

ZONING BOARD OF APPEALS
TOWN OFFICES/BUCKLEY CENTER
AVON, MASSACHUSETTS 02322-1496
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TOWN OF AVON
2023 SEP 13 A 8:26

August 8, 2023

TOWN CLERK

Mr. Kevin Foster, Chairman announced that the Zoning Board of Appeals will be conducted via hybrid participation. Mr. Kevin Foster, Chair called the meeting to order at 7:07 p.m. Board members 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, Jeffrey Tibnam, Chuck Comeau, Gerri Picardi, Peter Crone

Members not present: Carl Walker

Visitors: Robert Borden, Building Inspector; Brian Winner, Town Council; Michael Pattison and Nathan Collins (225 Bodwell Street); Jonathan Beder, Town Administrator (Town of Avon); Brian Dunn; Paul Cussen; Brian Campbell (Brave Estates)

Warrant:

A motion was made by Gerri Picardi to pay the warrant for \$ 1,724.24 to Gatehouse Media for 108 Bodwell Street and 225 Bodwell Street, seconded by Jeffrey Tibnam. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

A motion was made by Gerri Picardi to pay the warrant for \$2,720.00 to Mead Talerman & Costa, LLC. for Case # 22-3, Brave Estates (\$1,320); Case # 19-3, Joanna Estates (\$620.00); and Case # Windsor Estates (\$780.00), seconded by Jeffrey Tibnam. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Minutes:

No meeting minutes were approved.

Public Hearing – 225 Bodwell Street (NextGrid Inc.) Case # 23-3

Kevin Foster, Chair opened the Public Hearing at 7:20 p.m. The following Public Hearing notice was read into the meeting minutes:

7:15 p.m. Case # 23-3 Petitioner, Nathan A. Collins PE, NextGrid Inc. of 23 Deer Hollow Road, Forestdale, MA 02644, requests relief in the form of a Variance under Section 255-6.4. The applicant is requesting a variance on the side yard setback of 25' to 3.4' in the Industrial District, to install equipment associated with the construction of a rooftop solar array, including a Battery Energy Storage System (BESS) at the property located and known as 225 Bodwell Street Avon, Massachusetts.

Michael Pattison and Nathan Collins discussed their request for a Variance on the side yard setback in the Industrial District to install equipment associated with the construction of a rooftop solar array to include a battery energy storage system at their property located at 225 Bodwell Street.

Robert Borden, Building Inspector read into the meeting minutes the denial letter. He stated the application was received on January 4, 2023, and the denial letter was mailed on January 20, 2023. The denial letter stated that a Variance is required for side yard setback and a special permit is required for work in the Watershed District.

The members of the Zoning Board of Appeals discussed the project with the applicant. The members discussed adding bollards around the battery storage system to protect the equipment. The battery is a lithium-Ion battery.

Edward Mekjian made a motion to approve the Variance per Section 255-6.4 of the Avon Zoning By-Laws per drawings (Proposed Layout Plan C-1 and Pad Detail A-7.1) by Nathan Collins of NextGrid, seconded by Gerri Picardi. No discussion on the motion. All in favor. The motion carries.

The Public Hearing for 225 Bodwell Street closed at 7:48 p.m.

Public Hearing – Case # 23-4, Town of Avon

Kevin Foster, Chair opened the Public Hearing at 7:50 p.m. The following Public Hearing notice was read into the meeting minutes:

7:45 p.m. - Case # 23-4 Petitioner, Town of Avon of 65 East Main St, Avon, MA 02322, request relief in the form of a Variance under Section 255-10.2 A – to allow an electric lighted sign in a residential zone and a Variance under Section 255-10.2 B – to allow a sign greater than 10 square feet in a residential zone. A Variance under Section 255-10.2 F – to allow a changeable message board in a residential zone and a Variance under Section 255-10.3 E – to allow a sign higher than 3 feet above grade and less than 10 feet above grade. A Variance under Section 255-10.3 G (3) – to permit an illuminated sign between the hours of 11pm & 7am and a Variance under Section 255-10.3 G (4) – to allow a 24-hour illuminated sign which may infringe on a residential property. A Variance under Section 255-10.3 G (5) – to allow the sign message to change at a greater frequency than once in sixty (60) minutes, all at the property.

Town administrator, Jonathan Beder discussed the request for a Variance in a residential zone to allow for an illuminated LED sign. The purpose of the sign is for the residents of Avon to be aware of important information regarding the town. Mr. Beder explained that the V-shaped sign would be placed on the corner of West Main Street and Harrison Boulevard. Mr. Beder and the Select Board previously discussed that this would be the best location for residents to view information due to the high travel. The fully remote illuminated sign will not be directed into the residential houses. He explained that adjustments can be made as to the brightness as well as turning the sign off and on. The board members feel there should be restrictions on hours considering it is a residential zone.

The Board of Appeals members discussed their concerns with safety. The members discussed that the information put on the message board should be short and stationary for driver safety. Chair, Kevin Foster and member, Peter Crone feel that the sign will be a traffic hazard and are not in favor of the sign location. The members are not against the sign but feel that it would be

a better fit at another location. The Town Administrator, Mr. Beder is open to making changes. Brian Winner, Town Council explained that in this type of circumstance it may be best for the Town of Avon to ask for a continuance so that he can meet with the Select Board to discuss possible changes in the location of the sign.

Edward Mekjian made a motion on behalf of the petitioner to continue the Public Hearing to September 12, 2023, at 7:00 p.m., seconded by Gerri Picardi. No discussion on the motion. All in favor. The motion carries.

**Continued Public Hearing:
Case # 22-3 Petitioner, 188 Central St.
(Brave Estates)**

The Public Hearing for Case # 22-3 opened at 8:20 p.m.

The Public Hearing has been continued from July 19, 2022; August 2, 2022; September 20, 6, 2022; October 25, 2022 (cancelled); December 6, 2022; January 17, 2023; February 28, 2023; March 28, 2023; May 16, 2023; June 27, 2023; July 31, 2023; August 8, 2023

Discussion:


Town Counsel, Brian Winner drafted the Brave Estates Decision – Attachment A. The members of the Zoning Board of Appeals reviewed the updates, revised the waiver list, and discussed any unresolved issues with the petitioner. It was discussed that the Certificate of Occupancy will be granted per unit by Building Inspector, Robert Borden.

Chuck Comeau made a motion to approve the Brave Estates Decision – Attachment A, seconded by Edward Mekjian. No discussion on the motion. The following Zoning Board of Appeals members are allowed to vote. Kevin Foster, Chair voted aye, Edward Mekjian voted aye, Chuck Comeau voted aye, and Peter Crone voted aye. The motion carries unanimously.

Chuck Comeau made a motion to close the Public Hearing for Brave Estates, seconded by Edward Mekjian. No discussion on the motion. The following Zoning Board of Appeals members are allowed to vote. Kevin Foster, Chair voted aye, Edward Mekjian voted aye, Chuck Comeau voted aye, and Peter Crone voted aye. The motion carries unanimously.

Edward Mekjian made a motion to adjourn the Zoning Board of Appeals meeting at 8:51 p.m., seconded by Gerri Picardi.

Approved by:


Kevin Foster, Member

List of Documents

August 8, 2023, meeting agenda
Meeting minutes: 7/31/23
Town of Avon application
225 Bodwell Street application
Brave Estates Decision – Attachment A