B Campbell Realty, LLC, Mr. Brian Dunn of MBL Land Development Permitting Corporation introduced themselves to the Zoning Board of Appeals members. Mr. Paul Cussen of Delphic Associates is representing Mr. Brian Campbell of A&B Campbell Realty, LLC. They are requesting a Comprehensive Permit for Brave Estates, 188 Central Street.

Discussion with ZBA members:

- Kristen Braun of Ron Mueller Associates discussed the traffic impact plan
- The conceptual site plans layout and materials plan was received for 188, 190, 200 Central Street from MBL Land Development and Permitting Corporation, dated 11/23/21, Project # 2020-047, C-4.0 (3 pages). The ZBA members prefer the street to be a two way. The street is 24 ft. to the curb.
- Wetlands present (5.34 acres of are buildable, they are using 4.14 acres for the project) (total of 6.46 acres)
- Property abuts Stoughton, correspondence will be needed from Stoughton
- Trash/dumpster and snow removal location was added to the update plan (there will be no dumpster location on the bottom right houses)
- Street lighting
- Grading (flat spots)
- Signage
- Mail
- Parking layout (flow improvement)
- General proposed landscape plan
- North side building (garage underneath)
- Impact study needs to be completed
- Data required/on record regarding water supply
- Feedback needed by the police and fire chief regarding public safety
- Feedback needed by the DPW
- Feedback from the engineer
- Feedback from Ron Mutter (Traffic Engineer)

To be discussed at the next Public Hearing:

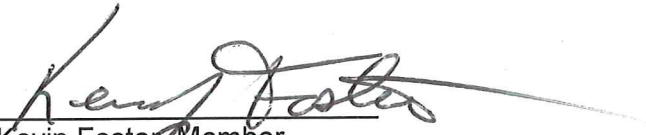
- New plans to be developed and given to Greg Driscoll, Engineer to review
- Pathway to Stoughton
- Input from DPW.
- Concerns from the other boards to be addressed at next meeting
- The applicant will work with the school department regarding impact to schools
- List of Waivers

Permission was given by the ZBA members for the applicant to correspond with Jacob's Driscoll Engineering to discuss the project.

A motion was made by Chuck Comeau to continue Public Hearing for Case # 22-6, 188 Central Street, Brave Estates to September 20, 2022 at 7:15 p.m., seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted aye, Chuck Comeau voted aye, Peter Crone voted aye, Gerri Picardi voted aye and Edward Mekjian voted aye. The motion carries.

A motion was made by Edward Mekjian to adjourn the meeting at 8:43p.m., seconded by Chuck Comeau.

Approved by:


Kevin Foster, Member

List of Documents

1. August 2, 2022 Meeting Agenda
2. July 19, 2022 Meeting Minutes
3. Letter dated August 2, 2002 from Messina
4. Case # 22-6, 188 Page Street; public hearing notice, application, abutters list, site plan
5. Case # 22-5 75 Stockwell Drive (Messina): public hearing notice, application, abutters list, site plan
6. Case # 22-3, 188 Central Street; public hearing notice, application, abutters list, site plan