

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

TOWN OF AVON

2023 APR -5 A 8:28

March 28, 2023

TOWN CLERK

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 7:34 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, Peter Crone

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

Visitors: Michael Perrault, Civil Engineer JDE (via Zoom)
Brian Campbell, A&B Realty, LLC.; Brian Dunn, MBL, Inc.; Brian Winner, Town Counsel; Lynne McKenney, Recording Secretary (in person)

Warrants:

A motion was made by Chuck Comeau to pay the warrant for \$ 770.00 to review SWPPP reports and comments regarding potential issues with basins and cleared land for the Johanna Estates project from GCG Associates, Inc. for Case # 19-3, 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 Chuck Comeau to approve the meeting minutes of February 28, 2023, seconded by Ed Mekjian. 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 7:40 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 following letter signed by Kevin Foster, Chair and Brian Dunn, Delphic Associates, LLC, on behalf of A&B Campbell Realty, LLC regarding A&B Campbell Realty, LLC, Project 40B, Brave Estates, 188 Central Street.

To whom it may concern:

A letter dated February 21, 2023, was received by the Zoning Board of Appeals on February 23, 2023, from Delphic Associates, LLC regarding their client A&B Campbell Realty, LLC. Specifically, on behalf of their client, Delphic Associates, LLC requested a continuance of the Board's public hearing to March 28, 2023. Delphic also agreed to extend the 180-day review period to accommodate the continuance of the public hearing.

At the Zoning Board of Appeals' meeting held on February 28, 2023, the Zoning Board of Appeals members made a motion to accept the continuance request and the agreement to extend the 180-day period (Section 760 CMR 56.05(3) per the applicant's written request.

Accordingly, the next session of the public hearing is March 28, 2023 and the 180-day period, by agreement of the parties, is extended to September 24, 2023.

Please feel free to contact the Zoning Board of Appeals at (508) 588-0414, extension 1017.

Discussion:

On behalf of Brian Campbell, Brian Dunn reviewed items on the Waiver List dated 3/28/23 with the members of the Zoning Board of Appeals. He explained that some of the waivers requested are town by-laws not state by-laws. Kevin Foster,

Motion:

A motion was made by Chuck Comeau to accept the 180 extension letter for Brave Estates, seconded by Ed Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Chuck Comeau on behalf of the applicant to continue the Public Hearing to May 16, 2023, at 7:15 p.m., seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. The motion carries.

Discussion:

A motion was made by Edward Mekjian to adjourn the meeting at 9:07 p.m., seconded by Chuck Comeau.

Approved by:



Kevin Foster, Member

List of Documents

- March 28, 2023, meeting agenda
- February 28, 2023, meeting minutes
- Warrant
- Memo from Windsor Heights
- Peer Review – Brave Estates from Jacobs Driscoll Engineering