

The Planning and Zoning Commission of the Town of Avon held a *Special GoToMeeting* on Tuesday, March 9, 2021. Present were Thomas Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Lisa Levin, Mary Harrop, Peter Mahoney, Joseph Gentile, Dean Hamilton, and Alternates Drew Bloom, Raz Alexe and Elaine Primeau. (Alternates did not sit) Also present was Hiram Peck, Director of Planning.

Mr. Armstrong called the meeting to order at 7:05pm

## **APPROVAL OF MINUTES**

Mr. Hamilton motioned to approve the minutes of the February 16, 2021, meeting, with one correction noted by Mr. Armstrong. The motion was seconded by Mr. Mahoney and received approval from Messrs Hamilton, Mahoney, Armstrong, Ladouceur, and Mesdames Harrop and Levin. Mr. Gentile abstained.

## **PUBLIC HEARING**

App. #4940 - Sanket and Caroline Amin, owners, Sanket Amin, applicant, request for Special Exception under Section IV.A.4.q.of Avon Zoning Regulations to permit accessory apartment, 5 Colby Way, Parcel 1860005, in an R30 Zone

Present was Sanket Amin, owner.

In response to Mr. Armstrong, Mr. Amin explained that there is a double door walkout access from the rear of the house. In case of fire, exiting the apartment can be achieved from the aforementioned double doors as well as by using the stairwell up to the first floor of the house. There are also two windows located under the deck; the windows were measured by the contractor and they meet egress requirements. Mr. Amin confirmed that his contractor will be working with the Town Fire Marshal to ensure that all Codes are met and in compliance. He agreed to contact the Town Engineering Department regarding sewers.

There being no further comments, the public hearing for App. #4940 was closed, as well as the public hearing portion of the meeting.

## **PLANNING AND ZONING COMMISSION MEETING**

### **OTHER BUSINESS**

Affordable Housing Regulations - Tyche Planning & Policy Group; Introduction to the Avon Affordable Housing Plan Study

John Guskowski, AICP and Principal/Cofounder, Tyche Planning & Policy Group, was present.

Mr. Armstrong communicated to the public that anyone with any questions or comments should contact Mr. Peck at the Avon Town Hall; there will be a public hearing on this topic sometime in the future. He noted that he has reviewed the proposed scope of work and has read the resumes of the Tyche Planning team. He commented that he read three municipal affordable housing plans (including the Plan for Essex), required by CGS 8-30j. He referenced the 2016 POCD adding that that would be a good starting place for the subject proposal. He noted concerns for

allowing sufficient time for the Commission to comment on the subject proposed plan before it goes to the public for comment at a public hearing.

Mr. Guskowski displayed his PowerPoint presentation (*Town of Avon, Affordable Housing Plan, March 9, 2021*). He noted he has written POCDs, Zoning Regulations, Affordable Housing Plans for several municipalities in CT. He also noted that his company serves as staff planner for some municipalities on a consulting basis. He referenced Sec 8-30j of the CGS requiring all towns to come up with an affordable housing plan every five years. The Statute is brief, broad/vague, and open ended such that it allows Avon to create its own plan. The only requirement for Municipalities is that the plan must specify how the Town intends to increase the number of affordable units. It doesn't specify which entity is responsible for the plans adoption and also does not require a public hearing but if a public hearing is held proper public hearing procedures must be followed. He explained that many towns are using this opportunity to have a broader community conversations about what affordable housing means as well as a chance to incorporate this plan into broader existing plans, such as the POCD. He confirmed that he is not interested in using a "cookie cutter" approach to Avon's plan; the process and procedures will be followed but the level of analysis and depth will be the Town's decision. He explained that he wrote one of the first plans required by Sec 8-30j for the Town of Essex, where he currently serves as the consulting planner and has for the past 12 years. Essex took a broad approach including community conversation and an emphasis was placed on the creation of interdisciplinary subcommittees (planning, zoning, selectman, housing authority) to achieve their goals. He indicated that he is currently helping a number of other towns write their affordable housing plan. Avon received a State Grant to fund the creation of this plan, as did 40-45 other towns.

