

The Planning and Zoning Commission of the Town of Avon held a **GoToMeeting** on Tuesday, June 8, 2021. Present were Thomas Armstrong, Chair, Brian Ladouceur, Jr. Vice Chair, Peter Mahoney, Lisa Levin, Dean Hamilton, Mary Harrop, Joseph Gentile, and Alternate Elaine Primeau (did not sit). Absent were Alternates Raz Alexe and Drew Bloom. Also present was Hiram Peck, Director of Planning and Community Development.

Mr. Armstrong called the meeting to order at 7pm

### **APPROVAL OF MINUTES**

Mr. Hamilton motioned to approve the minutes of the May 11, 2021, meeting. The motion was seconded by Mrs. Harrop and received unanimous approval.

### **PUBLIC HEARING**

App. #4945 - JohnPaul Tonry, owner/applicant, request for Special Exception under Section IV.A.4.s.of Avon Zoning Regulations to permit home occupation (hair salon), 22 Andrea Lane, Parcel 1050022, in an R30 Zone

The public hearing was continued from May 11.

JohnPaul Tonry was present and addressed the letters of concern received by the Town, discussed at the last meeting. He noted that he has obtained more signatures from his neighbors, adding that most of his neighbors were unaware of what he was doing. In reference to concerns about business deliveries, customers, and noise he noted that while he is not dismissing anyone's concerns for their own property he said that he doesn't understand how noise from a hair blow dryer inside any house would affect the exterior/outside. He talked to an environmental engineer and Suburban Sanitation who indicated that OSHA would have gotten involved a long time ago because he's not the only one who has ever done this (single hair salon operator). The Fire Marshal and Health District found nothing wrong in their inspections.

The hearing was opened for public comment.

Kama Cawley, 28 Andrea Lane, commented that this situation is very uncomfortable adding that she does not wish the business or Mr. Tonry any ill will. She noted that she submitted letters prior to May 11 signed "Andrea resident". Mr. Tonry has been a good neighbor and this is not personal but she noted they love their home. She said that Mr. Tonry approached them in March 2020 noting he would be working his business out of home due to Covid and we were understanding at that time. Things improved and salons starting opening in June 2020. Andrea Lane is a quiet dead end street and even people who had a lot of guests and parties wouldn't be doing it five days a week during business hours for this length of time. This is not what she expected buying a house on this road in the Town of Avon that does not have home salons. She noted an uncomfortable conversation with Mr. Tonry the other day in their yard adding that she doesn't feel he understands their position as homeowners. They did not sign the petition because they are not ok with the business continuing. She noted some people did sign the petition but also noted that there are houses for sale on the street. She said that she thinks neighbors did not want to hurt Mr. Tonry as he has been a good neighbor to all. She asked for information/clarification as to the timeline of what a "temporary" business means in this instance. They have been very understanding up to this point; it's been 15 months and how long can this commercial business

continue to operate as an immediate neighbor. She asked how long the temporary approval issued by The Health District is valid for and who will monitor the situation should an approval be granted here.

Mr. Mahoney asked why this application is still necessary given that all the Covid restrictions are being lifted.

Mr. Tonry indicated that he is looking for temporary relief for another six months and confirmed that he is not looking for permanent status that would change the neighborhood. He explained that in his industry people generally see the same hairdresser every time they go to a salon. He lost clients when he had to move his business to his house and this is a problem that happens a lot to salon owners when they change locations. It is difficult because it's a commission based business. He has built a good reputation since 1995 and has gotten new clients from this area. He is fully aware that salons have opened up and that he could move to a temporary location but explained that that would impact him more than everything already has. He would rather wait a few more months and open a new permanent location.

In response to Mr. Mahoney, Mr. Tonry said that he is not currently in the process of looking for a new location because he is not yet financially ready. Mr. Mahoney noted that he runs a business too and you need to plan ahead; you're not supposed to be running this type of business out of a house. Mr. Tonry said that is isn't feasible to go to his clients' homes due to the down time between clients, packing and unpacking equipment, and the temperature sensitive nature of the products used.

