

The Planning and Zoning Commission of the Town of Avon held a *Special GoToMeeting* on Tuesday, August 10, 2021. Present were Thomas Armstrong, Chair, Brian Ladouceur Jr. Vice Chair, Lisa Levin, Dean Hamilton, Mary Harrop, Joseph Gentile, and Alternate Elaine Primeau (sat). Absent were Peter Mahoney and Alternates Drew Bloom and Raz Alexe. Also present was Hiram Peck, Director of Planning and Community Development.

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

## **OTHER BUSINESS**

### **WORKSHOP - Affordable Housing Plan - Tyche Planning & Policy Group**

John Guskowski, Tyche Planning, was present.

Mr. Guskowski displayed and reviewed a PowerPoint presentation noting the goals and recommendations of the draft Plan. He explained that the Town has done a great deal to date to encourage affordable housing via its Zoning Regulations and there has been significant progress, including a recent approval of a couple of hundred units. We are looking to build on that progress but not drastically change direction. The burden of gaining affordable housing should be distributed among different groups in Town (commissions, boards, and Town Staff) and a number of steps need to be taken simultaneously over the next five years to move Avon forward in realizing their goals without specific numeric target.

He explained that the following goals have been proposed:

- 1) Increase availability of USDA and CHFA loans, which allows the Town to get credit towards the 8-30g affordable housing goals without having to subsidize anything.
- 2) Facilitate an increase in the total number of ADUs. The State recently passed PA 21-29 allowing accessory apartments as of right but towns can opt out. The recommendation is to allow ADUs as of right and make people aware of this option. Accessory apartments without an income restriction do not count towards the goals of 8-30g but if they are income restricted for 10 years as a rental unit they would count towards the Town's goal.
- 3) Promote TDR Regulation, established several years ago, to increase housing density which reduces unit costs and expands the market for lower-cost housing while also providing opportunity to protect open space (farm land and forest area).
- 4) Look at development opportunities for housing types and location to meet needs of Avon's aging population.
- 5) Build on the successes of the AHOZ Regulation for affordable units; encourage developers to use this program and also make the general public aware of what Avon is doing.
- 6) Look at Town-owned properties that may have potential for public/private partnerships. The Town could consider reducing costs of land and pass along savings to developers who could in turn reduce costs to renters/buyers.

Mr. Guskowski indicated that the following are action and implementation steps:

- 1) Establish a standing housing committee to act in an advisory capacity; the specifics would be up to the Town. This committee would ensure that affordable housing remains a focus and priority for groups tasked with implementation.

- 2) Promote awareness of ADUs per Public Act 21-29 as of right in single-family residences; no public hearing or special permit required.
- 3) Consider encouraging affordable accessory apartments (income limited on ten-year basis) via Town incentives.
- 4) Consider opportunities to allow for retro fit of larger and/or historic houses into rentals with 2-5 units; this would also diversify housing stock.
- 5) Promote existing Regulations such as AHOZ and TDR. Reach out to owners of parcels identified in the POCD to alert them to these Town Regulations and the possibility for higher density development.
- 6) Promote USDA and CHFA loans to encourage/allow ownership situations to create roots in the community.
- 7) Review unused Town-owned land (not open space or parks) for development potential that the Town would control.
- 8) Pursue partnerships with regional groups (fair housing, nonprofits, mission groups) to alert them to opportunities in Town.

Mr. Ladouceur said that he would not add any items to the list but would definitely subtract some items from the list.

Ms. Levin said that while she supports the recommendations she would not add any and would suggest subtracting a couple; she is strongly in favor of a housing committee. She said that she has read comments from Messrs. Armstrong and Ladouceur but would like to hear comments from other Commission members.

Ms. Levin said that there are a list of properties in the POCD that have been identified as suitable for AHOZ and asked if those properties have been included within the “Promote Attainable Housing Overlay Zone” portion of the recommended actions of the Plan.

