



TOWN OF AVON
2016 OCT -6 PM 1:35
TOWN CLERK

ZONING BOARD OF APPEALS

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

PUBLIC HEARING MINUTES- September 12, 2016

The Public Hearing on September 12, 2016 was called to order at 7:35 P.M. by Board of Appeals member Kevin Foster, The board introduced themselves.

The Public Hearing is the result of the Petition of Marek Oles, Makam Realty Trust, Case #16-6 – 19 Memorial Drive, Avon, Massachusetts and Continued Public Hearing for Case#16-4

The following were present: Appeals Board Members- Peter Crone, Gerald Picardi, Kevin Foster, Ed Mekjian

Visitors- Marek Oles, Bill Self, Donna Reiser, Jerry Reiser, Marlene Wynter, Robert Border/Building Commissioner

Mr. Foster read correspondence received from Petitioners for Case #16-4

CASE #16-4 – 8 Cedar Road, Avon, Massachusetts

To the Zoning Board of Appeal:

As of today, September 12, 2016, me and my husband, Mark & Kathleen Mulhern, would like to withdraw our application for the attached in-law apartment. After careful consideration we have decided that the size that we were hoping for and what the town would allow would not accommodate our circumstances. Thank you for your consideration.

Mark and Kathleen Mulhern.

Mr. Picardi made a motion to approve to accept the withdrawal of Case#16-4, Mark and Kathleen Mulhern, seconded by Mr. Mekjian. No discussion. All in favor. Unanimous

CASE # 16-6 - 19 Memorial Drive, Avon Massachusetts

Mr. Foster read the Public Hearing:

Notice is hereby given that a Public Hearing will be held in the Town Offices, Town of Avon, Buckley Center, 65 East Main Street, Avon, Massachusetts on **September 12, 2016 at 7:45 P.M.** to hear the following petition requesting a **“Variance”** from the Avon Zoning By-Laws. **Case #16-6, Petitioner, Marek Oles, Makam Realty Trust** of 21 Marsden Street, Brockton, MA request a **“Variance”** under Section VI Dimensional and Density Regulations Table. Of the requirements of Section 6-4 for the rear yard setback – 30 feet required, 20 feet requested in a General Business Zoning District. For Construction of a two story new building at property located and known as 19 Memorial Drive, Avon, Massachusetts. Assessors Map D4, Block 15, Lot 7.

Petitioner's Presentation: Mr. Foster asked the Petitioner, for the list of abutters and slips. Mr. Bill Self submitted the list to the Zoning Board. Mr. Foster stated he accepted the list. Mr. Self prepared the variance plan for the Petitioners and will speak in their behalf. Mr. Self wants to include present setup. They want to tear down existing building (that's non-Conforming) and wants to propose a new building. Mr. Self stated to take 5 feet maximum and cut ledge down all away around, and will also add curbing. Limit to one access. And will have Handicap ramp and access. Building will be a two story, and will plan to use the top for storage and the bottom for offices. The Avon Board of Heath has done testing. It will meet front yard setbacks, the rear yard requirement is 30 feet, and they want a variance for 20 feet. They do not plan on changing any conditions and will build a retaining wall.

1. **Open Discussion, Questions and Answers:** Mr. Mekjian asked what the height in back would be and how the ledge would be removed. Mr. Self stated 152 feet, and the ledge would be chipped away.
2. Mr. Self stated the use of hammers for ledge during construction and the removal of the foundation. Then they would build a retaining wall. Mr. Oles stated there would be fire alarms, and cameras and the office building would only be in operation from 8:00 A.M. to 5:00 P.M.

Mr. Oles stated that Walmart had changed the lighting when they built. And he wants to improve the look and do landscaping and remove wall. He wants a Colonial style, so that it goes with the area.

Mr. Foster stated that it looks like this would be an improved look and that it will fit in. They would need a Variance for the rear. Mr. Foster asked the board if there were any further questions. No further discussion.

3. **Decision and Vote of the Board of Appeals:** Mr. Mekjian made a motion to grant a relief for "**Variance**" for 19 Memorial Drive, to lower to 20 feet from 30 feet for rear setback as a hardship from land, seconded by Gerald Picardi. All in favor. The vote was unanimous


ADJOURNMENT: Motion was made by Mr. Foster to adjourn the Public Hearing known as Board of Appeals **Case #16-6** – Motion was seconded by Gerald Picardi. All in favor.

Mr. Foster read correspondence that included Creating Regulation for Comprehensive permitting for review of submitted town. It was stated that all the board of Appeals members will reconvene at another time to discuss.

Next Board of Appeals meeting TBA

Adjournment: Motion was made by Mr. Foster to adjourn the Board of Appeals meeting, seconded by Mr. Picardi. All in favor.

Respectively Submitted:


Peter Croné, Chairman