

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

TOWN OF AVON
2023 SEP 13 A 8:26
TOWN CLERK

July 31, 2023

Mr. Kevin Foster, Chair called the meeting to order at 6:45 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, Jeffrey Tibnam, Peter Crone

Members not present: Carl Walker, Gerri Picardi

Visitors:

Brian Campbell, A&B Realty, LLC.; Paul Cusson, Delphic Associates; Brian Dunn, Kierstan Braun, Muhammad Itani, Rami Itani, Brian Winner, Town Counsel; Lynne McKenney, Recording Secretary

**Continued Public Hearing:
Case # 22-7, 253 Page Street**

The Public Hearing for Case # 22-7, 253 Page Street, Windsor Heights, LLC opened at 6:50 p.m.

Abutters present: Janice Beers, Judith Leggitt, Owen Carrell (in-person), Richard Jordan and Danny Nguyen (via Zoom)

The following was discussed:

- Muhammad Itani, Petitioner clarified that the project will move ahead with the twelve single family homes.
- Kirsten Braun discussed the traffic study that was created from the Joanna Estates study.
- Kevin Foster, Chair requested an updated study on street traffic. The study should reflect no commuting trucks, only trucks for ongoing construction. The petitioner will look into options to propose a traffic study that shows speeding drivers. The Board of Appeals is very concerned about the safety and the amount of traffic around Page Street and Tower Circle. Peter Crone suggested the State Police assist with traffic and speeding. Chuck Comeau discussed the Petitioner needs a plan of action regarding the intersection and pedestrian safety. He would like to see an on-site traffic impact study during construction. (where will the parking be for workers during construction)

- Chuck Comeau is concerned that there is no sidewalk proposed on that side of the street for safety. A basic sidewalk is not enough, it should be designed and engineered for pedestrian crossing (professional recommendation)
- The Zoning Board of Appeals will further discuss the petitioners plan of action regarding the drainage easement; crosswalk; pedestrian safety; on site traffic impact during construction; engineering; access to the septic, storm water treatment; water table; grades raised around the slab; retaining wall; traffic study; septic failure (HOA is responsible); line of site (check on actual numbers).

Questions/Concerns from Abutters:

The abutters are concerned with the water pressure/consumption. The water pressure is low in that area currently. The abutters feel the project will make the water pressure worse. The abutters would like there to be a Water Study conducted. Mr. Carrell discussed Safe Harbor which refers to conditions under which a ZBA's decision to deny a comprehensive permit will qualify as consistent with local needs and not be overturned by the HAC, provided the conditions were met prior to the date that the comprehensive permit was filed with the ZBA. He feels the town of Avon needs to move along faster regarding Safe Harbor. The Avon DPW is currently working on a study regarding water consumption.

Order of business for the next meeting agenda regarding Windsor Heights project:

- The Zoning Board of Appeals will further discuss the petitioners plan of action regarding the drainage easement; crosswalk; pedestrian safety; on site traffic impact during construction; engineering; access to the septic, storm water treatment; water table; grades raised around the slab; retaining wall; traffic study; septic failure (HOA is responsible); line of site (check on actual numbers).

Motion

Chuck Comeau made the motion to continue the Public Hearing for Windsor Heights to September 12, 2023, at 7:15 p.m. per the applicant's request, seconded by Edward 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)**

The Public Hearing for Case # 22-3 opened at 7:15 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; May 16, 2023; June 27, 2023; July 31, 2023

Discussion:

The Board of Appeals discussed the local fees for the project. The applicant agreed to pay the local fees and comply with the rules and regulations. The applicant agrees to keep the Board of Health informed. The applicant would like a copy of the decision. Currently, the decision is in draft form, once the board members review and make updates, the applicant will receive a copy.

The Fire Chief is concerned with the pressure on the road for the fire trucks in case of emergency. The applicant will request the specs for the fire truck.

The board members clarified with Paul Cusson, Delphic Associates that the most recent Site Plan drawings are dated January 10, 2023. The Zoning Board of Appeals received on June 20, 2023, a Drainage Analysis Report dated January 10, 2023, revised through June 20, 2023, memo dated June 20, 2023, regarding response to JDE, Inc. comments, and Waiver List updated on June 26, 2023.

Motion

Chuck Comeau made a motion on behalf of the applicant to continue the Public Hearing to August 8, 2023, at 7:15 p.m., seconded by Jeffrey Tibnam. No discussion on the motion. A roll call vote was taken. The motion carries.

Adjourn

Edward Mekjian made a motion to adjourn the meeting at 9:15 p.m., seconded by Jeffrey Tibnam.


Warrants:

Edward Mekjian made a motion to pay the warrant for \$2,975.00 to JDE Civil, Inc. for peer review for Case # 22-3, Brave Estates, seconded by Kevin Foster. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Minutes

Chuck Comeau made a motion to approve the meeting minutes of July 25, 2023, seconded by Jeffrey Tibnam. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Approved by:


Kevin Foster, Member

List of Documents

- July 31, 2023, meeting agenda
- List of Waivers JDE, Inc. updated on June 26, 2023
- Brave Estates Site Plan dated January 10, 2023
- Brave Estates Drainage Analysis dated January 10, 2023, revised through June 20, 2023,
- Brave Estates Memo dated June 20, 2023, regarding response to JDE, Inc. comments.
- Brave Estates Waiver List updated on June 26, 2023