In response to Ms. Levin, Mr. Peck explained that the Regulations for home occupations contain two parts. A minor home occupation is one that has no visitors/clients while a major home occupation has the potential for one employee and visitors/clients coming to the house. The Home Occupation Regulations are in place and designed to allow the Commission to consider establishing home occupations that are typically found in residential zones. The impacts to neighbors relative to traffic, lighting, and noise, are carefully reviewed by the Commission. Each instance/situation is different (e.g. recent yoga studio approval in residential zone) and that is why a special exception application is required for review and approval. The Commission has authority to place time limits on approvals.

In response to an earlier question, Mr. Peck clarified that this application is before the Commission because the Town initially received a complaint. Once the Town confirmed that the business was being run out of the house the applicant was instructed to either cease operation or apply for a permit.

In response to Ms. Levin, Mr. Armstrong said there are 14 houses total on the road. Ms. Levin noted there has been one objection.

In response to Mr. Armstrong, Mr. Tonry said that he got a total of six signatures on the street. He commented that there has been some medical issues in his family and has not been able to approach all of his neighbors.

In response to Mr. Ladouceur, Mr. Peck explained that if an approval was granted for a temporary time period and the activities did not cease at the end of that time period, a formal zoning enforcement action would be undertaken with litigation and involvement by the Town Attorney. The costs to the applicant would be substantial; it would not be cost effective to continue the activity. The Town does not currently have an ordinance allowing fines. The Farmington Valley Health District made clear in their written comments that their approval would be issued upon an approval by the Planning and Zoning Commission and any approval limitations/time limits set by the Planning and Zoning Commission would also be adhered to by the Health District.

Mr. Ladouceur noted that his understanding is that for the past 15 months this activity has been ongoing without any special exception approvals or salon approvals and there have been no specific inquiries into securing a permanent commercial location nor has there been any heightened sense of urgency to go out and secure a location in the last 45 to 60 days.

Mr. Tonry noted his disagreement.

Mr. Ladouceur asked how many commercial locations have been asked about renting a permanent location or setting up a chair as a temporary location.

Mr. Tonry indicated that he is not looking to rent a chair and has looked at three properties.

Mr. Ladouceur commented that Covid restrictions are being lifted adding that he doesn't see a reason why a permanent location isn't being accelerated and pursued. He said my personal opinion is the reason we don't allow these type of major home based retail businesses is because it is not fair to the residential character of the neighborhoods that it impacts. He noted his appreciation that the sender of the anonymous letter has been identified and the reasons well expressed under a difficult situation. He shared his concern with the sender of the letter that there is no end game to this situation and that steps would not be taken to find a commercial location.

Mr. Tonry addressed his comments from the last meeting noting that as of last fall people were still afraid to leave their houses.

Mr. Ladouceur commented that people have been getting haircuts since June 2020; it's been a year now.

Mr. Tonry addressed his comments from the last meeting noting that his bills did not change because of Covid, they still had to be paid. He does not get a paycheck from a corporation; he works on a commission basis. He only had one client per day for months on end just to put food on the table at first; he noted he is a single income household. In order to catch up on bills and be able to put money aside to get a new location requires a lot of money. There is a lot that goes into opening a new location; it's much more than opening the door. He said that he has worked very hard, is not a quitter, and has been in business since 1995. He noted that he has never been on unemployment or welfare. He said that he is not trying to upset his neighbors or the residential area. You can't see anything from the road and there is one car/client at a time at his house.

Mr. Ladouceur reiterated his concerns that there doesn't appear to be any sense of urgency in the last 45 to 60 days to secure either a temporary or permanent commercial location. He asked whether the Commission will hear the same information in three or six months from now if a temporary approval is granted.

Mr. Tonry commented that each previous location that he's had has taken three to four months, just to build. He said it's impossible to build a new location and be out in three months unless it's an existing location that he likes. He said that ideally six months gives him time to keep looking. He said that he's being as honest as he can adding that working out of his house has not been his career goal.

Mr. Ladoucuer commented that if six months were granted a timeline should be to sign a lease within two months leaving four months to build out the space.

Mr. Tonry said that it all depends adding that he can only go by whatever the Commission decides.

