



# TOWN OF AVON, MASSACHUSETTS

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BUCKLEY CENTER, Avon, MA 02322

Telephone: 508-588-0414

## **BOARD OF APPEALS - PUBLIC HEARING MINUTES**

### **CASE #9-10 45 Highland Street, Avon, Massachusetts**

**Petitioner: Mr. Michael Austrino**

**and**

### **CASE #9-11 42-44 East Main Street, Avon, Massachusetts**

**Petitioner: Ms. Linda Mann**

The Public Hearing was called to order at 7:42 p.m. by Chairman, Peter Crone.

The Public Hearing is the result of the Petition of Mr. Michael Austrino, Case #9-10 and Ms. Linda Mann, Case #9-11.

The following were present:

Appeal Board Members-Gerald Picardi, Edward Mekjian, Robert Brady, Jr., and Kevin Foster.

Visitor's Forum- Michael Austrino, David Klenert, Christopher Zinko, Robert Johnston, Ruth Johnston, Gerald Lynch, Maureen Lynch, Linda Mann, and Earl Mann.

The members of the board and visitors introduced themselves and the board noted that the Public Hearing Notice(s) had appeared in the Moneysaver Publication on Wednesdays, July 22<sup>nd</sup> and July 29<sup>th</sup>, in the Legal Notice sections.

### **CASE #9-10 – 45 Highland Street, Avon, Massachusetts**

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals Case #9-10; and Mr. Michael Mann, will be referred to as the “**Petitioner**”.

The **Town of Avon Board of Appeals** will conduct Public Hearings at the Town Hall in the Planning Board Office at Buckley Center, Avon, Massachusetts on **Monday, August 3, 2009 @ 7:30 p.m.**, to consider a petition to vary the terms of the Zoning By-Laws of the Town of Avon, Acts of 1977 (as amended), and further specified, or any limitation, extension, change, alteration or modification of use, or method of use as may at hearings appear as necessary or proper in the premises:

**PLAN/DETAILS FOR PROPOSED PROJECTS AND FURTHER INFORMATION ARE AVAILABLE FOR INSPECTION, REVIEW AND INFORMATION AT THE TOWN CLERK'S OFFICE AT TOWN HALL, Buckley Center, Avon, MA. Call Town Hall at 508-588-0414 for hours of operation.**

**Case#9-10; Mr. Michael Austrino requests relief in the form of a Variance to the requirements of Section 6-4, "Dimensional and Density Regulations Table" of the Avon Zonig By-Laws. The property located at 45 Highland Street.**

\* Copy of Notice to Abutters (as certified by the Town of Avon Board of Assessors). Notice is hereby given as mandated by the Laws governing the conduct of Public Hearings and the Board of Appeals (General Laws, Chapter 40A, Section 11). Town Clerk V. Jean Kopke, Town Accountant, Town Administrator Michael McCue, Board of Selectmen, Board of Assessors, Building Inspector Robert Borden, Planning Board, Water Commission, Board of Health, Conservation Commission, Board of Appeals Members.

The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 45 Highland Sreet (Map C5-1-44), Avon, Massachusetts and concerned parties had been notified of the intent of this hearing. All the requirement had been met with reference to notifications, publications, and postings, as mandated by Laws Governing the action of Public Hearings and the Board of Appeals (*Massachusetts General Laws, Ch. 40A § 11*); and, Town of Avon Board of Appeals Procedures for Applicant(s)/Petitioner(s), effective January 1, 2001.

The Board of Appeals advised the attendees of the format of the Public Hearing as follows:

1. Petitioner's Presentation
  2. Comments, Open Discussion, Questions and Answers
  3. Decision and Vote of the Board of Appeals
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1. Petitioner's Presentation: The Chair recognized Mr. David Klenert representing the Petitioner, Mr. Michael Austrino and presented his plan of the proposed project as it would appear by tearing down the existing building on the property and constructing a 2400 square foot colonial and associated barn for a personal residence. If approved the proposed building would require a variance per § 6-4 "Dimensional and Density Regulations Table the property located at 45 Highland Street. Blueprints of the proposed project were submitted and reviewed by the Board of Appeals.
  2. Comments, Open Discussion, Questions and Answers: Mr. Robert Johnston of 35 Highland Street, an abutter of the property was concerned with the water drainage. It was noted that the drainage will be diverted in the same manner and Mr. Klenert also noted that the water and drainage issues will be discussed at a meeting with the

Conservation Commission on August 17, 2009. It was also noted that the Board of Health had approved a Title V system for this property.

