

THE ZONING BOARD OF APPEALS OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING FOR A PUBLIC HEARING ON THURSDAY, DECEMBER 21, 2023, AT 7:00 P.M., VIA GOTOMEETING: By web, <https://meet.goto.com./413428845>; or by phone: +1 (571) 317-3116, Access Code: [413428845#](#).

Present were regular Board members Chair Christy Yaros, Vice Chair Jaime Polhamus, and Michele O'Connor and alternate Board members Tom McNeill and James Williams. Absent were Board members Aden Baume, Eileen Reilly and alternate Board member Vi Smalley. Also present was Planning and Community Development Specialist Emily Kyle and former Planning and Community Development Specialist John McCahill.

Chair Yaros called the meeting to order at 7:03 p.m.

E. Kyle took roll call for the Board. We have a quorum of 5 members including two alternates.

I. CONTINUATION OF PUBLIC HEARING:

Application of AMCO Holdings LLC, Owner and AMCO Development, LLC, Applicant; requesting from Avon Zoning Regulations, Section IV. A. 2. d., a 14-foot variance on Richard Street and a 19-foot variance on Stevens Street from the required 40-foot front yard setback for each street for a single-family house, located at 22 Richard Street in an R30 zone.

E. Kyle read into the record the Legal Notice of Continuation of Public Hearing and Sections II and III of the ZBA Virtual Public Hearing Process. She said that the Applicant is requesting variances from Section IV. A. 2. d. for the construction of a single-family home that would be located within both front yard setbacks of a corner lot. Corner lots have two front yards and two side yards rather than the traditional front yard, two side yards, and a rear yard. This lot is situated at the corner of Richard Street and Stevens Street (the "Property"). The house would be 21' from the property line on Stevens Street and 26' from the property line on Richard Street which would require a 19-foot and a 14-foot variance respectively. Since the last ZBA meeting, the Applicant provided an additional letter dated December 18, 2023. Andrew Morse, a principal of both the Owner and Applicant said that at the last ZBA meeting, a couple of questions arose regarding the septic system proposal on the southern part of the Property and whether it is better to have the septic system closer to the wetlands or to have the house closer to the wetlands. The December 18 letter from his wetlands consultant, JMM Wetland Consulting Services, LLC, said that in this particular case, it is better to have the septic system further away from the wetlands than the house. A. Morse said that the proposed house on the Property is 2,100 square feet which is the average size for the neighborhood. The hardship is the wetlands on the east side of the Property which is fairly close to the proposed house. He came to the ZBA to see if he could get the house pushed further from the wetlands so when he goes to the Inland Wetlands Commission (the "IWC") he will be able to tell them that he has done everything he could to move the house away from the wetlands.

T. McNeill asked where the wetlands are and A. Morse pointed out both the wetlands and the upland review area on the site plan. There were no further Commissioner comments so E. Kyle opened the floor to public comment. Karen Isakson of 17 Richard Street said that she got a 22-

foot hardship variance to build a garage approximately 16 years ago. Her house was built prior to the current setback requirements and without a variance she would have had to take part of her house out to fit a garage. The Property is a corner lot and she thinks the house would be very close to the road on both sides. She does not think the house will fit into the neighborhood the way it is situated on the lot. E. Kyle said that the ZBA asked her to look into the history of other variances in the neighborhood. The first one that she found was the Isaksons' at 17 Richard Street from 2005 when they received a 22-foot variance from the front yard setback. A 22-foot variance allowed that garage to be 18' from the property line whereas the 19-foot and 14-foot variances being requested place the home 21' and 26' respectively from the property lines so the proposed house is actually farther from the road than the Isakson house. To clarify, this house will not be 14' and 19' from the property lines – it will be 26' and 21' from the property lines. K. Isakson said that she does not have living space close to the property line – that is still 40' from the front property line. Dan Isakson of 17 Richard Street is concerned that the house will be very close to the corner which is unusual not only for this neighborhood but also anywhere in Avon. He said currently there is a large amount of water due to the recent rain pooled in a puddle where the house is proposed. Many houses in the neighborhood have sump pumps and he does not understand why you would put a house here – he only sees water problems in the future. T. McNeill asked if A. Morse had a response to the neighbor's mention of a large puddle. A. Morse said that the new homes that he built have a Cultec system which is a special underground containment system that holds rainwater until drier times and then discharges it. The rainwater runoff on his new construction homes is actually less than if the lot did not have a house. Each of his new homes is engineered to reduce the water runoff from the Property. D. Isakson asked how big and how many tanks there are at the new home that A. Morse built at 28 Richard Street. A. Morse said they had 3-4 chambers at a minimum. Also, the soil conditions are very sandy in that area. If the soil was more of a clay type, he would add additional chambers. The soil tests are very favorable to draining in that area and he has favorable test results in the septic system testing as well. D. Isakson said that he does not remember seeing large tanks installed on the other properties. A. Morse said they were installed at 28 Richard Street and 34 Richard Street. Chair Yaros asked E. Kyle if this would be a concern for the IWC and not the ZBA. E. Kyle agreed and said that regardless of the proposed location of the house on the lot, almost the entirety of the Property is a regulated area – either in wetlands or in the upland review area – so the Owner would have to go to the IWC for approval. Details such as runoff, drainage, and other concerns that have to do with development within a wetland, watercourse or upland review area will be scrutinized by the IWC and experts at that time. The ZBA's job is to analyze the request for a variance and to see if there are any hardships present on the Property. K. Isakson said that the property lines were drawn in the 1950s but do not necessarily have to be built in the 2000s. The corner houses on Stevens Street, Jackson Street, and Richard Street are set back enough to still have views around the corners. She believes that having this house so close to the corner is in the line of vision for driving. A. Morse said that this lot is completely wooded now and if you were to drive down either Stevens Street or Richard Street now you would be limited to about 10' of visibility due to the foliage. He said it will be much safer once the new house is there and you will be able to see around the corners because the foliage and trees will not be blocking visibility.

E. Kyle said that if the ZBA decided to close the Public Hearing there would be no more opportunity for the public to participate in the discussion. Chair Yaros made a Motion to Close

the Public Hearing. M. O'Connor seconded. The Motion passed unanimously. Chair Yaros asked T. McNeill and J. Williams if they had enough information. T. McNeill replied that he had studied the notes from the last meeting. There was no further discussion. Vice Chair Polhamus made a Motion to Approve this Application. T. McNeill seconded. The Motion passed unanimously. E. Kyle read that "the granting of the variance will be in harmony with the purposes and intent of these regulations, will accomplish substantial justice, will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare." She told A. Morse that he will receive a letter from the Town listing the next steps.

II. OTHER BUSINESS: None.

III. NEXT REGULARLY SCHEDULED MEETING: January 18, 2024

E. Kyle thanked J. McCahill for his help in the upcoming months. Chair Yaros thanked E. Kyle and staff for their help as this is Chair Yaros' last meeting. She made a Motion to Adjourn. M. O'Connor seconded. The Motion passed unanimously.

The meeting adjourned at 7:30 p.m.

Janet Stokesbury, Clerk
Zoning Board of Appeals
Town of Avon Planning and Community Development