Ryan Cawley, 28 Andrea Lane, commented that he doesn't understand how other stylists obeyed the Governor's shutdown rules and discontinued their work but JohnPaul never shut down and continued to work in March of 2020. He never collected unemployment because he was never unemployed. Covid was a pretty large problem and part of the solution was to have people separate from each other until we can get it under control. He had people coming from out of State. He noting his children getting off the bus have been asked by strangers if they know where 22 Andrea Lane is because Mr. Tonry's mailbox was run over by a client. Mr. Tonry says he's a responsible business owner but he didn't ask for permission or ask the Department of Health. When he asked us if it was ok we said if it's ok with the Town, you gotta do what you gotta do. Mr. Tonry also noted that it was temporary and when salons opened in 2020 nothing changed for a year after that. He noted that the word temporary seems like a word Mr. Tonry uses that has no ending.

There being no further comments, the public hearing for App. #4945 was closed.

App. #4946 Northington Holdings LLC owner, National Sign Corp, applicant, request for Special Exception under Section VII.C.4.b.(1) of Avon Zoning Regulations to permit detached sign, 2 Mountain View Avenue, Parcel 3250002, in a CS Zone

Darcie Roy, National Sign Corp (applicant) indicated that the proposed location of the sign has been staked. Low maintenance plantings are proposed to be installed around the sign.

Mr. Hamilton noted his concerns that anyone coming from the east will not be able to see the sign.

Ms. Roy noted that she will bring the sign visibility/location to the attention of the owners.

There being no further comments, the public hearing for App. #4946 closed.

App. #4947 - Nod Brook Owner LLC, owner, Prashant Ballambat, applicant, request for Special Exception under Section V.O.5. of Avon Zoning Regulations to permit outdoor seating, 315 West Main Street, Parcel 4540315, in a CR Zone

Prashant Ballambat, applicant, was present and confirmed his understanding that he needs written approval from the Farmington Valley Health District before he can begin outside seating. He explained that the plan is to have four tables and 16 chairs on the outside patio beginning in the spring and ending in the fall.

In response to Mr. Armstrong, Mr. Ballambat explained that there is a lane between the parking and the curbing where the outdoor furniture will be placed. Large planters will also be used to provide safety to the outdoor patrons. The Landlord has approved the outdoor seating plan.

In response to Ms. Levin, Mr. Peck explained that the permit would be granted for this particular applicant and operation. If the applicant/operation changed a return to the Commission would be required to get the permit transferred.

Mr. Ladouceur now chaired the meeting.

In response to Mrs. Harrop, Mr. Peck explained that he has reviewed the outdoor seating layout with both the applicant and the property owner confirming that the tables and chairs can only be located in front of the Nestle store and people need to be able to pass safely around the area.

Mr. Ballambat confirmed that the outdoor seating area will only be in front of his Nestle store and will not extend in either direction to the other tenant spaces. He confirmed that the tables will have umbrellas.

There being no further comments, the public hearing for App. #4947 was closed, as well as the entire public hearing portion of the meeting.

## **PLANNING AND ZONING COMMISSION MEETING**

### **OTHER BUSINESS**

Affordable Housing - Tyche Planning & Policy Group; Avon Affordable Housing Plan Study

John Guskowski, Tyche Planning, was present.

Mr. Peck reported that an updated draft of the Plan has been received. He noted that he has learned that some Commissioners did not receive all the pages of the draft. He explained that if that ever happens please call him so that all the pages can be sent.

Mr. Guskowski explained that revisions/clarifications have been made in response to comments from the Commission. Financial examples (tables) have been added as to what the government considers affordable (incomes). The second draft talks more about what Avon's current conditions are relative to how its current plans and policies either encourage or discourage housing development (affordable, cluster, multifamily, TDR). He noted that he reviewed the goals and policies contained in the 2016 POCD as well as the Zoning Regulations (density,

