

The Planning and Zoning Commission of the Town of Avon held a ***GoToMeeting*** on Tuesday, April 13, 2021. Present were Thomas Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Peter Mahoney, Lisa Levin, Mary Harrop, Joseph Gentile, Alternate Raz Alexe (sat) and Alternate Elaine Primeau (did not sit). Not in attendance were Dean Hamilton and Alternate Drew Bloom. Also present was Hiram Peck, Director of Planning.

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

APPROVAL OF MINUTES

Mr. Mahoney motioned to approve the minutes of the March 9, 2021, meeting, with a noted correction by Mr. Ladouceur. The motion was seconded by Mr. Ladouceur and received unanimous approval.

PUBLIC HEARING

App. #4943 -Brighenti Enterprises, LLC, owner, The Neighbors' School, applicant, request for Special Exception under Section VI B.3.e.of Avon Zoning Regulations to permit a preschool, 395 West Avon Road, Parcel 4520395, in an NB Zone

Also heard at this time but not part of the public hearing.

App. #4944- Brighenti Enterprises, LLC, owner, The Neighbors' School, applicant, request for Site Plan Approval to permit a preschool, 395 West Avon Road, Parcel 4520395, in an NB Zone

Present were Elizabeth Wood, applicant/The Neighbors' School, and Jeff Brighenti, owner.

Ms. Wood explained that she is working with the CT Office of Early Childhood; the proposal is to open and maintain a small center focusing on 3-5 year olds with a total of 35-38 students. During Covid classroom size will be limited to 8-10 students. Employee parking (8 employees) will be primarily located in the rear of the building. No traffic flow issues are anticipated on the site. There is ample parking in front of the tenant space to be occupied and drop off and pickup times will be staggered (2 hours in the morning from 7-9am and 2 hours in the afternoon from 4-6pm). Parents will be asked to enter the site via West Avon Road and exit via Country Club Road to eliminate any need to back up in the parking lot.

In response to Mr. Armstrong, Ms. Wood confirmed that there is two-way traffic flow in the parking lot on the site but explained/clarified that parents will be asked to enter via West Avon Road and exit via Country Club Road.

In response to Mr. Mahoney, Mr. Brighenti noted that the most current former tenant of this space was a Reiki Center; the space was once a hardware store and also a rowing center.

Mr. Alexe noted his concerns with school buses (Middle School) on West Avon Road.

Ms. Wood indicated that she did not check the traffic on West Avon Road during the proposed morning drop off times but noted that vehicles would be entering the site from West Avon Road but not exiting onto West Avon Road.

Mr. Alexe commented that he doesn't think parents should be restricted from entering the site from Country Club Road as sometimes that is easier; parents should be given options.

Ms. Woods noted her agreement such that if entering and exiting from Country Club works better for some that is ok. She confirmed that while her intent was to keep vehicles from exiting onto West Avon Road during certain times of the day she noted that there won't be large traffic volumes. At any given time there may be 1-5 parents either dropping off or picking up.

In response to Mrs. Harrop, Ms. Wood indicated that parents could come in the back entrance if they wish but noted that during Covid no one comes into the building. She explained that they are looking at the best way to check students in and out of the building adding that in the warmer months students will be outside and parents can pick them up there. She explained that the outdoor play area (activity station theme) is anticipated to be 1,900 SF in size allowing for 20 children at one time but pointed out that there may never be that many children outside at one time given the size of the School.

Ms. Levin noted her concerns with sightline relative to exiting onto Country Club Road noting that vehicles come down the hill very fast in that area.

In response to Mr. Armstrong, Mr. Peck confirmed that the Police/Traffic Authority have approved the proposed vehicle circulation plan noting that if any future changes become necessary a discussion with Staff and the Police can certainly occur.

Mr. Gentile noted that there is potential for maximum of 40 children adding that if every child came in a separate car in the morning and in the afternoon that could be 40 cars.

Ms. Wood clarified that there is a 2-hour window for both drop off and pickup such that staggered drop off and pickup times are anticipated depending on family needs.

Mr. Ladouceur commented that parents will become increasingly frustrated trying to exit the site in the morning when school traffic is in full swing (6:30am-8am, M-F). Exiting onto Country Club Road heading east (up the hill) is a line of cars trying to get through the intersection. Same scenario with West Avon Road heading north. Buses for the Middle School would regularly be lined up well into the intersection such that anyone trying to turn left (onto West Avon) was impossible. It will also be difficult to exit the site onto Country Club and then turn left onto West Avon Road.