Mr. Guskowski explained that the recommended action to “Promote Attainable Housing Overlay Zone” would try to use the properties in the POCD list as a place for the Town to begin some outreach to alert the property owners that this program exists.

Mr. Armstrong said that he suggests rephrasing one of the goals to try to increase “A” affordable stock out of existing housing stock. Residents want to preserve open space (88% per the Great Blue Survey). This allows preservation of our limited vacant space (6%) for construction. The housing needs of the elderly as well as young professionals needs to be addressed.

Mr. Ladouceur said that the Town is doing perfectly fine; people are moving here and establishing roots. Avon consistently ranks high (#1 or #2 in Farmington Valley/Hartford Country) for quality of life, schools and other categories. We’ve done a very good job and have a lot of approved housing units yet to be built (AHOZ and AVC). No one has asked for this Plan except the legislature who decided to mandate it. The Town needs to pause and let the approved units be built to see how they address the public’s needs. He said that he doesn’t believe a housing committee is needed as we have enough opportunities on the drawing board. He noted his agreement with Mr. Armstrong regarding the Great Blue Survey; residents want open space preservation and recreational land and to reduce road congestion all of which are the exact

opposite of what this Plan is doing, the first word being development. We can promote lending opportunities, rehabilitation of commercial sites, and work/live units, which is not mentioned in the Plan. He said that the goals for the next five years should include lending, getting more “A” affordable units and promoting what we have. He said that accessory units should not be permitted as of right and we should opt out but in a smart way; the Commission will approve the ones that fit the goals and needs of the Town. There are maybe three or four recommendations we can think about but not much more in the current climate and given our success rate.

In response to Ms. Levin regarding recommended actions, Mr. Ladouceur said that he doesn’t support pursuing partnerships. We don’t need outsiders telling us what to do; it’s not what the people in Town want and it’s not in our best interests. He said that he doesn’t think we have a ton of unused municipal land and what we do have was purchased with a specific purpose in mind. He said that promoting USDA and CHFA loans would be the number one thing to do. Also agreed to promote AHOZ and TDR. We don’t have large houses suitable to split/retro fit into four or five units. He agrees with incentives for affordable accessory apartments but is opposed to allowing them as of right.

Mr. Armstrong said that he is in favor of adding work/live units and developing “A” affordable units from existing housing stock. He asked for participation from all members of the Commission.

Ms. Levin said that while she supports looking at existing housing to try and find a way to make them qualify for “A” affordable it may not be financially practical for property owners. She added that a housing committee could be helpful in this regard, as these types of decisions are complicated and require time to study and review and the Commission does not have the expertise. She said that she supports establishing a housing committee; promoting ADUs as of right; considering incentives for affordable accessory apartments; and adding work/live units.

Mr. Hamilton said that he is in agreement with everything Mr. Ladouceur said.

Mrs. Harrop said that she is also in agreement with what Mr. Ladouceur said.

Mr. Gentile said that he supports an incentive for accessory apartments as long as the affordability part of it comes along with it.

Mrs. Primeau said that she agrees but asked who will police the program to ensure that the income and affordability stays there. She said that she does not support establishing a housing committee as this authority should remain with the Commission and Town Hall.

Mr. Armstrong said that he agreed and wants the Planning and Zoning Commission to remain in the loop because they are responsible for the Plan, in accordance with 8-30j. Regarding retrofits of larger homes, he said that he doesn’t think there is a need at this point or many applicable properties in Town.

Ms. Levin said that she doesn’t think this community is ready for large home retrofits and there is no need to include it at this time.

Mr. Ladouceur said that he doesn't see an opportunity for this as Avon doesn't have a stock of large very old houses that are run down and vacant. Retrofitting is something that destroys neighborhoods and people would only be in favor if it was not on their street or in their neighborhood.

The Commission unanimously agreed to take out the recommended action relative to large house retrofits.

