

The Planning and Zoning Commission of the Town of Avon held a *GoToMeeting* on Tuesday, March 29, 2022. Present were Peter Mahoney, Chair, Lisa Levin, Vice Chair, Mary Harrop, Joseph Gentile, Dean Hamilton, Robin Baran, Chet Bukowski, and Alternates Elaine Primeau (not sitting), Thomas Armstrong (not sitting) and Julie Rousey (not sitting). Also present was Hiram Peck, Director of Planning and Community Development.

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

PUBLIC HEARING

Avon's Affordable Housing Plan 2022-2027, per CGS Sec 8-30j

Mr. Peck stated that all comments received (from the public and Commission) will become part of the record. All comments will be considered and worked into the final draft, as deemed appropriate. The final Plan will hopefully be scheduled for a final vote at the April meeting.

John Guskowski, consultant, Tyche Planning and Policy Group, was present and displayed a PowerPoint providing an overview of the Plan. State Statutes (8-30j) require that every municipality every five years adopt or update an Affordable Housing Plan. The only Statutory requirement is that the Plan specify how the town intends to increase the number of affordable housing units. The procedures and goals are open ended. Affordable housing can be both "A" and "a". The State Department of Housing tracks "A" affordable units; if a municipality is less than 10% of its total housing stock in the "A" category it is subject to the affordable housing appeals process. Market rate "a" is naturally occurring affordable housing (e.g. accessory apartments). Affordable housing allows people to find suitable housing that doesn't require them to spend more than 30% of their income on total housing costs. Housing in Avon is over 80% owner occupied as contrasted with about 60% owner occupied at both State and County levels. Avon's current status for "A" affordable units (300) is 4% of the total housing stock. Avon has recently approved a large number of multi-family units that have not yet been constructed. He explained that there are six goals for the Plan: 1) review existing housing stock for conversion including affordable units; 2) support review and approval of ADUs; 3) review concept of existing TDR regulations as relates to housing density and open space; 4) review housing needs of Avon's aging population and target development opportunities; 5) continue using and promoting the AHOZ; 6) promote public awareness of Avon's housing efforts. The recommended actions are 1) establish a housing task force; 2) promote ADUs; 3) promote AHOZ, TDR, and live/work units; and 4) explore conversion of existing housing stock to affordable housing.

In response to Mr. Gentile, Mr. Guskowski said that if a statement pertaining to Avon reaching its 10% goal in the near future being unrealistic is not in the Plan it has been taken out. He explained that there have been many revisions requested by the members of the Commission. He confirmed that the number of noah units are not known off hand but an estimate could be included in the Plan. The affordability break points are known and are included in the Plan.

Mr. Guskowski explained/clarified that the mandate (8-30j) for this Plan is not because of Avon's 10%. Section 8-30g uses the same definition of affordable housing as Section 8-30j but the Plan Statute does not reference back to the 10%. The only requirement for a municipality is an Affordable Housing Plan that identifies ways to increase the number.

Ms. Levin said that she has no objection to including a statement in the Plan noting that the 10% for Avon is aspirational. She noted that she remembers Mr. Guskowski talking about the 10% but doesn't recall reading something in the Plan that says we would never get to it.

Mr. Gentile said he doesn't have a copy of the earlier drafts but said that there definitely was a statement written by Mr. Guskowski in the draft saying that the goal of obtaining 10% in the near future may be difficult to achieve. He said that he liked that statement because we are making strides and not really getting the credit we deserve for it in obtaining affordable housing, whether noah or "A". It's a tremendous goal to get to the 10% and will be quite difficult to do.

Mr. Guskowski said that he would be happy to add that line, or a similar version, back into the Plan. He reiterated that this is a requirement of every municipality in the State, including those that are already exceeding the 10% (e.g. Waterbury is at 24%). He explained that the 10% is not a magic threshold for the Plan mandate but rather the Plan just asks that every municipality look at increasing their number. If 10% is Avon's ultimate goal that is great but noted that it's important to point out that we are not going to get there in the next five years. This Plan does not mandate that you aim at 10%.

In response to Mr. Peck, Mr. Guskowski explained that for these Plans, in his experience, it is uncommon for towns to set a specific goal (e.g., 1% in the next five years). He further explained that a couple of towns did set targets for some of the sub goals (i.e., double the number of accessory apartments over the next five years or increase their CHFA/USDA mortgages). He indicated that none of the towns he's worked with have said, for instance, that they want to go from 4% to 7% overall.

Mr. Mahoney said that the Plan says we are going to do our best whether we have numerical targets or not.

In response to Ms. Levin, Mr. Guskowski stated that there is no requirement in the Statute to hold a public hearing. If a public hearing is held it must be properly noticed and the Plan filed with the Town Clerk and noticed on the Town website; all of these items have been done.

The hearing was opened for public comment.

Liz Zagata, High Ridge Road, noted her appreciation and support for the Plan and Mr. Guskowski's information and presentation adding that she encourages the Commission to work towards increasing affordable housing in Avon.

