



# TOWN OF AVON, MASSACHUSETTS

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BUCKLEY CENTER, Avon, MA 02322

Telephone: 508-588-0414

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

### **CASE #9-12 37 Page Street, Avon, Massachusetts**

**Petitioner: Ms. Berthe Boyer**

### **CASE #9-13 71 South Street, Avon, Massachusetts**

**Petitioner: Mr. Kevin Edwards**

### **CASE #9-14 59 McCoy Street, Avon, Massachusetts**

**Petitioner: Mr. Reynaldo Jaro**

The Public Hearing was called to order at 7:50 p.m. by Chairman, Peter Crone.

The Public Hearing is the result of the Petition of Ms. Berthe Boyer, Case #9-12, Mr. Kevin Edwards, Case #9-13, and Mr. Reynaldo Jaro, Case #9-14.

The following were present:

Appeal Board Members-Peter Crone, Gerald Picardi, Edward Mekjian, Chuck Comeau., and Kevin Foster.

Visitor's Forum- David Fitzsimmons, Nick and Sandra Flannery, Harvey and Madeline Small, Berthe Boyer, Reynaldo Jaro, T. Flanigan, Kevin and Layne Edwards, Terry Edwards, James Cowgill, Jackson Brice, and E.C. Anderson.

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, September 2<sup>nd</sup> and September 9<sup>th</sup>, in the Legal Notice section.

### **CASE #9-13 – 71 South Street, Avon, Massachusetts**

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals Case #9-13; and Mr. Kevin Edwards, 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, September 14, 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#9-13; Mr. Kevin Edwards requests relief in the form of a Variance to the requirements of Section 9-2, "Nonconforming Uses, Structure Lots, Extension and Alteration" of the Avon Zoning By-Laws. The property located at 71 South 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 71 South Street (Map C3-1-16), 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
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1. Petitioner's Presentation: The Chair recognized the Petitioner, Kevin Edwards, who presented his plan of the proposed project as it would appear by tearing down the existing building on the property and reconstructing the same. If approved the proposed building would require a variance per § 9-2 "Nonconforming Uses, Structure Lots, Extension and Alteration" the property located at 71 South Street. Blueprints of the proposed project were submitted and reviewed by the Board of Appeals.
  2. Comments, Open Discussion, Questions and Answers: Gerald Picardi asked the Petitioner about the frontage and lot size. It was noted by the Petitioner that this will remain the same.
  3. Decision and Vote of the Board of Appeals: Gerald Picardi made a motion for finding to grant relief per § 9-2 "Nonconforming Uses, Structure Lots, Extension and Alteration" the property located at 71 South Street, seconded by Kevin Foster. All in favor.

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

**CASE #9-14 - 59 McCoy Street, Avon, Massachusetts**

All business conducted regarding this Petition will here and forever be known as Town of Avon, Board of Appeals Case #9-14; and Reynaldo Jaro, 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 September 14, 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#9-14; Reynaldo Jaro 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 Zoning By-Laws. The property located at 59 McCoy 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 59 McCoy Street (Map C5, 9, 3), 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, Reynaldo Jaro who presented the plan. The plan of the proposed project as it would appear with the construction of a 10' x 22' deck on the back of his home. 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 by the Petitioner, Reynaldo Jaro that the deck would be set further enough from the septic system.
3. Decision and Vote of the Board of Appeals: Chuck Comeau made a motion to grant relief per § 9-2 "Non-conforming Uses, Structure Lots, Extension and Alteration" to allow construction for a 10' x 22' deck across the back of the house at the property located at 59 McCoy Street, seconded by Kevin Foster, All in favor.

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

**CASE #9-12 – 37 Page 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 Berthe Boyer, 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 September 14, 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#9-12; Berthe Boyer requests relief in the form of a Variance to the requirements of Section 7-5-J "Specific Requirements for particular uses by Special Permit, Temporary Living Quarters" of the Avon Zoning By-Laws. The property located at 37 Page 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 37 Page Street (Map C5, 10, 1), 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, Berthe Boyer. Mr. Brice presented the plan. Mr. Brice and Berthe Boyer noted that the 3<sup>rd</sup> floor unit had been occupied before Berthe Boyer's purchase of the property and noted that the 3<sup>rd</sup> floor unit was still occupied at the time of this hearing.
2. Comments, Open Discussion, Questions and Answers: Kevin Foster read a Cease and Desist order which was issued by the Building Department on July 9, 2009, The Board of Appeals asked the Petitioner, Berthe Boyer if the 3<sup>rd</sup> floor was still occupied by a tenant in which the Petitioner, Berthe Boyer responded that it was still occupied and she was waiting for this hearing before proceeding with anything further. Kevin Foster noted that the 3<sup>rd</sup> floor does not have a 2<sup>nd</sup> egress and the Petitioner is in direct violation of the Cease and Desist Order which was issued on July 9, 2009. Edward Mekjian also stated that the Application requests temporary living quarters and the Petitioner was given a copy of the Zoning By-Laws. Chuck Comeau clarified that the property is not zoned for multiple family housing and read from the Zoning By-Laws that temporary living quarters can only be granted to a single family dwelling.
3. Decision and Vote of the Board of Appeals: Gerald Picardi made a motion to deny the application without prejudice the property located at 37 Page Street, seconded by Kevin Foster, All in favor.

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

**ADJOURNMENT:** Motion was made by Peter Crone to adjourn the Hearing known as Board of Appeals Case #9-12, Case #9-13, and Case #9-14 at 9:35 P.M. Motion was seconded by Gerald Picardi and it was unanimous.

Approved by:

Approved by:

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