In response to Mr. Armstrong, Mr. Peck explained that currently the Zoning Regulations do not allow for the creation of a duplex house unless one side was a single-family house and the other an accessory apartment. He said that right now there are maybe six large vacant houses in Town that are in foreclosure (held by financial institutions) that could be converted into nice duplexes that would not ruin the neighborhood because the houses are currently in very bad condition. He said he could prepare a listing with photos if interested.

In response to Mr. Armstrong, Mr. Peck explained that the Zoning Map currently shows both the receiving and sending areas relative to the Transfer of Development Rights (TDR) Regulation. He pointed out that this Regulation has not been used yet because it is difficult to get all people involved (seller, buyer, and the Town) to agree on something. The POCD contains a list of properties that the Town should look at; the Commission could review the list to see if any sites should be added to the sending and receiving areas relative to TDR.

The Commission unanimously agreed that promoting AHOZ and TDR should remain as a recommended action.

Mr. Ladouceur clarified that while he is in favor of both AHOZ and TDR he is not in agreement with allowing input from a housing committee or any secondary partners taking the lead. Any mention of a housing committee will need to be stricken.

Mr. Armstrong said he agrees noting his concerns on who is the lead in all categories.

The Commission unanimously agreed that promoting USDA and CHFA loans should remain as a recommended action.

In response to Mrs. Primeau, Mr. Peck addressed USDA and CHFA loan programs noting that there are about 24 programs and financing options that individual buyers could get involved with. When people approach the Planning Department, or other Town Staff, with ideas for good projects we encourage and point them in the right direction to help them get their project accomplished. He explained that this happens quite frequently and that is how these programs are promoted.

Mr. Ladouceur said that all loan programs can easily be promoted by realtors, lawyers, and bankers to allow an "A" affordable designation to be put on an existing property without any additions to the schools or traffic and all to the Town's benefit.

Mr. Guskowski offered a suggestion such that the Town could invite USDA and CHFA to come and speak to promote their programs to Town residents.

Mr. Armstrong said that he is ok with leaving in the recommended action of considering development of unused Town-owned land. Mrs. Harrop noted her agreement.

Ms. Levin and Mr. Ladouceur both said that it should be left out because it sends the wrong message. Mr. Ladouceur said that people will misinterpret it as the Town encouraging more development and/or using open space for development. Ms. Levin said that it will send a conflicting message with the open space sentiment that the Town feels strongly about and the POCD contains a long list of properties with potential to be made affordable. She said that this item could be included in the next five-year Plan, if needed. She said that work/live could be added in to replace this item.

Mr. Armstrong said that he could go along with Ms. Levin and Mr. Ladouceur.

Messrs. Hamilton and Gentile noted their agreement with Ms. Levin and Mr. Ladouceur.

Mesdames Harrop and Primeau noted their agreement with Ms. Levin and Mr. Ladouceur.

The Commission unanimously agreed to take out the recommended action to consider development of unused Town-owned land.

Mr. Armstrong suggested adding “work/live” to the recommended action promoting AHOZ and TDR. The Commission unanimously agreed.

In response to Mr. Armstrong, Ms. Levin suggested using the term “pursue collaboration” rather than “pursue partnerships”, as noted in the recommended actions. Mr. Guskowski noted his agreement that collaboration is a better term in this instance.

Mr. Ladouceur said that he is concerned to have any action item that touches upon a partnership or collaboration because he thinks eventually that leads to regionalization. There is a lot of talk about making regional housing authorities that would have control over surrounding municipalities. Once you let the elephant under the tent you aren’t going to get it back at all so this should not be in the Plan at all.

In response to Mr. Gentile, Mr. Guskowski said, in danger of stepping on Mr. Ladouceur’s regional land mine, that there are regional housing committee groups or non-profit entities.