Tom Armstrong, Ayrshire Lane, suggested that the members of the housing committee be listed and also for the "at large members" be changed to say "Avon residents at large". He suggested that the housing task force and staff submit to this Commission first what the task is and how it is planned to be achieved so they know in advance, as the responsibility of 8-30j lies with the Planning and Zoning Commission.

Mr. Guskowski explained/clarified that per the State Statute, Planning and Zoning is not charged with the preparation or implementation of the Affordable Housing Plan. The Statute refers only to the municipality adding that different towns have structured the production and

implementation in different ways (i.e., some utilize Town Council/Selectman and some Planning and Zoning Commission). There is no statutory reason why Planning and Zoning would have to review the work of the housing task force such that this process would be whatever structure the town establishes for itself.

In response to Ms. Levin regarding governance of the task force, Mr. Guskowski explained that different towns have taken different approaches. For example, the Town of Durham is setting up a housing committee via a new ordinance and chartered by the Town the same way as an economic development commission or a conservation commission with their own charges. The Town of Hampton have created a standing committee of planning and zoning that is largely staffed by planning and zoning commissioners with couple of at large members; it's essentially a standing subcommittee. The Statue is open ended allowing each town to figure out what fits best.

Mark Harutunian, Sunrise Drive, referenced page 19 of the Plan and asked for confirmation that the orange areas have been approved for affordable housing while the red areas can be looked at later.

Mr. Guskowski explained that page 19 is a screenshot from the 2016 POCD; the properties colored lighter orange are the ones to be considered for multi-family and/or cluster development but clarified that these designations do not refer specifically to affordable. The properties shown in darker orange/red are sites where multi-family or cluster may be appropriate if the land can be acquired. The intent was to build upon already identified high potential properties to see if any affordable housing opportunities could be worked within these sites. He clarified that the map on page 19 was used for reference and is not a unique map.

Mr. Peck clarified that the aforementioned map contains properties that warrant additional study. Nothing at this time has been decided for these sites and there are no plans in place.

There being no further comments the public hearing for the Affordable Housing Plan was closed, as well as the entire public hearing portion of the meeting.

PLANNING AND ZONING COMMISSION MEETING

INFORMAL DISCUSSION

29 Waterville Road – Zone Change Request (NB to CPA)

Heather Beaghen was present and explained that she operates a catering business called “The Bee’s Knees” out of her property at 29 Waterville Road but is looking at potential future uses. The subject site is zoned NB but is surrounded for the most part by properties zoned CPA (commercial uses). She said that the State has recently released some different licenses relating to medical marijuana adding that one of those is a food and beverage license which would allow cannabis products in food and beverage items but would not allow retail of those products. She said that she would be interested in that type of license should she decide to expand or change her business model. The manufacturing of the product would be done at the subject facility/site and sell wholesale to a retailer located outside of Avon. A zone change from NB to CPA would be needed. She indicated that her intention is to submit an application to the State of CT for a food and beverage license adding that for the application to be accepted a request for a zone

change must be pending. She clarified that she would like to move forward with a zone change (from NB to CPA) regardless of whether she is issued a license from the State.

In response to Mr. Mahoney, Mr. Peck confirmed that a reason for a zone change request is needed, as just described by Ms. Beaghen. He added that it would be helpful if the Commission could provide some feedback tonight as to this request.

In response to Mr. Mahoney, Ms. Beaghen said that the license she would apply for (Food and Beverage) is a new category and is not a subset of a rec license. She noted that issuance of this license would allow her to continue operating her current business while also allowing the production of cannabis into food and beverages, as just discussed, but would not allow retailing of those products at the subject site. She confirmed that she is not asking for any building expansion.

In response to Mr. Gentile, Ms. Beaghen said that she owns the building at 29 Waterville Road where she conducts her business but lives elsewhere in Town. She explained that she bought the property in 2015 noting that it had only been used as a residence up to that time. She noted the site is zoned NB adding that initially she lived in the apartment upstairs (for three years) while she was getting the business up and running. The building is used strictly for commercial (off premise full service catering company with a liquor license) and storage. It is not a restaurant there are no dine in accommodations. She said that she has no intention of selling the property for any reason and intends to continue operating the catering business. The Food and Beverage license would be a very small part of the scope of the total business and no retail would occur on site.

In response to Ms. Levin, Ms. Beaghen indicated that the food and beverage products would be for both medicinal and recreational use; the Food and Beverage license would permit both. Wholesale could be to both medical and recreational dispensaries/businesses. She said that the nearby CREC School is located outside of the distance requirements. She confirmed that she has no intent to distribute/retail products in any recreational sense within the Town.

In response to Mr. Mahoney, Ms. Beaghen noted that application for a State license must meet all the Town's requirements.