accessory apartments, conversion from SF to MF, mixed use). He noted that Avon adopted the AHOZ and TDR Regulations which could be built upon to ease regulatory processes and allow progress to continue forward. General recommendations have been added such as establishing a Standing Housing Committee because housing is not just a planning and zoning issue and other agencies should be involved (BOE, Town Council, Committee on Aging). The State has passed revisions to the State Zoning Statute that would allow ADUs as of right in residential districts; the law allows for municipalities to opt out in the next year and a half. He indicated that this section of the Plan may be rewritten somewhat to encourage adoption of the model approach presented by the State Statute and choose not to opt out so as to allow accessory apartments as of right. Incentives could also be considered for affordable (income restricted) accessory apartments so the Town could take credit. Recommendations have been made to allow increased densities and encourage multi-family housing in certain areas. The AHOZ and TDR could be more aggressively promoted as both of these Regulations are very good planning tools to encourage higher density housing in certain areas while relieving pressure for development in areas where it is not wanted. The Town could promote State and Federal loan programs to help first time homebuyers in Avon. The Town could take an inventory of its unused municipal land to be considered for potential housing under certain circumstances. Town partnerships with nonprofit developers and housing groups could help the Town use its programs. He explained that the next steps would be to come up with measurable goals based on the aforementioned recommendations and existing policies to create an implementation plan. Mr. Guskowski summarized by noting that to date we have the draft of the beginning section (inventory and analysis); the second section (regulation audit and recommended tweaks); and the third section which discusses action steps to be taken. He acknowledged receiving good comments from Ms. Levin that will be worked into the draft and welcomed comments from others.

Mr. Peck reported that he has received comments from both Ms. Levin and Mr. Armstrong. He suggested that the Commission take a look at the information that has been created in the first two parts of the Plan and then gather all their comments together so they can be formalized moving forward. He suggested that if everyone could forward their comments to him (Hiram) by late June he can send everything to Mr. Guskowski so that the revisions to the draft can be ready to review at the July 20 meeting.

Ms. Levin asked for clarification on common practices as to what would be included in the final Plan relative to the recommendations and implementation sections. She commented that she thinks it's safe to assume that we would not be adopting all of the recommendations listed as that would be a lot for any town to do at one time.

Mr. Ladouceur commented that the Affordable Housing Plan has no definition as to what qualifies/satisfies the statutory requirement. He noted that this has been discussed in prior meetings adding that he believes that the Commission feels we would go down the path of making very minor changes to the POCD and/or an abbreviated couple of pages to the POCD that would cover these items. He said that in his mind to have this twenty something page document of which only the odd pages were sent out unfortunately to have that labeled or identified as the affordable housing plan for Avon is misdirected because there is no way that he is going to say that twenty something pages of it is our plan. He noted his agreement that the recommendations in the Plan are not going to be the recommendations that this Commission approves or adopts. He said that I would rather look at this as a set of recommendations or

working paper from a consultant of which we as a Commission working with Mr. Peck put together what is appropriate to add to the POCD to revise the POCD or attach to the POCD in a much more concise abbreviated organized and summary action item Plan that we can look at for a five year planning period and not necessarily a ten or twenty year period.

Ms. Levin said to Mr. Ladouceur that it is his understanding that the Plan in its current length will not amend the POCD and the expectation is just one to two pages.

Mr. Ladouceur said absolutely. It's a document that we can use as a Commission to fine tune some of our thoughts and recommendations and support for the changes that we may make to present but to have something of this length with items that people in the community and on the Commission may not agree with and to have it labeled as the affordable housing plan I think is a disservice because it doesn't properly set the expectations for what we see as our responsibilities as a planning commission and as a Town to comply with the statutory requirements. The statutory requirements are very vague on what has to be done and I think to go beyond that is a mistake and I would not be in support of that.

Ms. Levin said to Mr. Ladouceur that what you're thinking is that those two pages are what would be presented in a public hearing when this is all said and done.

Mr. Peck explained that many people will come to this particular issue (affordable housing) with questions such as what are we talking about and where is the data. The first two sections answer those questions. He explained that we had to put together a Plan, per State Statute, and the Plan can be what the Commission ultimately decides but further explained that each of items listed as options should be, in his opinion, discussed by the Commission to decide where to go with each item (e.g., changing the TDR Regulation or changing other density regulations). He indicated that there is really nothing controversial in the Plan at this point – no one has picked out a specific property and said we want to see density here or we don't want to see it there. At this moment, the draft Plan prepared by the consultant just contains a tremendous amount of background information of data and facts. After the entire report is reviewed and discussed by the Commission it could be pared down, if need be. He indicated that saying at the outset that we are going to do the bare minimum is not really the approach we need to take in order to get people educated, which is the biggest thing.

