

**AVON PLANNING BOARD MEETING-MINUTES**  
**SEPTEMBER 12, 2013**

Board member Jack Ryan sits as Chairperson. Mr. Ryan opens the meeting at 7 PM.  
Reads opening statement and leads salute to the flag.

Roll call:

Attendance:

Davey, Egan, Kenny, F. McGovern, R. McGovern, McLaughlin, Ryan, Board Attorney  
Kitrick, Consulting Engineer Peter Avakian

Absent:

Ernst, R.Mahon, Maloney, O'Malley, Talmage, Engineer Rooney

Mr. Ryan states that there are (5) five voting members

Attorney Kitrick states that the application on the agenda for Catherine Higgins 110  
Washington Avenue, will be carried with no further notice to the October 10th meeting.  
Mr. Kitrick refers to a letter received from Ms. Higgins attorney requesting the  
adjournment.

Motion to approve Higgins adjournment by F. McGovern seconded by Egan.

The vote:

Aye:

Davey, Egan, Kenny, F.McGovern, McLaughlin, Ryan

No: 0

Recuse: 0

Motion passes.

Motion by Egan seconded by Ryan to approve minutes from the August 8' 2013 meeting.

The vote:

Aye: Davey, Egan, Kenny, F.McGovern, McLaughlin, Ryan

No: 0

Second on the agenda is a new application for Arlene & Doug Gallagher for variance  
relief to take down the existing two family house and replace with a new single family  
and while doing so, retain the existing garage apartment. C & D variances are needed.  
Vice Chair Egan recuses herself.

Attorney Michael Rubino represents the Gallagher's in their application.

Mr. Rubino addresses the board as to number of members sitting that can vote as (5) five.  
He requests that the board hear the application & testimony but reserve the vote until next  
month. The reason being that this will give the absent members time to review evidence  
and listen to the recording of the testimony. Chairperson Ryan gives approval. Attorney  
Kitrick agrees that the request is permissible under Municipal Land Use Law. Mr. Kitrick  
also states that there is no guarantee that we will have a full board next month.

Mr. Kitrick swears in Consulting Engineer Peter Avakian, Doug & Arlene Gallagher, Mr.  
Rubino and architect Mary Hearn.

Mr. Rubino describes the premises at 339 Sylvania Avenue. The Gallagher's required the property with the intent of taking down the existing two family and build a new single family & keep the garage apartment. They will also cover the outside stairway to the garage apartment. Mr. Gallagher grew up in Avon and would like to move back to town. Variance is needed for building coverage which will be %38.07 where %35 is allowed. Mr. Rubino further states that they will need a variance for front yard set back. A Use variance is needed to keep the garage apartment. The removal of the two family would benefit the community.

Mr. Gallagher gives testimony that he and his wife would like to move back to Avon and build their dream house. He was born in Avon as was his mother. He believes porches being the essence of shore living. They enjoy the beach, boardwalk, riding their bikes and would keep the rear apartment for family and friends to visit. When they purchased the property it was in disrepair and they feel that the renovations and new building would greatly benefit the community.

Mr. Ryan asks if there are any questions from the board. There are none

Mr. Ryan asks if there are any questions from the audience. There are none.

Mr. Rubino calls architect Mary Hearn to give testimony. Ms. Hearn enters into evidence:

A1- Photo board of existing property & immediate neighbors (16) photos.

A2- Aerial rendering of property

A3- Two of four elevations (fronts).

A4- Mounted board of color site plan identical to sheet 1 of submittal

A5- Existing plans & elevation for garage apartment

A6- Mounted board of all four elevations of sheet 3 as submitted

A7- Mounted board identical of sheet 2 as submitted

A8- Mounted board of sheet 3 as submitted

Mr. Rubino qualifies Hearn as licensed qualified architect. Mr. Ryan accepts.

Ms. Hearn was asked by the Gallaghers to design a home for them with a wrap around porch. Hearn goes over design of the house and the challenges faced with the house being a corner lot and bringing the rear apartment to aesthetically match the new house and the need to enclose the staircase. Hearn addresses the percentages involved with the garage apartment and how the renovations affect the percentages.

Hearn addresses the nonconformities in the rear yard and side set backs. Also addresses the front yard setback. Hearn does not feel that the house will not impinge on the surrounding houses.

Consulting Architect Peter Avakian refers to his report and suggests clarify front yard setback , as the case being there is only one house to show the average front yard for the block. Hearn agrees. Hearn goes through proposed floor plans for new house.

There are no questions from the public.

Rubino reserves the right to re-open at the next meeting.

Mr. Ryan asks for any comments from the public.

Mr. Pat Scanlon of 409 Fourth Avenue is sworn in. Mr. Scanlon speaks in favor of the application and sees the improvements as favorable to the neighborhood.

Hugh McKenna of 340 Garfield Avenue sworn in and states that he is “thrilled” the property will be developed.

Nancy Tully of 337 Sylvania Avenue is sworn in and is in favor of the application.

Board member McLaughlin asks about the percentage of the rear porch.

Mr. Ryan asks if they had given any thought to reducing the house size to accommodate the porch. Mr. Ryan states he has concerns with the set backs proposed. Discussion follows.

Rubino requests continuance with the ability to provide further evidence.

Motion by Ryan seconded by F.McGovern to carry and continue application without further notice to the October 10, 2013 meeting.

The vote:

Aye:

Davey, Kenny, F.McGovern, McLaughlin, Ryan

Recuse: Egan

No: 0

Motion to carry & continue without further notice is passed.

Motion to adjourn by Ryan seconded by McLaughlin to adjourn meeting.

Aye: All

Minutes approved at the October 10, 2013 meeting.

Sheila Sullivan/ Planning Board Secretary