Mr. Guskowski addressed what affordable housing means noting that when the State refers to Sec 8-30g (Affordable Housing Appeals Act) this is known as "A" Affordable, which is deed restricted, income limited, government assisted and properties that have CHA or USDA mortgages. These are properties that are essentially guaranteed to be affordable for 30-40 years. The State of CT has set a minimum threshold for communities of 10% of their total housing stock to be considered "A" Affordable in order to be exempt from the Affordable Housing Appeals Act. Avon was at about 4% as of last year's list. He addressed "a" affordable explaining that accessory apartments fall into this category, which is also known as NOAH ("naturally-occurring affordable housing"). These are market rate units that fall into this category because of their size, location, and supply in a town that are generally available and affordable to rent. He confirmed that it is legitimate to address both "A" and "a" affordable housing as viable goals when creating Avon's plan, under Sec 8-30j. Affordable (both "A" and "a") means allowing individuals to find suitable housing opportunities that don't require them to spend more than 30% of their income. The architectural details of affordable housing can be made to fit into the community character. Creating Avon's plan involves a review of the basics such as 1) what does affordable housing mean for Avon; 2) what is Avon's current status; 3) a review of Avon's current Zoning Regulations (e.g. accessory apartments require a special exception/public hearing) and POCD; 4) projected needs of the population (growing/shrinking, older/younger) and; 5) an analysis/outreach of what current and prospective residents of the community think. He explained that reaching 10% "A" affordable is not a reasonable goal for Avon in the next five years as the market is not there but further explained that current policies, regulations, and demographics would be evaluated/studied to come up with reasonable goals to move forward

with a plan. The process would involve the creation of a draft plan with some community engagement and then prepare the plan for public hearing. He explained that while the State's deadline to complete the plan is June 30, 2022, the target completion date for Avon is June 2021 because the State Grant awarded to Avon has a deadline of July 1, 2021. He noted, however, that an extension of time could be requested from the Department of Housing (they manage the Grant) up to the end of 2021.

In response to Ms. Levin, Mr. Peck explained that once a "draft" plan is presented to the Commission for final comments (edits, revisions) it may be desirable to forward the plan to the Town Council for their review and input, although there is no requirement to do so. He confirmed that the Commission will be making the final determination as to the adoption of this plan. He also explained that this plan may also be used to revise/modify the 2016 POCD and bring up to date Chapter 7, Housing. Mr. Peck indicated his wish that the Commission will play a strong part in the preparation of this plan and communicate with the public throughout the entire process.

Mr. Guskowski clarified that the State Statute is not very clear noting that he has worked with communities where the Board of Selectman and/or the Town Council have decided that this is definitely their plan and are not interested in input from Planning and Zoning and other communities where Planning and Zoning was in charge.

Mr. Armstrong commented that the public should definitely be allowed time to comment on this plan and therefore an extension of time is probably needed. He recommended that the Great Blue survey done to gain input from Town residents during the preparation of 2016 POCD be reviewed. He commented that one thing he doesn't think is quite true from 2016 is the moderate need for additional rental units. He said that since the 2016 POCD was adopted about 700 rental units have been approved as part of the Avon Village Center project and Avon Mill/Avon Gardens. He commented that it would be good to know what types of amenities attract the different age groups seeking rental properties.

Mr. Guskowski noted his understanding adding that he is happy to work with Mr. Peck regarding time extensions.

Mr. Ladouceur commented that he is firmly against doing anything that has a deadline date of May or June 2021; it's unfair and too fast. He said that he is against proceeding any further unless an extension of time to at least the end of December 2021 is granted to allow the Commission time to review and drafts and make comments and also allow public comment. He said that it appears that the Grant was awarded in July 2020 and the Commission first heard about it in December 2020. He noted his concerns for rushing through this process. He referenced the State Statute communicating his opinion that anything that is done or officially approved by this Commission be the bare minimum required under the Statute because he doesn't trust the legislature in Hartford. There are organizations trying to push through draconian measures to get rid of the local control of planning and zoning commissions. He said he has confidence that Mr. Guskowski will prepare helpful and professional information but commented that he would like to see the information delivered as a list of recommendations rather than a "draft" plan to be voted on such that the Commission along with Town Staff can make whatever minor changes made be needed to the 2016 POCD to satisfy Statutory requirements, the Grant, and Avon residents. When people talk affordable/attainable housing they always talk about the development which means, at least

in this community, plowing over open space and building something. He said that all the talk about housing for affordable, attainable, 8-30g, and all the initiatives is all about development and there is no concern for conservation and therefore we need to be mindful to weave this into our POCD so that we are not opening the door for uncontrolled development beyond what we have already approved in the Town Center and Avon Mill Apartments. He added that he has other suggestions for Mr. Guskowski as he and his team look at what Avon already has as well as what's on the drawing board to make for a better recommendation moving forward.