Mr. Gentile asked Mr. Peck if there is any reason why the rest of the Commission isn't privy to the comments made by Ms. Levin and given to John.

Mr. Peck explained that he received Ms. Levin's comments this past Sunday and quickly forwarded them to the consultant. The point of tonight's discussion is to try to educate everyone and get everyone else's comments; there was no intent to hide anything. He explained/clarified that he sent the draft plan to Messrs. Armstrong, Ladouceur, and Ms. Levin first because Mr. Armstrong appointed an adhoc committee to get the consultant's comments before the rest of the Commission. He commented that his goal is to get everyone all the information as soon as is possible.

Mr. Gentile said that he is not implying anything but said that John was talking glowingly about Lisa's comments and none of us on the Commission were aware of them so it kind of threw him off because it seemed like there was so much that we weren't aware of.

Mr. Guskowski explained that he is compiling comments and working to incorporate them into the draft.

Mr. Gentile noted his understanding and said that he doesn't like the draft the way it is currently.

Mrs. Primeau asked if Old Farms Crossing was included and counted in the percentages.

Mr. Peck explained that any of the units that are currently listed in the State's calculations with regard to affordable housing (CHFA USDA) they were included. He added that the information in the draft can be broken down and clarified further.

Ms. Levin said that the POCD has a page that identifies all of the units. She noted that an additional 250 units are expected.

Mr. Peck said that is correct.

Mr. Guskowski indicated that Old Farms Crossing would probably be within the 244 governmentally-assisted units that are included in the 2020 Affordable Appeals list.

Mr. Armstrong returned and chaired the meeting.

Ms. Levin said that the 4% that's considered "A" affordable includes the property that Mrs. Primeau just asked about.

Mr. Guskowski noted that if those units had their C/O's issued before the beginning of 2020 they were probably included in the list.

Mr. Peck agreed and said that he will give the whole Commission a complete list.

Mr. Ladouceur said that his biggest part is that this 20+ pages is not Avon's affordable housing plan; it will be significantly pared down. The information is a working document that is available to the Commission to help decide what to include or not include and make revisions where necessary. This needs to be very clear so that there is no miscommunication or misinformation when it's time to put forth what has been decided on to revise the POCD. It needs to be concisely written so that a public hearing can be held even though the Statute doesn't require it because the Commission agreed early on that a public hearing is important. We have time to work on this over the summer to put together something that the Town and taxpayers deserve and expect.

Mr. Guskowski explained/clarified that there is no requirement that the affordable housing plan be incorporated or adopted as a part of the POCD. They have entirely separate statutory requirements. The affordable housing plan can stand entirely on its own. Recently passed Law 6107 does allow in the future for towns to update the affordable housing plan and the POCD concurrently but he confirmed that they are separate documents. The POCD is a large document but the recommendations/action steps at the end are only a few pages. Similarly, the affordable housing plan will likely have a maximum of two pages of action steps at the end; the rest of the document is important background information so people don't just read the two pages at the end and wonder how we got here. Ultimately it's your plan to pare down and adopt as you see fit.

Mr. Armstrong said that he gave his comments to Mr. Peck earlier today noting that he could pass the information along to the rest of the Commission if wanted. He noted that he has done some research with Town Assessing regarding existing housing stock relative to possible deed restrictions for low income seniors. He noted his agreement that the amount of change likely to take place to the POCD could be minimal adding that some of the things contained in the affordable housing draft plan might take years to accomplish. He said that he certainly doesn't want to build out Avon by 2022. Some of the items in the affordable plan may need to be prioritized. The Town has accomplished a number of the affordable housing agenda items in the POCD.