Ms. Wood acknowledged her understanding of the traffic flow.

In response to Mr. Armstrong, Ms. Wood explained that she is still working with the State of CT Office of Early Childhood indicating that 40 is the maximum number of students permitted. She noted that she is likely to have 37-38 maximum students given the tenant space.

The hearing was opened for public comment; there were none.

The public hearing for App #4943 was closed, as well as the entire public hearing portion of the meeting.

PLANNING AND ZONING COMMISSION MEETING

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

App. #4943 -Brighenti Enterprises, LLC, owner, The Neighbors' School, applicant, request for Special Exception under Section VI B.3.e.of Avon Zoning Regulations to permit a preschool, 395 West Avon Road, Parcel 4520395, in an NB Zone

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Mr. Armstrong confirmed that App. #4943 meets the requirements of the Special Exception.

Mr. Mahoney motioned to approve Apps. #4943-44 subject to the following:

1. Vehicular traffic flows on the site (ingress/egress) as submitted/presented are approved by Avon Traffic Authority. In the event of any future traffic issues, applicant shall work with Planning and Police/Traffic Authority to resolve.
2. The maximum number of students permitted is 40, in accordance with State of CT approval.
3. Applicant shall satisfy and demonstrate compliance with all Building and Fire Codes.

The motion was seconded by Mr. Gentile and received unanimous approval.

OTHER BUSINESS

CIP FY 2021-2022 – 8-24 Referral

Mr. Armstrong commented that the Commission's approval should be limited to items within the jurisdiction of Planning and Zoning. He commented that the possibility of bike trails should be considered with regard to repaving streets and walkability (especially on West Main Street, commercial/business area) should be considered relative to sidewalks.

Mr. Alexe commented that while he understands the CIP is a package deal he noted that he doesn't think vehicles fall within the scope of what can be approved by Planning and Zoning. He asked whether infrastructure projects are typically approved by Inland Wetlands.

In response to Mr. Alexe and Ms. Levin, Mr. Peck explained that the CIP 8-24 Referral to the Commission was done at the request of the Town Manager. The Plan in its entirety covers items that don't necessarily fall directly within the jurisdiction of this Commission but he explained that an 8-24 Referral to the Commission is a recommendation that the entire Plan move forward and that the Plan is not in conflict with the POCD.

In response to Ms. Levin, Mr. Peck explained that the \$\$ being allocated for police vehicles is for replacement of certain vehicles needed at this time and not the entire fleet. Police vehicles are replaced on a rotating basis. He added that he will get more details.

In response to Mr. Ladouceur, Mr. Peck offered assurances that both the Fire Department and

Fire Marshal are on top of and very involved in all plans and approvals regarding fire apparatus, fire vehicles, and fire stations. He explained that the improvements proposed for Company #1 (Darling Drive) is mostly long-term maintenance but is also to ensure the building is prepared for the future.

Mr. Armstrong noted his concerns with widening Old Farms Road adding that there may be a lot of interest in this because people enjoy the scenic views in that area.

Mr. Peck explained that the widening of Old Farms Road is proposed to be done in sections. He further explained that while he understands about the road being scenic it also needs to be safe and there are a lot of issues relative to safety on this road. Avon Town Engineering has spent considerable time on plans for this project. He noted that he is confident that there has been a lot of input so far and the Town Council will likely hear more as the project advances.

Mr. Ladouceur motioned to approve, as presented, the CIP FY 2021-2022 under Section 8-24 finding it consistent with the 2016 POCD. The motion seconded by Mrs. Harrop was approved by Messrs. Ladouceur, Armstrong, Mahoney, Gentile, and Alexe and Mrs. Harrop. Ms. Levin abstained.

Request for 1-year extension – 347-353 West Main (App #4921 Site Plan) – Allan Borghesi

Mr. Peck explained that this approval was to revise the parking and landscaping at 347-353 West Main Street (Friendly's). Due to difficulties and delays during the pandemic the owner is requesting a one-year extension for this project. Mr. Peck noted his recommendation to grant an extension for one year to include all the conditions imposed with the original approval.

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

Affordable Housing - Tyche Planning & Policy Group; Avon Affordable Housing Plan Study
John Guskowski, Principal at Tyche Planning, was present.

Mr. Armstrong reported that Ms. Levin and Mr. Ladouceur have been appointed to the committee for this Plan and their comments have been forwarded to Mr. Guskowski.

Mr. Peck clarified that being discussed is an Affordable Housing Plan, not Regulations as stated on the agenda.