In response to Ms. Levin, Mr. Peck indicated that some things that would need to be investigated and discussed with the Town Attorney, such as the requirements for a Food and Beverage license. The current Regulations would need to be made clearer such that it's likely a regulation change would be needed.

Mr. Peck confirmed that he will look into some things, as just discussed, and will also continue to work with Ms. Beaghen. He will provide information to the Commission in the next few weeks.

OTHER BUSINESS

Request for 1 year extension of site plan - 347-353 West Main - Allan Borghesi

Mr. Peck reported that an approval was granted for some parking changes at the Friendly's building on West Main Street (App #4921). He recommended that a one-year extension be

granted keeping all the same conditions imposed with the approval.

Mr. Bukowski motioned to approve a one-year extension for App. #4921. The motion was seconded by Mr. Hamilton and received unanimous approval.

8-24 Referral – Projects Funded under the American Rescue Plan Act (ARPA)

Mr. Peck reported that a summary of the project requests has been provided to the Commission; details will be forthcoming as the projects evolve. He recommended that the Commission could make a positive referral and a finding such that these projects are not in conflict with the POCD.

In response to Mr. Mahoney, Mr. Peck explained that the funds come to all towns in phases. This is the first phase of funding (1.2M\$) that needs to be appropriated and committed before the Federal government will commit to the second phase, which has not been detailed out yet. The total amount of funding Avon would receive is about 4M\$. He confirmed that there was a public comment session held regarding these projects.

Ms. Levin said that she wants to understand how these seven projects fall within the scope of the ARPA and what the money was intended to be used for. She said that she thought this money was supposed to be going to small businesses, housing subsidies, food insecurity noting that she doesn't know how some items fit into the POCD (drainage, pavement management) because the POCD is the standard by which the Commission makes a determination. She asked how this list qualifies for permitted use under ARPA and also what other projects were considered and whether the language in the Statute has been looked at. She said she is not comfortable with this Referral until more detailed information is provided.

Mr. Peck explained/confirmed that this is not his decision adding that he made some suggestions that are not included. Town Staff met to discuss the projects and the ones selected do meet the criteria that was laid out for the expenditure of the funds. Some of the projects are sewer, water, and drainage but not all. There was significant damage to Building #1 as a result of flooding. This list is the result of a public hearing held by the Town Council and comments received. He noted that there are likely more items to be coming in the future.

Mr. Peck recommended approval of this phase, as the Town wishes to move forward but added that if anyone has more questions to please send them to him and he will forward to the Town Manager.

Mr. Mahoney said that looking at the restricted uses (pension funds, tax reductions) maybe people were focusing on that.

Ms. Baran said that the Board of Finance meeting minutes from January 24, 2022, provide a good summary of the discussion and results.

In response to Mr. Mahoney, Mr. Peck explained that the projects presented meet the criteria that the Town has determined will be acceptable such that he doesn't think the funds would be denied. The timing of the doing the actual work is subject to the timing of the funding.

Mr. Mahoney motioned to approve the 8-24 Referral for the ARPA projects. There was no second. Messrs. Gentile and Bukowski agreed that more information is needed.

Mr. Peck confirmed that he would follow up with the Town Manager to get some answers adding that this Referral will likely be listed again on the next agenda.

Stratford Crossing – status update from developer

Mr. Peck reported that he has no new information other than a discussion with the developer about receiving trees. There has been no additional work done at this site at this time except for some monuments and pins that have been installed on some properties. He noted that he will continue to provide updates at future meetings.

In response to Mr. Mahoney, Mr. Peck explained that some residents have hired attorneys because they want to get the outstanding items done (pavement, landscaping, trail maintenance, open space). He confirmed that he has no information as to any final decisions made in connection with the developer and the Association.

STAFF UPDATES

Review and adopt revisions to PZC Procedural Rules

Mr. Peck reported that he is working in comments he has received into the revised rules. He indicated that he will have all the revisions provided to the Commission in advance of the next meeting in the hopes the revisions can be adopted/approved.

In response to Mr. Gentile, Mr. Peck explained that it has always been permitted for anyone to speak at a public hearing but clarified that that is why we ask people to identify themselves and provide their address so that we know who is a resident and who is not such that the Commission can decide how much value they will place on comments received from nonresidents. He explained that Alternate Commission members (when not sitting) can speak at any time during a meeting; however, he noted an exception being when the Commission has begun deliberations on making a decision on an application.

In response to Ms. Baran, Mr. Peck explained that if a regular Commission member has had to recuse themselves because of any potential conflict or predetermination it is really better for them not to participate at all in the public hearing. Some town attorneys even suggest that person leave the room.

In response to Mr. Armstrong, Mr. Peck explained that alternates can speak at any time except when a deliberation has begun to vote on an application. He clarified that if an alternate is sitting for a meeting they can also participate in the any deliberations. He noted that he would get clarification on this point with the Town Attorney but confirmed that all Commissioners can call Town Staff at any time with questions.

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

Linda Sadlon
Avon Planning and Community Development