

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

AVON TOWN CLERK  
REC'D NOV 15 2023 AM 7:30

**September 12, 2023**

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 7:10 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

Members not present: Carl Walker, Peter Crone

Visitors: Robert Borden, Building Inspector; Jonathan Beder, Town Administrator (Town of Avon); Jason Suzor, Select Board

**Warrant:**

Chuck Comeau made a motion to pay the warrant for \$ 1,300.00 to Mead & Talerman & Costa, LLC for Joanna Estates, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Chuck Comeau made a motion to pay the warrant for \$ 2,180.00 to Mead & Talerman & Costa, LLC for Brave Estates, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Chuck Comeau made a motion to pay the warrant for \$ 660.00 to Mead & Talerman & Costa, LLC for Windsor Estates, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Chuck Comeau made a motion to pay the warrant for \$ 482.00.00 to GateHouse Media for , 600 Page Street, seconded by Edward Mekjian. 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 31, 2023, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

Chuck Comeau made a motion to approve the meeting minutes of August 8, 2023, seconded by Gerri Picardi. No discussion on the motion. A roll call vote was taken. Vote unanimous. The motion carries.

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

Kevin Foster, Chair opened the Public Hearing at 7:15 p.m. The following Public Hearing notice was read into the meeting minutes:

**7:00 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.

### **Discussion**

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. At the last meeting, the Board of Appeal members discussed the possibility of other sites, such as the library, town hall, fire station, and/or Demarco Park.

Mr. Beder and the Select Board investigated the other sites. He explained that the Fire Station site had too many obstacles. DeMarco Park did not have a good line of sight. At the Town Hall location the height of the sign would create an issue and the library site would be a good site for a smaller sign. It was determined by the Town Administrator and the Select Board that the best location for residents to view town information would be the corner of West Main Street and Harrison Boulevard due to the high travel. The fully remote illuminated sign will not be directed into the residential houses, adjustments can be made as to the brightness as well as turning the sign off and on remotely, restrictions on hours will be considered also. Article 5 was approved at Town meeting by the residents of Avon for a sign at the corner of West Main Street and Harrison Boulevard. It was discussed by all that safety is the most important.

Robert Borden, Building Inspector explained that the Town of Avon is not exempt from the Zoning By-Laws.

Chuck Comeau made a motion to debate, seconded by Edward Mekjian. Kevin Foster voted nay, Chuck Comeau, Edward Mekjian, Gerri Picardi, and Jeffrey Tibnam all voted yay. The motion carries. 4-1. Discussion on the motion. Gerri Picardi feels that Harrison Boulevard is the best location for the sign.

## **Decision/Motions**

Chuck Comeau made a motion to grant the request for relief in the form of a Variance under Section 255-10.2 A – to allow an electric lighted sign in a residential zone, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted nay, Chuck Comeau, Edward Mekjian, Gerri Picardi, and Jeffrey Tibnam all voted yay. The motion carries 4-1.

Chuck Comeau made a motion to grant a Variance under Section 255-10.2 B – to allow a sign greater than 10 square feet in a residential zone, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted nay, Chuck Comeau, Edward Mekjian, Gerri Picardi, and Jeffrey Tibnam all voted yay. The motion carries 4-1.

Chuck Comeau made a motion to grant a Variance under Section 255-10.2 F – to allow a changeable message board in a residential zone, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted nay, Chuck Comeau, Edward Mekjian, Gerri Picardi, and Jeffrey Tibnam all voted yay. The motion carries 4-1.

Chuck Comeau made a motion to grant 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, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted nay, Chuck Comeau, Edward Mekjian, Gerri Picardi, and Jeffrey Tibnam all voted yay. The motion carries 4-1.

Chuck Comeau made a motion to grant a Variance under Section 255-10.3 G (3) – to permit an illuminated sign between the hours of 11pm & 7am., seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted nay, Chuck Comeau, Edward Mekjian, Gerri Picardi, and Jeffrey Tibnam all voted yay. The motion carries 4-1.

Chuck Comeau made a motion to grant a Variance under Section 255-10.3 G (4) – to allow a 24-hour illuminated sign which may infringe on a residential property, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted nay, Chuck Comeau, Edward Mekjian, Gerri Picardi, and Jeffrey Tibnam all voted yay. The motion carries 4-1.

Chuck Comeau made a motion to grant 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, seconded by Edward Mekjian. No discussion on the motion. A roll call vote was taken. Kevin Foster voted nay, Chuck Comeau, Edward Mekjian, Gerri Picardi, and Jeffrey Tibnam all voted yay. The motion carries 4-1.

Chuck Comeau made a motion to close the Public Hearing for the Town of Avon at 7:28 p.m., seconded by Edward Mekjian.

### **Continued Public Hearing – Case # 22-7, Windsor Heights, 253 Page Street**

Kevin Foster, Chair opened the Public Hearing at 7:30 p.m. The following Public Hearing notice was read into the meeting minutes:

**7:15 p.m. – Continued Public Hearing – Case # 22-7** Petitioner, Windsor Heights, LLC by Muhammad Itani, Manager of 253 Page Street, Avon, MA. originally requested approval of a Comprehensive Permit under M.G. L. 40B, at 253 Page Street, and known as Assessors Map C6, Block 1, Plot 4, Avon, Massachusetts for 24 condominium units, in which 6 units (25%) would be designated as affordable units for median income applicants. Notice of Public Hearing for that project was published in The Brockton Enterprise on October 31, 2022, and November 8, 2022. Since the public hearing opened on November 15, 2022, the Petitioner has revised its proposal to 12 single-family homes in which 3 units (25%) will be designated as affordable.

The Board of Appeals received a memo dated September 7, 2023, from Delphic Associates requesting a continuance on behalf of the applicant, Windsor Heights, to the next available meeting date.

Chuck Comeau made a motion to grant the continuance request for Windsor Heights to October 3, 2023 at 7:30 p.m. on behalf of the petitioner, seconded by Edward Mekjian. No discussion on the motion. All in favor. The motion carries.

Edward Mekjian made a motion to adjourn the Zoning Board of Appeals meeting at 8:04 p.m., seconded by Gerri Picardi.

Approved by:

A handwritten signature in blue ink, appearing to read "Kevin Foster", is written over a horizontal line.

Kevin Foster, Member

### **List of Documents**

September 12, 2023, meeting agenda  
Meeting minutes: July 31, 2023 & August 8, 2023  
Town of Avon application  
Delphic Associates memo  
Warrants