Mr. Guskowski responded to questions and comments explaining that the recommendations contained in the Plan are just that – they are recommendations. A lot of the recommendations are not really very significant; there are different regulatory tweaks that could be turned a little or a lot (like turning dials). The Commission can see this as an initial menu and maybe add some items that Mr. Armstrong has. This is a five-year plan, certainly not a one-year plan. He indicated that he wanted to make sure the Town understood, based on current Regulations, based on practices of other communities, and based on the goals of Avon's POCD, that there are things that can be done to move further towards some of the goals. The time frame and priority assignments is totally up to you.

In response to a discussion about Commissioner's comments, Mr. Ladouceur said that he doesn't see the significant comments he made to the first section incorporated into the latest draft. He asked if his comments were going to be incorporated and asked about comments he may make for the second the third sections. He asked who was editing the draft – the Town or the consultant. He noted disappointment in making comments that are not addressed or incorporated. If there wasn't time to do that, it's fine but we have to the end of the year and we have to put a product out which is deserving and if we have other priorities we should address those first.

Mr. Armstrong said that all the comments should go to Hiram (rather than directly to the consultant – time is money) because in some cases they are likely to be concurring and in some cases in opposite.

Mr. Peck said that is fine in response to Mr. Armstrong.

In response to Mr. Ladouceur, Mr. Peck clarified that all the comments that he receives get passed along to Mr. Guskowski. There are things that Mr. Guskowski may see differently based on his experience but he confirmed that he is happy to share all the information and comments with the Commission. He said that he will send any and all comments to everyone including Mr. Guskowski so everyone is on the same page.

Ms. Levin asked if the expectation is that the Commission will agree on the Plan and then present to public hearing.

Mr. Armstrong said that we need to get to a document that's ready for public comment but it doesn't have to be the final document. He said he may suggest some new ideas/bulleted items to be added to the POCD.

Ms. Levin asked what would become of the document that John's been working on.

Mr. Armstrong said that hopefully it would go for public comment. It could stand with the public comments attached to it and form an amendment to the POCD if wanted. He said that he's not 100% certain at this point.

Mr. Mahoney said why don't we present the final document to the public, we make our comments, and then we have a public hearing to let the public make comments.. This seems the most open way to do it. We could make our comments in writing for the public to see.

Mr. Armstrong said that he doesn't know the answer at this point but said that if the final document is 40 pages he might rather have people comment on what we agree should be the recommendations rather the pick apart every page.

Mr. Ladouceur said that the current draft document is not something he would ever envision putting out there as something we were considering adopting or looking for public comment on only to have to rewrite it afterwards. We will put out something that is a proposed plan – it will take the good out of the consultant's recommendations and narratives that may give the necessary context for the recommendations being made and maybe there will be components that are pulled out that gives context to the something of the recommendations that are not being made in the next five year period but things to keep on the radar for the next 10 or 15 years down the road. That is the item that is put out for comment because it focuses it so much better and really puts out the product which the Town is deserving of. He said in his opinion in its current form, current organization, and current layout what we have is not that.

Ms. Levin said that we could something where we have this report and then we have an executive summary, is what I'm hearing people say and that executive summary would include the recommendations that this Commission has decided and agreed upon and then have some background to provide some context of the recommendations but the Plan itself I would imagine would still be a public document.

In response to Ms. Levin, Mr. Guskowski said not 50 pages but noted that he attended a public meeting last night in Plainfield for a document that was 35 pages long (final layout has lots of pictures).

Mr. Peck asked that everyone please send him their comments before the end of June so they can be passed along to Mr. Guskowski who can have revisions ready for the July meeting.

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

App. #4947 - Nod Brook Owner LLC, owner, Prashant Ballambat, applicant, request for Special Exception under Section V.O.5.of Avon Zoning Regulations to permit outdoor seating, 315 West Main Street, Parcel 4540315, in a CR Zone

Mr. Mahoney motioned to approve App. #4947 subject to the following:

1. Applicant shall obtain written approval from the Farmington Valley Health District prior to beginning any outdoor activities.
2. Large planters shall be located between the outdoor tables and the drive lane to provide a barrier to nearby traffic.

Ms. Levin seconded the motion that received unanimous approval.