Mr. Guskowski noted his understanding adding that more information would be very helpful.

Mr. Gentile commented that the Commission has spent 25% of its time in the last few years talking about affordable housing, adding that we are very sensitive to the need for affordable housing and 8-30g. We have implemented an affordable housing overlay zone, work/live units, and accessory dwellings. He noted his agreement with Mr. Ladouceur that he wants the Commission to be very instrumental in the drafting of this plan.

Mr. Alexe commented that he has some experience with affordable housing at his workplace in Litchfield (Northfield project) adding that the Town's efforts have not been where they should be in terms of meeting the State's demands. He noted his agreement with others that it is not feasible or beneficial to the community to have a deadline of June 2021 and an extension is definitely needed. He noted that he is familiar with the Town of Essex and confirmed that he read the complex plan that was created for Essex and that it must have taken quite some time as there was a lot of public outreach.

In response to Mr. Alexe, Mr. Guskowski explained that the Essex plan took about nine months. The initial process was managed by an ad hoc committee volunteers without much input from Town Staff so it started out slowly but once the recommendations were provided to draft the plan it was done in under two months. He pointed out that Essex was one of the very first plans done under this Statute and we've learned a lot since then. He indicated that it is very open ended for the Town to structure the process.

Mr. Armstrong commented that we need clarification of what terms like "affordable" and "attainable" mean under the State's definition as well as the Town's definition. He said that we need to know what percentage of our existing housing would fall into the NOAH category. In addition, how much of Avon's existing rental housing stock meets the definition of affordable relative to NOAH. He asked if some of the existing NOAH housing could be converted to "A" affordable. He noted his understanding that accessory units can be established as part of the percentage but not as an addition of housing. He asked if any of the existing senior housing stock can be classified as affordable housing. He noted his preference for taking a hard look at Avon's existing housing stock in an effort to make it qualify as affordable, as opposed to the State's model of "cut and build".

Mr. Ladouceur noted his agreement with Mr. Armstrong's comments adding that he thinks Avon has built upon 80% of the available land. He said that we don't want to plow over open space, where it can be avoided, to build more structures purely for the reason that someone in Hartford who doesn't know anything about our community feels it's a good idea to paint the entire State with a broad brush. He addressed the definition of "affordable housing" noting the importance of

taking into consideration and identifying existing housing stock in existing neighborhoods in Town that may fall into the categories of either “A” Affordable and/or “a” affordable (NOAH) such that people who are seeking out this type of housing can be made aware of it if they are interested. He asked if the units already approved for Avon Center and Avon Mill will be included in the plan as units to be constructed in the future or would they be shown as a done deal such that the plan should also look for additional affordable units since the plan will need to be updated every five years.

In response to Mr. Ladouceur, Mr. Guskowski explained that any units that are either on the drawing board or not yet constructed would be included in the plan with additional information included to offer assurances that the process for the construction of these units would proceed smoothly, the units would be maintained, and that the housing market is well informed as to the availability of the new units.

In response to Mr. Armstrong, Mr. Peck suggested that the work for the plan should begin as soon as possible to get as much done within the time frame we have but added that an extension of time can be requested. Asking for an extension ahead of time, before the work has begun, may result in a response from the State saying let’s see where we are as the deadline approaches. He clarified that the plan doesn’t need to be rushed and strongly confirmed that input from the public will definitely be sought, as it is very important. He stated that an extension of time can certainly be requested if needed as we get closer to the deadline. He indicated that he has answers to many of the questions posed tonight but noted that he would be happy to answer them at another time, as he wants to allow Mr. Guskowski to finish his presentation. He concluded by explaining that it is in the Town’s best interest to have a plan prepared that the Town likes rather than have something forced on us at a later date.

Mr. Ladouceur referenced Exhibit B (dated November 11, 2020) that says the completed plan and public hearing will be held no later than May 1, 2021. He noted he doesn’t see how a plan can be prepared and the public given sufficient time to review and comment in this time period; the plan adoption is June 1, 2021. The Commission will also need enough time to review the draft plan. The work should start now but an extension should be requested immediately. He said that should an extension be denied then return the Grant and pay them whatever has been put together so far and the Town can satisfy the requirements of 8-30j ourselves by making minor additions to the POCD.