Maureen Lynch of 25 Highland Street requested information as to the reason that the Petitioner needs to meet with the Conservation Commission and it was noted by Mr. Klenert that there is a question in regard to a wetlands area that needed to be dealt with.

3. Decision and Vote of the Board of Appeals: Gerald Picardi made a motion for finding to grant relief per § 6-4 "Dimensional and Density Regulations Table" the property located at 45 Highland Street to construct a 2400 square foot colonial and associated barn for a personal residence, seconded by Kevin Foster. All in favor.

**VOTED: to grant the Variance, as stipulated.**

### **CASE #9-11 42-44 East Main Street, Avon, Massachusetts**

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals Case #9-11; and Ms. Linda Mann, will be referred to as the "**Petitioner**".

The **Town of Avon Board of Appeals** will conduct Public Hearings at the Town Hall in the Planning Board Office at Buckley Center, Avon, Massachusetts on **Monday August 3, 2009 @ 7:30 p.m.**, to consider a petition to vary the terms of the Zoning By-Laws of the Town of Avon, Acts of 1977 (as amended), and further specified, or any limitation, extension, change, alteration or modification of use, or method of use as may at hearings appear as necessary or proper in the premises:

**PLAN/DETAILS FOR PROPOSED PROJECTS AND FURTHER INFORMATION ARE AVAILABLE FOR INSPECTION, REVIEW AND INFORMATION AT THE TOWN CLERK'S OFFICE AT TOWN HALL, Buckley Center, Avon, MA. Call Town Hall at 508-588-0414 for hours of operation.**

**Case#9-11; Ms. Linda Mann requests relief in the form of a Variance to the requirements of Section 9-2, "Non-conforming Uses, Structure Lots, Extension and Alteration" of the Avon Zonig By-Laws. The property located at 42-44 East Main Street.**

\* Copy of Notice to Abutters (as certified by the Town of Avon Board of Assessors). Notice is hereby given as mandated by the Laws governing the conduct of Public Hearings and the Board of Appeals (General Laws, Chapter 40A, Section 11). Town Clerk V. Jean Kopke, Town Accountant, Town Administrator Michael McCue, Board of Selectmen, Board of Assessors, Building Inspector Robert Borden, Planning Board, Water Commission, Board of Health, Conservation Commission, Board of Appeals Members.

The Board of Appeals further advised the attendants that all abutters, as certified by the Town Board of Assessors, to the property located at 42-44 East Main Street, Avon, Massachusetts and concerned parties had been notified of the intent of this hearing. All the requirements had been met with reference to notifications, publications, and postings, as mandated by Laws Governing the action of Public Hearings and the Board of Appeals (*Massachusetts General Laws, Ch. 40A § 11*); and, Town of Avon Board of Appeals Procedures for Applicant(s)/Petitioner(s), effective January 1, 2001.

The Board of Appeals advised the attendees of the format of the Public Hearing as follows:

1. Petitioner's Presentation
2. Comments, Open Discussion, Questions and Answers
3. Decision and Vote of the Board of Appeals

1. Petitioner's Presentation: The Chair recognized the Petitioner, Ms. Linda Mann and Mr. Earl Mann who presented the plan. The plan of the proposed project as it would appear with the construction of approximately an 8' x 10' deck and stairwell which would give both the first and second floor tenants their own separate entrance. Blueprints of the proposed project were submitted and reviewed by the Board of Appeals.

2. Comments, Open Discussion, Questions and Answers: The Board of Appeals asked for clarification of the submitted plans with reference to the location of the septic system. It was noted that deck would be set further enough from the septic system.

3. Decision and Vote of the Board of Appeals: Kevin Foster made a motion for finding to grant relief per § 9-2 "Non-conforming Uses, Structure Lots, Extension and Alteration" finding the proposed deck and stairwell would not be detrimental to the property located at 42-44 East Main Street, seconded by Edward Mekjian, All in favor.

**VOTED:        to grant the Variance, as stipulated.**

**ADJOURNMENT**: Motion was made by Peter Crone to adjourn the Hearing known as Board of Appeals Case #9-10 and Case #9-11 at 8:05 P.M. Motion was seconded by Gerald Picardi and it was unanimous.

Approved by:

Approved by:

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Approved Copy of Minutes: The Petitioner(s), Town Clerk V. Jean Kopke, Building Inspector Robert Borden, Planning Board, Appeals Board Case File(s) #9-8 and #9-9.