App. #4946 Northington Holdings LLC owner, National Sign Corp, applicant, request for Special Exception under Section VII.C.4.b.(1) of Avon Zoning Regulations to permit detached sign, 2 Mountain View Avenue, Parcel 3250002, in a CS Zone

Mr. Mahoney motioned to approve App. #4946 subject to the following:

1. An alternate location of the detached sign shall be investigated to ensure that the sign is readable for both eastbound and westbound traffic.
2. Prior to installation, the sign location shall be approved by the Town Engineering Staff regarding location of sewer line easement.
3. Plantings shall be installed around the base of the sign. A planting plan shall be prepared and submitted to the Planning Department for review and approval prior to installation of plants.

The motion seconded by Ms. Levin received unanimous approval.

App. #4945 - JohnPaul Tonry, owner/applicant, request for Special Exception under Section IV.A.4.s.of Avon Zoning Regulations to permit home occupation (hair salon), 22 Andrea Lane, Parcel 1050022, in an R30 Zone

Mr. Ladouceur motioned to approve App. #4945 subject to the following:

1. Hair salon is approved on a temporary basis until September 30, 2021.
2. This use shall maintain current hours of operation until September 30, 2021.  
Applicant shall make every attempt to avoid noise and light disturbances to neighbors.

The motion was seconded by Mr. Armstrong.

Mr. Ladouceur said that he struggles with this application adding that he really takes to heart the genuine concerns of the neighbors as well as the applicant's position and concerns. It really tears me apart that this has gone on for 12-15 months and no concrete action was taken to avoid us being here tonight. He said he made his motion as a grand compromise in the hopes that Covid is over and that it creates a sense of urgency that something needs to be done which isn't having a home based business in a residential quiet neighborhood.

Mr. Gentile said that we have residential and commercial zones and zoning regulations for a reason. If everyone was to do their business within their home it would be commercial chaos real estate wise and regulation wise. I think we should discourage this type of behavior.

Mr. Mahoney said that he agrees with Messrs. Ladouceur and Gentile and the only reason he is not voting no is because of what Mr. Ladouceur said.

Mr. Peck stated, for the record, that the only reason the Commission considered a time restricted special permit is because of Covid and the specifics of this particular situation. Time-limited permits should not be considered the standard.

The motion made by Mr. Ladouceur and seconded by Mr. Armstrong received unanimous approval.

## **STAFF UPDATES**

### Stratford Crossing Subdivision

Attorney Robert Meyers was present and indicated that HOA information was sent to Mr. Peck today at his request.

Mr. Peck confirmed that he has received HOA information and has just started to review it.

Mr. Ferrigno was present and explained that he is working with Town Staff in response to a letter from the Town dated May 25. He indicated that he responded to Mr. Peck saying that he would answer all the items. He said that he thinks he and Mr. Peck are in significant agreement on most every item and what needs to be completed to be in conformance with the approval but there is a need for clarification on a few items that will be worked out with Town Staff.

In response to Mr. Armstrong, Mr. Peck explained that he needs to go through each item contained in the letter of May 25 in order to confirm which items are still open and which items have been completed. Town Staff has been working to get items completed. He noted that a few of the residents disagree with the status of the some of the items but added that Mr. Ferrigno agrees to the significant majority of items as they are written in the May 25 letter. He explained that the Engineering Department may have items (paving, curbs) that are not part of the Commission's approval and recommended that these items get resolved between the developer and Town Engineering. The Commission's 2014 approval contains requirements relative to open space (fencing, signage, trails) that will be included in a final letter to be prepared in the 10 days or so. Mr. Peck noted his recommendation that a short extension to the end of the current planting season, but no later, be granted by the Commission. It's time to get things done.

In response to Ms. Levin, Mr. Peck explained that the development was done in sections so there are different completion dates depending on requirements relating to issuing of C/O's and building permits; there are a number of items in the approval that are in the process of being completed at this time. The information for the transfer of easements in connection with open space has been provided (by Attorney Meyers) and should be executed in the near future.

In response to Mr. Ladouceur, Mr. Ferrigno confirmed that all the houses in this development have been completed and C/O's issued. He estimated that the last C/O was issued about 1½ years ago, slightly before Covid. Mr. Ferrigno confirmed that C/O's were issued 1½ years ago when the aforementioned items were not completed but explained that the substantial completion of the road resurfacing was done last fall. We are basically dealing with plantings, some maintenance issues, and lighting on the private roads.