Mr. Peck noted his understanding of Mr. Ladouceur’s position adding that he has been working on this plan for a long time and has talked to the Commission about the Grant application, which was a lot of work. He confirmed that the public will certainly be allowed time to review and comment on the plan but pointed out that this plan will not be anywhere as long and involved as the POCD; if an extension is needed it will be requested.

In response to Ms. Levin, Mr. Guskowski explained that should a request for an extension be made that it would happen very quickly; the Grant is not large and the process is informal. He further explained that the contracting process for many towns (like Avon) got started late due to the aforementioned informality. The Grants were announced in June/July 2020 but contracting did not start until late fall early winter 2020; delay on the State’s part.

Messrs. Armstrong and Ladouceur agreed that the work should begin now but noted that we need a schedule to allow time for review and input by both the Commission and the public as well as a timeline for completion of the work (either by July 1 or a later date allowing for more relaxed schedule).

In response to Mr. Armstrong, Mr. Guskowski indicated that a lot of the “front end” (demographics, housing stock trends) work could be put together and provided to the Commission by the next meeting scheduled for April 13.

Mr. Armstrong communicated that is his sense that this Commission would ultimately be making the decision on this plan acknowledging that the Town Council may see the plan and make comments. We need to keep in mind the time needed for public comment. We don’t want to rush this plan such that it may be very tough and not worth much if it has to be done by July 1.

Ms. Levin noted her agreement that July 1 doesn’t leave much time and asked what the down side would be of seeking an extension early on rather than waiting. If the extension turns out to be not needed, no harm done.

Mr. Ladouceur said that he doesn’t see any down side to asking for an extension now. He indicated that he doesn’t see how we can have plan of substance created with public comments received by May 1. We ask for the extension now to be sure that we could get one, if needed.

Mr. Mahoney said that he supports Mr. Peck’s recommendations for the plan. If the consultant thinks they can prepare the plan let them begin and if they need an extension they can ask for it.

The majority of the Commission agreed that an extension request should be made at this time.

Mr. Armstrong asked Mr. Peck to request an extension to December 31, 2021. More time may produce a better end result.

Mr. Ladouceur asked, for the April 13 meeting, that the Commission be notified if/when the extension is granted (date) and a schedule/timeline (task completion, dates for public input) based on the date granted for the extension. Should the entire Commission review the information or should a smaller subcommittee be assigned.

Ms. Levin motioned to waive Administrative Procedure #6 and consider the public hearing item. Mr. Mahoney seconded the motion that received unanimous approval.

App. #4940 - Sanket and Caroline Amin, owners, Sanket Amin, applicant, request for Special Exception under Section IV.A.4.q.of Avon Zoning Regulations to permit accessory apartment, 5 Colby Way, Parcel 1860005, in an R30 Zone

Mr. Mahoney motioned to approve App. #4940, as presented. The motion was seconded by Mr. Hamilton and received unanimous approval.

Mr. Armstrong noted that App #4940 appears to meet the special exception criteria under Sections IV.A.4.q. and VIII.

**STAFF UPDATES**Avon Village Center Status

Mr. Peck reported that work continues on the inside of the Whole Foods building; the hope is that either by the end of May or the beginning of June that the store will open. The wall signs approved recently will be installed soon. Some small adjustments will be made soon to the retaining wall located along Route 44 (Climax Road). The plantings done so far and the wall look quite nice. The road work will start up again and be completed as soon as the weather permits. He noted that he has been told that there are a list of interested tenants for the building located next to Whole Foods; everyone is anxiously waiting for Whole Foods to open. He explained that on the east side of the WF building there is a section that will allow for vines to grow up the side of the building; there is an outdoor seating/eating area and plantings in this area as well. He confirmed that the buildings contained in this project are all privately owned (developer owned, not Town owned) and are all taxable with the rate to be determined by the Assessor. He also confirmed that he will ask the State DOT about the utility box at the corner of Climax Road and Route 44 and whether any type of screening/planting could be installed to make it prettier.

There being no further business, the meeting adjourned at 8:50pm.

Linda Sadlon

Avon Planning and Community Development