Mr. Gentile said enough said and that is going to say his two cents here. He said that he is going to tie Item one to Item eight and said that being on this Commission is a huge burden to undertake affordable housing and the other issues that come up. I’ve given up my Tuesdays in the summer and have gotten out of my service organization that I belong to and I always have the option of resigning if I don’t want the burden. That’s how I feel about handing over power to another housing committee. There are non-profit organizations out there that have ear marked Avon as a bad penny and labeled us as a town that has taken zoning measures to limit affordable

housing and to segregate our town. I don't see how we could possibly collaborate with partnerships or organizations like that. He said we should stay autonomous local government keeping it small because we've done a great job with the POCD, A-Z, and noted that he is willing to assume the burden of being on this Commission and will resign if it becomes too much.

Mrs. Harrop said that she agrees 100% with Mr. Gentile.

Mrs. Primeau said that the only regional thing we should do is the health district. When you leave it open you have no idea where it's going to go; she said to take out pursue partnerships.

Mr. Peck explained that he's sure that the Commission knows that CRCOG (Capitol Region Council of Governments) exists and expanded a number of years ago to include even more towns. CRCOG is a tremendous help in providing information and data, funding transportation programs, and working on a regional housing program to assist towns. He pointed out that collaboration means giving people assistance it doesn't mean a formal partnership; there is no contract. He explained, for example, that the Avon Mill project probably would not have happened if the Town hadn't been very willing to help the developer move it forward; it was a collaborative effort that we do all the time and we also do it with CRCOG all the time. Avon is part of a region and there are benefits derived from that. Many people who live in Avon work in Hartford and West Hartford or other areas of the region. He indicated that non-profit organizations often provide a tremendous amount of valuable information (e.g., links to financing programs and many other types of educational information) that can also be helpful to small businesses.

Mr. Armstrong noted that having a relationship with Habitat for Humanity would be a good thing for Avon. He said that we certainly do not want to destroy our relationship with CRCOG, as we will be participating with them in some manner. He said that they don't have a housing committee but they will be looking to establish a task force soon.

Ms. Levin said that just like including certain things sends the wrong message, omitting "pursue partnerships" sends a very dangerous message about Avon that we are not even willing to collaborate and talk to other people and suggests an arrogance that we have all the answers on a very complicated matter that we don't. There are many resources available to us that could help make us more knowledgeable about the subject matter.

Mr. Ladouceur said that it sends the wrong message the other way. If pursuing partnerships really means being with CRCOG and working with developers and reading available material, then we can keep it there and check it off as complete because we already do it; it doesn't need to be formalized in any plan. He noted his concerns, agreeing with concerns noted by others, that although these organizations are nonprofit and nongovernment they all have their own agendas, which are not what's best for the Town. These are the same organizations that have pushed through the onerous zoning regulations through the State Legislature. We need to decide which people work well for us and look at the provided data and ask what their goals and agendas are. There is a clear bias in almost everything put out there. Given everything that has gone on in the Legislature in the last few years related to zoning and others things they have misled the public

about, this is not an appropriate item to have in this Plan right now but maybe in the next update if things change over the next five years.

Ms. Levin said pursuing partnerships should be left in for comments from the public.

Mr. Armstrong agreed.

Mr. Guskowski confirmed that he is happy to rework the wording to make the point of collaboration clear and also to make it a combination of taking credit for the collaboration already taking place but also maybe expanding such as being a leader on a revitalized CRCOG housing committee.

Mr. Armstrong said that we don't necessarily need to be a leader but have to be aware of what's going on regionally.

In response to Mr. Armstrong, Mr. Guskowski explained that his recommendation is to make the conversion of existing housing stock to "A" affordable as the big action item while the implementation steps would wrap in the USDA and CHFA and accessory apartment incentives underneath it. Mr. Armstrong agreed.

Mr. Armstrong talked about ADUs as of right noting that the Town has enough experience with accessory apartments located inside the principal dwelling but have not had any experience with detached accessory apartments such that it would be helpful to have public comment as well as special exception review. He said he doesn't want this to be a focus of discussion in this Plan; we already have zoning regulations for accessory apartments that revisions to could be explored. He said he has some trouble accepting Public Act 21-29.

In response to Ms. Levin, Mr. Armstrong confirmed that he is opposed to leaving in the Plan the promotion of ADUs as of right. Opting out is a discussion for a later time.