Attorney Meyers explained that the aforementioned easement paperwork has been given to Mr. Peck for review adding that other Town Staff as well as the Town Manager may also want to

review the documents. He confirmed that the paperwork is ready to be executed and filed upon instruction from the Town.

Mr. Peck noted his agreement with Mr. Meyers.

In response to Mr. Ladouceur, Mr. Peck explained that it has been known for a long time that many of these items needed to be completed. When the last extension was granted a list of items was also generated. There has been an ongoing effort to get these items done and the items have never been ignored.

In response to discussion on the extension, Mr. Meyers suggested that September 30, 2021, would get us through this planting season.

Mr. Peck noted his agreement that September 30, 2021, seems reasonable. The amount of planting that needs to be done could be done by then. He explained that the Town will continue to work with the developer on a weekly basis to get the all items on the list completed as soon as possible.

Mr. Meyers noted that some items need to be coordinated between Town Staff and the developer. For example, the Town has to contact Eversource and ask them to put a light on an existing pole on Haynes Road.

Mr. Armstrong asked that a progress report be generated for the Commission's September 21 meeting.

Mr. Meyers agreed to send information to Mr. Peck for the September meeting.

Mr. Ladouceur motioned to grant an extension to September 30, 2021, to complete every item on the list. The motion was seconded by Mr. Mahoney and received unanimous approval.

#### Bailey Road

Mr. Ferrigno explained that an eight lot subdivision was approved about three years ago on Bailey Road; subdivisions have a five-year statutory limit for completion. Most everything is complete and the road improvements are done. He noted that the items remaining are some fencing, planting, and the sidewalk, which is a point of contention with some neighbors but noted that he is prepared to install it as it was a condition of approval. The last house of the eight lots will be completed in the next 45-60 days. He said that he has no problem with September but noted that legally he has two years to complete the subdivision although there's no reason for it to take that long. He noted that he asked Mr. Peck if the location of the sidewalk could be moved closer to the road to yield to the wishes of the residents who live there.

Mr. Peck recommended, due to the concerns raised by the residents, that the sidewalk be moved (installed) three feet closer to Bailey Road, which will slightly increase the size of the front yards. There is no specific distance/requirement/regulation for how far sidewalks need to be from a road. Moving the sidewalk three feet still leaves plenty of green space between the road and sidewalk and is consistent with sidewalk locations in other recent developments in Town. The residents of Spring Meadow are anxious to have the sidewalk installed. He confirmed that he will continue to work with Mr. Ferrigno on the rest of the items on the list.

In response to Mr. Armstrong, Mr. Ferrigno said that he thinks he can get all these items done by the Commission's September meeting but noted he is having problems finding labor in the post Covid world. He acknowledged that sidewalk construction had started but was stopped out of respect for his clients/homeowners.

Ms. Levin motioned to grant an extension to September 30, 2021, to complete sidewalk construction (to be installed 3 feet closer to Bailey Road), plantings in front yards, fence along rear property line, and staking pins consistent with Mr. Peck's memo dated May 20, 2021. The motion was seconded by Mr. Mahoney and received unanimous approval.

#### Avon Village Center Status

Mr. Peck reported that things such as landscaping are moving forward. He said that some revisions are being made to the parking at Whole Foods, as previously approved by the Commission. Climax Road and the roundabout are open. Buildings R1 and R2 on the west side of Climax Road are coming along. There are small details (awning colors) that are being worked on with the developer. The tower in front of Building R8 (public restrooms) is coming along nicely creating a nice rest stop for people traveling along the trail. We are anxious to have Whole Foods open as soon as possible and we continue to ask but we do not have a date at this time. He noted that there are several retailers looking at this development adding that the thought is that once Whole Foods opens some tenant spaces will start to fill up.

In response to Mr. Armstrong, Mr. Peck said that he would be happy to provide updates to the Commission on recently passed State Bills/Laws.

There being no further business, the meeting adjourned at 10pm.

Linda Sadlon  
Planning and Community Development