In response to Mr. Ladouceur, Mr. Peck reported that he spoke with the Department of Housing regarding the requested extension. The extension request has been forwarded to the Town Council for processing at their next meeting. The maximum extension available is to December 31, 2021.

Mr. Guskowski explained that the information provided for this meeting is a draft of the first section of the Plan which provides a snapshot and overview of the demographics, trends, and housing data. Avon continues to grow and is projected to continue for the next 15-20 years with a population projection of 25,000 in the year 2040 (current population is 20,000). Avon's

population is projected to get younger people with families. The largest portion of Avon's housing stock was built after 1970 which is relatively young as compared to many other towns in CT. Avon is a very desirable market with over 80% of households being ownership based, much higher than State averages. There is, however, a large income gap between those who own homes and those who rent homes which could indicate that there is a lack of entry-level housing. Rents and home values in Avon are much higher than Hartford County or CT as a median. Relative to Affordable Housing, as defined by the State 8-30g, Avon is just over 4% (as of 2020 Affordable Appeals List) with the great majority being governmentally assisted (senior and disabled housing). There are not many deed restricted or CHFA or USDA mortgages. Those spending more than 30% of income on housing (rental or ownership) is considered a cost burden. Renters in Avon experiencing a cost burden is well over 50%; the cost burden for owners is just over 20%. About one quarter of total households in Avon are considered cost burdened. Avon tends to be whiter and less diverse than the State, as a whole. Avon is slightly older than the State average but is strong in youth and family numbers and household size is growing. Mr. Guskowski explained that this background information is useful for the next conversation about how Avon's Regulations, policies, and POCD are currently setup to provide the types of housing needed in the future.

Mr. Armstrong commented that, for clarification, sources and qualifications for statistics and data contained in the Plan need to be identified/cited in the Plan. Clarification on the definitions of "affordable" is needed in the Plan (e.g. 8-30g, 8-39a, Attainable in Avon, NOAH) and what the dollar amounts are for each category. A better understanding of the housing status in CT, and Avon in particular, is needed. He asked relative to 8-30j whether it is the number of units available or the type of units that is important. Consistency is needed relative to terminology used for housing (condos categorized as multifamily whereas other times condos categorized as single-family homes). Information about available housing in Avon for seniors wishing to downsize is needed. A balance between building new housing and open space is very important to Avon residents, as noted from past surveys.

Mr. Peck indicated that he has received helpful comments from Ms. Levin and Messrs. Armstrong and Ladouceur adding that he is happy to work with Mr. Guskowski to come up with a form and layout for the Plan that is satisfactory to all. He reported that he has data relative to housing types (condo, SF homes, accessory apartments) and that he will be working with Mr. Guskowski on all the information.

Ms. Levin commented that she wants the Plan to be readable, usable, and accessible to the public. She requested that tables be included in the Plan to provide clearer, visual information relative to how affordable housing is defined under the law (tables that show income levels, percentages, and unit costs). She's interested in moving the 4% (to 10%) so the math is necessary for everyone to understand how that can be done. The headings of the Plan need to be clear for anyone wishing to read it. She asked how this Plan will interface and get integrated with the 2016 POCD, as some conclusions differ (Plan says Avon getting younger, POCD says otherwise). There should be a section on methodology and all sources used should be cited.

In response to Ms. Levin, Mr. Guskowski explained that the denominator (total number of housing units in Avon) used for the official State affordable housing percentage is taken from the 2010 Census. He noted that many of the other housing numbers he has cited in this Plan so far

are from the 2013-2017 American Community Survey (ACS), which is adjusted for growth but is also a statistical projection and not a 100% count like the Census. The State of CT uses 100% the Census count, which is now more than 10 years old (2010) and this is why some of the numbers are different. The denominator for the State does not move over the course of 10 years. He indicated that the numbers contained in the 2016 POCD may be different (than the 2010 Census) as it was written more recently; he added that his next step is to review in detail the POCD.

Ms. Levin noted her understanding adding that she wants the information contained in the Plan to be transparent and clear to everyone. She asked for definitions relative to ethnicity be included. She asked if there would be sections on solutions and goals.

Mr. Guskowski explained that the next sections are really up to the Commission adding that the State Statutes for 8-30j is very broad and vague. He noted that while there is no defined structure for the Plan he indicated that his approach is to provide the background info and data (demographics) and include existing conditions (policies and Regulations) in the second section and the third and final section would be goals and implementation. Some analytical mapping and community polling could also be done.