Mr. Ladouceur said that he agrees opting out should be discussed at a later date adding that we should 100% opt out. We need to have control over this especially if we want to be able to incentivize people to make the units "A" affordable and also keep neighborhood harmony. If this is allowed by right I could buy a double wide mobile home and put it in my backyard as long as it abides by the setbacks.

In response to Ms. Levin about our existing ADU Regulations, Mr. Peck explained that any accessory apartment must meet all requirements of the Zoning Regulations as well as meeting all building codes, fire codes, and health codes. He pointed out that it may create a legal problem if we were to say that we don't want mobile homes just because we don't want them. He indicated that he thinks it's exactly the point as to why these things came to be because things get more expensive for people to achieve than they should be. He strongly suggested that the Commission consider putting in the Regulations whatever it is they want relative to restricting or regulating affordable homes (including details such as where doors are located) so that any house could be constructed under the same Regulations that govern accessory apartments and accessory dwelling units.

Ms. Levin said that the topic of ADUs should be left in for public comment.

Mr. Guskowski explained that if the Town opts out of allowing ADUs as of right they are rejecting the State's default zoning regulations and staying with their own zoning regulations. At that point you are where you are now meaning that Avon's Zoning Regulations can regulate accessory apartments however the Town wishes. He referenced Mr. Armstrong's comments noting that the Chair is potentially proposing that instead of the State's as of right across the board that Avon could choose a moderated as of right or internal/above garage apartments but construction of a brand new building would require the special exception process.

Ms. Levin said that if we are comfortable with our current ADU Regulations, or if we aren't and want to make changes, we could still do it and make it as of right. She noted her agreement with Mr. Peck such that there is a lot of expense for people always having to come before the Commission; affordable, and naturally occurring affordable housing (NOAH), is the whole idea here. She said that she trusts Town Staff to determine whether applicants applying for an ADU are complying with the Regulations. She reiterated that the topic of ADUs should go out for public comment, as what is the harm in doing that.

Mr. Ladouceur said that there is no benefit in promoting additional ADUs unless they are counting towards Avon's "A" affordability. He said he is fine with keeping the action of considering incentives for affordable accessory apartments.

Ms. Levin said that she supports keeping in the promotion of ADUs as of right because there are benefits to having NOAH and is another way that speaks volumes of who we are as a community. She noted her agreement with Mr. Ladouceur that it is great to get the "A" affordable but added that she doesn't see this entire Plan as being devoted to just getting "A".

Mr. Guskowski offered to modify the wording relative to promoting ADUs to not be as specific. It's appropriate to have this conversation over the next year of what the Town's approach to accessory apartments should be.

In response to comments on establishing a housing committee, Mr. Guskowski explained that this recommendation is for the creation of a group responsible for keeping its eye on this ball. They are committees of interested people that do not make laws or regulate anything or have authority to approve anything.

Ms. Levin noted her agreement and asked that the Commission be informed of other communities where a housing committee is being used and well as the other recommendations.

Mr. Armstrong said that there are three recommended action items that have been excluded from the Plan (housing committee, ADUs as of right, and pursue partnerships) that Ms. Levin wants the public to comment on. Let's see if we can come together on any of these items.

Mr. Peck suggested that revising the wording relative to a housing committee may help...."*study the pros and cons of assembling a housing committee in the future*". This would put this item off in the present but also require some study of the future duties of such a committee.



Mr. Ladouceur said that he took the most relevant and data driven items out of the Plan but left everything else out as it is not needed. The agreed upon recommendations could be scaled back even more; the Plan needs to be concise and flow well. The presented Plan was convoluted and hard to follow for lay people. He said that he tried his best to make it easier to read and this is the foundation we should start with as opposed to something that has a lot of things which are unnecessary or relevant to comply with the minimal statutory requirement.

