

**ZONING BOARD OF APPEALS**  
TOWN OFFICES/BUCKLEY CENTER  
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TOWN OF AVON  
2023 MAR 29 A 10:38  
TOWN CLERK

**February 28, 2023**

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, Chair called the meeting to order at 7:17 p.m. 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, Chuck Comeau

Members not present: Carl Walker, Gerri Picardi, Peter Marinelli, Peter Crone

Visitors: Michael Perrault, Civil Engineer, Jacob Driscoll Engineering; Lynne McKenney, Recording Secretary

**Warrants:**

A motion was made by Chuck Comeau to pay the warrant for \$ 160.00 for professional services from Mead Talerman & Costa LLC for Case # 22-7, Windsor Heights, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau to pay the warrant for \$ 5097.50 for peer review, project coordination, meeting attendance from Jacobs Driscoll Engineering for Case # 22-3, Brave Estates and Case # 22-7, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau to pay the warrant for \$ 920.00 for professional services from Mead Talerman & Costa LLC for Case # 22-3, Brave Estates, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

### **Motions:**

A motion was made by Edward Mekjian to approve the meeting minutes of February 7, 2023, seconded by Chuck Comeau. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

### **Continued Public Hearing:**

#### **Case # 22-3 Petitioner, 188 Central St.**

#### **(Brave Estates)**

At the January 17, 2023 Public Hearing, the applicant decided to proceed with the four-member board. Special Counsel, Brian Winner explained that a four-person board needs to be maintained.

The Public Hearing for Case # 22-3 opened at 7:17 p.m.

The Public Hearing has been continued from July 19, 2022; August 2, 2022; September 20, 2022; October 25, 2022 (cancelled); December 6, 2022; January 17, 2023; February 28, 2023; March 28, 2023

Kevin Foster, Chair read in the letter dated February 21, 2023 from Delphic Associates, representing their client, A&B Campbell Reality, LLC., Brave Estates, 188 Central Street. They are requesting a continuance from the February 28, 2023 meeting to the last week in March if possible and to extend the 180-day period accordingly.

### **Motions:**

A motion was made by Chuck Comeau on behalf of the applicant to continue the Public Hearing to March 28, 2023, at 7:15 p.m., seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. The motion carries.

A motion was made by Chuck Comeau on behalf of the applicant to extend the 180-day period which starts March 28, 2023, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. The motion carries.

The Zoning Board of Appeals did not receive a copy of the peer review for Brave Estates. Mr. Perrault will have copies dropped off at the Avon Town Hall for review. Once they are received, the ZBA members will review them to discuss at the next scheduled meeting.

The Zoning Board of Appeals and Mike Perrault from JDE reviewed the following:

- Section 255 5.4 – update waiver list
- Special Permit waiver request
- Bio-retention (drainage)
- Update overall project for better viewing.
- Drainage not working properly (flat slopes)
- Compliance regarding zoning
- Order of conditions (53G fund)
- How conditions will be met in the field

Chuck Comeau commented on what an outstanding job Mike Perrault, Civil Engineer for JDE has done with completing the peer review.

**Discussion:**

Chuck Comeau discussed a phone call he received from Brian Dunn, MBL Land Development on February 28, 2023, regarding Joanna Estates project. Mr. Dunn would like to meet with Mr. Comeau to discuss issues regarding Joanna Estates. Chuck Comeau will report back to the Zoning Board of Appeals.

A motion was made by Edward Mekjian to adjourn the meeting at 8:13 p.m., seconded by Chuck Comeau.

Approved by:

A handwritten signature in dark ink, appearing to read "Kevin Foster", is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kevin Foster, Member

**List of Documents**

- February 28, 2023, meeting agenda
- February 7, 2023, meeting minutes
- Letter from Delphic Associates dated 2/1/23.
- Warrants