Mr. Ladouceur commented that the requirements of 8-30j are very simple such that every five years towns must prepare or amend and adopt an affordable housing plan and specify how the town intends to increase the number of affordable housing units; affordable housing is defined as housing for which people pay 30% or less of their annual income. What Avon has to do at a minimum is amend the POCD relative to affordable housing. Relative to the 30% or less of annual income, they are looking to see how we plan to increase it. There is no particular target number or way it has to be achieved (apartments, single-family houses) such that towns are given a lot of flexibility.

Mr. Guskowski explained/clarified that Section 8-30j does not cite specifically the 30% of income. He further clarified that the Affordable Housing Plan under 8-30j says to increase the number of affordable housing developments in a municipality adding that there is no cross reference to the definition of affordable.

Mr. Ladouceur commented that affordable housing developments can be anything and don't need to be 30% or less of annual income.

Mr. Guskowski indicated that technically that is probably correct, as relating to the broad and vague Statute.

In response to Ms. Levin, Mr. Guskowski explained that affordable is defined in a couple of different ways in Section 8-30g but added that generally there is a consistent use that it means 30% or less of income. That definition is not specifically used or cross referenced in Section 8-30j; it just says affordable housing development.

Mr. Ladouceur commented that the common use and understanding of affordable in the industry right now means it doesn't have to be a deed restricted home.

Mr. Guskowski noted his agreement adding that credit should be taken for both deed restricted units as well as the NOAH (naturally occurring affordable housing). He confirmed that it doesn't have to be an apartment or a house.

Mr. Ladouceur commented that given all the information just discussed, he doesn't see the Affordable Housing Plan as being a supplement to the POCD but rather used as a tool by the Commission. Then we need to figure where in the POCD we want to amend to incorporate some of the best suggestions that may come out of the discussions for the Affordable Housing Plan. If a sentence or two is changed or a paragraph added to the POCD the requirements of 8-30j will be fulfilled for another five years. We should be doing the absolute minimum required. He noted that he would like to see more data, charts, and cross sections in the first section of the Plan (i.e., a chart that shows current average incomes but also shows incomes projected ten years out and how the 30% of income applies).

Ms. Levin commented relative to charts and tables that it would also be helpful to show how the affordable calculations work given the number of people in a household because the numbers change.

Mr. Guskowski agreed noting that HUD numbers are based on the number of people in a household. He explained that the Affordable Housing Plan is mostly for the benefit of future populations and where things are headed in Avon and not who is currently living in Town.

Mrs. Primeau asked if there is enough buildable land left in Avon to satisfy the 10%; we are running out of land. She noted that previously Avon's buildout projection was 21,000 but added that 25,000 has been mentioned as our buildout population.

Mr. Peck explained that there are many different options to look at relative to the Affordable Housing Plan. He indicated that one of the options is not necessarily to cut down all the trees and develop land that is currently not developed or develop land that is not appropriate. He further explained that redevelopment of sites and redevelopment of some existing structures that may come into play. He indicated that as part of the implementation and recommendations section of this Plan it will pointed out that there are a number of different types of housing units; they are not all single family houses – there could be apartments, condos, and accessory dwelling units on sites that are already developed. There are a variety of options available that the Commission will review to figure out the best fit for Avon.

In response to Mrs. Primeau, Mr. Peck explained that he doesn't think it's true at all that existing housing stock in Avon could not be used towards satisfying the 10%. He stated that he is very familiar with some older buildings in some small communities in Litchfield County that have been completely and beautifully rehabilitated into deed restricted units. He indicated that he is happy to provide clarifications and definitions for terms to be used in this Plan (i.e., deed restricted, etc).

Mr. Peck stated that protecting Avon is something he takes very seriously confirming the importance of having an informative and detailed Affordable Housing Plan, under Section 8-30j. He explained that Section 8-30g is nothing to take lightly as the Commission has very little control; the Affordable Housing Plan will provide alternatives to developers.

Mr. Ladouceur commented that recognition for the Regulations put in place recently (AHOZ, Work/Live, Accessory Units) should be noted in this Plan (in Section Two) as they help to increase the affordable housing pool. Reference could be made to actual applications, approvals, and what has been constructed. This provides a fuller picture such that Avon has been proactive in the last five years relative to affordable housing. He asked how many communities under population 20,000 have attained 10%, adding that it is unattainable from his view.

Ms. Levin commented that she is interested to know which towns have really embraced affordable housing and what they have done to make improvements.

In response to Ms. Levin, Mr. Guskowski indicated that he can look at case studies and best practices from other communities.

