

PLANNING, ZBA & TOWN MEETING MONDAY, FEBRUARY 26, 2024

MEMBERS PRESENT: PLANNING: KATHY COLE, CLARA MULLIGAN, BRIAN THORN, CHRISTOPHER STERNER,
ZBA: JEFF MULLIGAN, BOB WESTFALL, DIANE ATTEA, CINDY KELLEN, KITTY BRESSINGTON
ABSENT: KATHY MANNIX (PLANNING BOARD), THOMAS MCGOVERN (PLANNING BOARD), COLLIN HAYES (PLANNING BOARD)
OTHERS: BRIAN GLISE (CEO, AVON), MATTHEW SOUSA (MRB GROUP), WILEY LITTLE (MRB GROUP)
VISITORS: KEVIN O'DONOGHUE
CLERK: KIM MCDOWELL (ABSENT)

Kathy Cole called the meeting to order.

MOTION TO OPEN THE MEETING WAS MADE BY CHRISTOPHER STERNER; SECONDED BY KITTY BRESSINGTON.

KATHLEEN COLE -AYE
THOMAS MCGOVERN - ABSENT
COLLIN HAYES - ABSENT
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 9-0.

Kathy Cole reviewed the emergency exits for all present.

ZBA & PLANNING MOTION TO APPROVE THE MINUTES FROM JANUARY 22, 2024, MEETING SUBMITTED WAS MADE BY BOB WESTFALL; SECONDED BY BRIAN THORN.

KATHLEEN COLE -AYE
THOMAS MCGOVERN - ABSENT
COLLIN HAYES - ABSENT
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE

BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 9-0.

TEITSWORTH, JESSE/2559 BRONSON HILL ROAD/TAX MAP#45.-1-
50.920/ZBA - HEIGHT VARIANCE FOR POLE BARN

Jesse Teitsworth was available via phone to discuss his application before the ZBA Board.

Jeff Mulligan asked if he is requesting to have a height variance for the pole barn he would like to build and that is correct.

Jeff Mulligan suggested he request a 5-foot variance to be on the safe side.

Kitty Bressington asked why there are 5 parking spaces on the site plan if the pole barn is for storage and Mr. Teitsworth explained there will be a gravel entranceway into the barn but there will be no parking.

Kitty also asked about the cost of the building being \$400,000 and Mr. Teitsworth said from the quotes he has gotten to build it, that is what it will cost.

Bob Westfall drove by the property, and he feels the barn is very big and Bob noticed other barns on the property.

Jeff Mulligan asked what they will be using the barn for, and Mr. Teitsworth stated he has a lot of equipment and some recreational vehicles that will be stored in the barn.

Jeff Mulligan also asked what the size of the property is, and it is 10.4 acres.

Brian Glise has no problem with the size of the barn on this parcel.

Jeff Mulligan stated the ZBA Board is just here to approve the height variance.

Cindy Kellan asked if there any commercial business would be occurring on the parcel and there will not be.

Jeff Mulligan stated the next step is for a public hearing to be scheduled at the next meeting.

MOTION TO SCHEDULE A PUBLIC HEARING FOR MARCH 18, 2024 WAS MADE BY CINDY KELLEN; SECONDED BY KITTY BRESSINGTON.

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 5-0.

Kim will get in touch with Mr. Teitsworth regarding his sign.

MORSCH, STEPHEN & JENNIFER/3929 SOUTH AVON ROAD/TAX MAP#52.-1-6.122/PLANNING - 2 LOT SUBDIVISION

Kevin O'Donoghue was present to discuss this application on behalf of Mr. & Mrs. Morsch.

The Morsch's would like to separate the house to sell to their daughter and then build a house for themselves on the other lot.

Kevin stated there is a shop/barns on the second lot as well and the house will be outback near the wooded area.

Matthew Sousa stated that an updated plat map showing the existing barns and setbacks needs to be submitted to do the subdivision. Since the barns are considered accessory structures, this subdivision would put them on their own parcel, a variance will be needed for approval of this subdivision. Our Code requires a primary structure for any accessory structure on a parcel, therefore a condition of the subdivision will be a variance for an accessory structure without a primary structure.

Matthew stated the applicant will have to submit a variance application and will need approval before the subdivision approval.

Jeff Mulligan questioned why he would need a variance since this barn is used for agricultural purposes.

Cindy Kellan stated he would need a variance anyways because the barns would be in front of the primary structure when they build the house.

Brian Glise stated the barns are not used for agricultural purposes currently and even if they were, they are still considered an accessory building in our Code.

Jeff Mulligan asked where the driveway was on the survey and Kevin showed him where it is near the barns.

Kathy Cole asked if there were any questions/comments from the Planning Board members.

Brian Thorn stated if this happens then the shop would be in front of the primary structure and would they need a variance now for that as well and Matthew stated when they apply for a building permit for the house, that is when they will need to get a variance for the accessory building in front of the primary structure.

Kathy Cole stated for the subdivision to get approved as submitted, they would need a variance for having an accessory building on a parcel without a primary structure and then when they build the house, they will need another variance for an accessory structure in front of a primary structure.

Matthew Sousa said the Morsch's should have submitted a variance application in conjunction with the subdivision application.

Kathy Cole asked Kevin if the applicant would submit a variance application for the March meeting and they would come back in to discuss and then schedule the public hearing for the April meeting.

It was also suggested that if he could get the building permit submitted before the March meeting, he could get all variances needed and the subdivision approved at the April meeting.

Kevin asked for clarification of what variance is needed for the subdivision and the building of the house and the Board's discussed it fully for Kevin to understand.

Kevin will discuss with the Morsch's and submit what is needed for the March meeting and April's public hearing.

There was much discussion regarding this parcel and what is currently on the parcel and having a contingency on the subdivision and variance resolutions to have him clean up the property.

There was discussion of the business running out of the barns on this parcel that is zoned Agriculture and the options for the Town regarding zoning.

Kathy Cole asked if there were any other concerns from the Boards for Brian.

Brian Glise stated CP Ward will be doing some work to fix a broken tile. They are also going to be submitting a site plan update/modification from the initial site plan. Brian said they have lights that were not on the plans, however, in our code if the Planning Board approves the lighting, then it will be compliant.

Brian Glise stated Meyers on Lakeville Road are requesting the second parcel they own to be rezoned from Agriculture to General Business and then combine both parcels to expand their business parking lot.

Brian Glise stated we got the building permit for the solar farm on Gary Wheat's property.

Clara Mulligan asked about the 5&20 solar field and Brian said they have started doing some work due to having nice weather.

Matthew Sousa will be putting together a summary sheet for everyone for the solar farms in Avon.

There was much discussion on what to do with a parcel that is not in compliance with the zoning codes and/or special use permit conditions and the recourse for the Town. It is suggested the Code Department sends a stop work order letter informing the owner they need to get a special use permit.

MOTION TO CLOSE THE MEETING WAS MADE BY BOB WESTFALL; SECONDED BY ??.

KATHLEEN COLE -AYE
THOMAS MCGOVERN - ABSENT
COLLIN HAYES - ABSENT
KATHLEEN MANNIX - ABSENT
CLARA MULLIGAN - AYE
BRIAN THORN - AYE
CHRISTOPHER STERNER - AYE

JEFF MULLIGAN - AYE
CINDY KELLEN- AYE
BOB WESTFALL- AYE
DIANE ATTEA - AYE
KITTY BRESSINGTON -AYE

CARRIED 9-0.

MEETING CLOSED.