Mr. Armstrong said that he thinks some of the text is repetitive and suggested that Mr. Guskowski put in CT stats and then put in Avon's stats and follow this approach throughout the Plan to make it less confusing. He said that there should be more information about NOAH as it currently exists in Town and also there should be more information about the definition of NOAH.

Ms. Levin agreed that NOAH needs more clarity; she referenced her comments (Items 1-8) sent to Mr. Peck to help with clarity. She suggested a TOC be added. She asked for more detail and clarification (number of people in a household – single, 2 people, 4 people) in the charts on Pages 3 and 8. She said that she doesn't see in the Plan a standalone section on Avon's record of "A" affordable, meaning what Avon has done since 2016 relative to affordable housing.

In response to Mr. Armstrong, Mr. Guskowski explained/clarified that the word "attached" means you own the building and the land but the word "detached" means you own the building but not the land.

In response to Ms. Levin, Mr. Guskowski explained (in response to the request to identify communities that have adopted recommendations) that the statutory requirement for this Plan is relatively new such that there is not a lot information available across the State of a lot of these items working. He confirmed that while there are towns that have successful housing committees, there are not 100 of them.

Mr. Ladouceur said that his draft addresses this issue on Page 8. He encouraged Mr. Guskowski to look at the draft he prepared and the flow of it because it addresses these very issues and is not long enough that it needs a table of contents. His draft talks about how not included in the housing units listed above are the developments approved under AHOZ resulting in a number of affordable units once constructed, which is important for people to know. He said that information for NOAH has been asked for multiple times and he doesn't remember seeing it anywhere. We should be able to get from the assessor the number of properties in Avon that are assessed at "X" dollars or lower than but for a deed restriction would be "A" affordable so, by definition, they are NOAH. Maybe when we look at this we will see that there are 1,000 units in Town that would qualify as "A" but for the deed restriction. This gives the target we need for the recommendations at the end of the Plan.

Ms. Levin said that while she agrees with the information relative to NOAH she said that she thinks bringing this information to the public will create a lot of confusion and all the good work being done will get somewhat lost. She said to Mr. Guskowski that her recommendation is to include a standalone section for what Avon has done regarding NOAH. She confirmed that she did receive Mr. Ladouceur's draft plan in her agenda package.

Mr. Gentile said that the whole section on cost burden should be removed; the last paragraph pertaining to apartment rentals makes absolutely no sense. The charts do not show any statistical significance. He said he doesn't understand the point of this section and its context with respect to affordable housing. If there is a premium to live in Avon maybe some people are willing to pay it.

Mr. Ladouceur said that he agrees and that is why he took the whole section out of his draft.

Mr. Armstrong said that he agrees from looking at the chart (housing cost burden for owners/renters) that there is no real difference. He addressed Pages 4 and 5 noting that two out of the five points in the side bar comments have relevancy but has concerns about the other three that seem to apply to large towns.

Mr. Guskowski explained that the information referred to by Mr. Armstrong was inserted at the request of another Commission member. He indicated that if the Commission feels that we don't need to present this information to "make the case" he is fine with removing it. He noted that it certainly seems as though there has been some discussion throughout these last several meetings that there is a prevailing attitude of why do we need to bother because we are doing just fine and why do we need more housing. As a result there was some sentiment to make the case a little bit to get people on the same page about the value of expanding housing opportunities.

Mr. Armstrong said that affordable housing means people working in Avon can live in Avon; that's the sense of affordable housing and I don't see any problem with it as it's similar to the work/live arrangement we are trying to create. He said that he doesn't think the comments from Forbes added anything to the Plan.

Mr. Guskowski noted his agreement but explained that that is the purpose of the entire section that Mr. Gentile has asked to be axed from the Plan.

## **STAFF UPDATES**

### Avon Village Center Status

Mr. Peck reported that Whole Foods is scheduled to open September 1, 2021, adding that there are no other updates at this time regarding AVC.

### Legislative Updates

This item will be addressed at a future meeting.

There being no further business the meeting adjourned at 9:30pm.

Linda Sadlon  
Avon Planning and Community Development