In response to Mr. Ladouceur, Mr. Guskowski indicated that there are about 15 towns (out of 169 total) under 30,000 in population that have satisfied the 10% or higher. He noted that he will need to find out how many total communities in CT are under 30,000 in population.

In response to Mr. Armstrong's concern, Mr. Guskowski explained/clarified that the only time he is using information from the 2010 Census as a baseline is for the State's Affordable Housing Appeals List because that is what they used. He indicated that for everything else he is using the more recent American Community Survey information.

Mr. Armstrong referenced the affordable housing section of the 2016 POCD, (Pages 72-73) noting that some of the suggestions in this section have been undertaken since the POCD was written. He encouraged all Commissioners to read this section

Mr. Guskowski explained that his next step is to review the POCD and Regulations for Avon to take credit, in this Plan, for recent developments and goals that have been implemented. He clarified that the Affordable Housing Plan is not intended to be a supplement to the POCD but rather a check or audit of the POCD relative to affordable housing goals.

Mr. Guskowski confirmed that he could provide a revision of the first section (demographics) and a draft of the second section (review of POCD and Zoning/Subdivision Regs) by late May to be discussed again at the June 8 meeting. The third section (goals and implementation) would be done in the summer.

Mr. Gentile commented to Mr. Guskowski that he doesn't believe some of the statistics provided. He noted that he doesn't see how Avon is going to grow to a population of 25,000 in the next 20 years unless everyone decides to move here from everywhere else. He asked if this Plan with its population growth/statistics will be out there as gospel as to what we believe or will it be noted that the numbers are projections. He noted that he likes the infrastructure and other trends summary; it's accurate.

Mr. Guskowski explained/confirmed that the Affordable Housing Plan will note that the numbers are projections from the CT State Data Center and are not his personal projections. The numbers/projections are the best data available; projections are not destiny and things can change. For example, if Avon decided to not allow any building for the next five years then the

population numbers would stagnate. He pointed out that when the population projections were done there was no such thing as Covid19.

Mr. Ladouceur said that it may be beneficial/informative with regard to the current projections to look at the State's projections from 20 years ago to see how close or far off they were.

Mr. Peck pointed out that every time the economy changes other things change too; updating statistics every couple of years is fairly common and not a bad thing. There are communities that years ago thought they were going to be much larger than they actually turned out to be.

Mr. Ladouceur said that he believes what Mr. Armstrong was going to say (before his meeting connection was lost) is that instead of having a 35-page Affordable Housing Plan attached as an Appendix to the POCD that a summary of the Plan would be more appropriate to attach or incorporate into the POCD.

Mr. Guskowski clarified that the Affordable Housing Plan is not intended to be a supplement to the POCD at this point. The State Statutes call it out as a separate document. He reiterated that this Plan can be whatever the Commission wants, shorter or longer.

Ms. Levin and Mr. Ladouceur agreed that it would not be a good idea to limit the size and details of the Plan. They suggested that an executive summary would be fine as it could be attached to the POCD or if a few paragraphs in the POCD were changed that would be ok too.

Ms. Levin commented that the Plan would be four sections; demographics with tables/formulas and calculations, overview of Regulations and POCD, goals and implementations, an executive summary.

Mr. Guskowski communicated his understanding and agreement.

STAFF UPDATES

Avon Village Center Status

Mr. Peck indicated that Buildings R1 and R2 are coming along quickly. The wall signs for Whole Foods are now on the building. The Engineering Department is working with the developer to get the roadways back in working order as soon as possible for residents (Climax Road). Work on the inside of Whole Foods is ongoing. Covid is still around so everyone is working hard to make sure that things are done correctly and safely. He reported that to his knowledge there is one tenant (physical rehab) for the building behind Whole Foods. The developer has indicated that once Whole Foods opens that other tenants will feel more comfortable moving in. He confirmed that the bike path is just about back to normal functioning except for a small detour by the tower being constructed in that area. He noted that there will be public restrooms in the building being constructed right near the trail and the tower. He reported that there are two parts of the stone wall along Route 44 that are not yet complete and in place (both parts have been constructed offsite and will be brought in and installed via a crane). He stated that the ends of the wall will be slightly curved with a nice concrete cap installed on top of the wall. He noted that hopefully in the next month this wall will be complete. He concluded by

explained that the hope is that a good mix of tenants (some small, some large) will be interested in coming to this area to provide a variety of services for the public.

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

Linda Sadlon

Avon Planning and Community Development