

The Planning and Zoning Commission of the Town of Avon held a *GoToMeeting* on Tuesday, April 26, 2022. Present were Lisa Levin, Acting Chair, Mary Harrop, Dean Hamilton, Joseph Gentile, Robin Baran, Chet Bukowski, and Alternates Thomas Armstrong (sat), Elaine Primeau (did not sit), and Julie Rousey (did not sit). Peter Mahoney, Chair, was absent. Also present was Hiram Peck, Director of Planning and Community Development.

Ms. Levin called the meeting to order at 7pm.

## **PLANNING AND ZONING COMMISSION MEETING**

### **OTHER BUSINESS**

#### 8-24 Referral – Discussion of Projects Funded under the American Rescue Plan Act

Mr. Robertson, Town Manager, said that a page was created on the Town website in January 2022 providing information and updates on ARPA; Avon will receive approximately \$5.4M in total. The first round was received last year in the amount of \$2.7M; the second round is expected in June 2022 in the amount of \$2.7M. There are seven (7) projects included in this Referral and this is the first round of projects approved by the Town Council and Board of Finance. It is expected that the Town Council will approve another set of projects at their May meeting and a third round of projects may be approved by the end of the fiscal year. The subject seven projects were identified either as those on the CIP list or as projects that became apparent as a result of Covid (e.g., the first round has \$1.5M for road work and pavement management). He explained that the first round of projects (with the exception of drainage project on Deepwood) would have been included in the capital budget had it not been for ARPA funding. Future rounds of funding will have more to do with needs recognized as a result of the impact of Covid (e.g. stress on recreational facilities). One ARPA project still being discussed but not yet approved by the Town Council links all Town and BOE facilities with Broadband. This project would likely be a tough sell funded through the regular capital budget, as it could not compete with roads and infrastructure needs.

In response to Ms. Baran, Mr. Robertson agreed that the ARPA funds must be spent by 2026. He explained that there are other projects, like paving/road work, that could be funded by either the CIP or ARPA but noted that there wouldn't be enough capacity in the capital budget to do it. The Treasury Department rules indicate that local governments can use the ARPA funding for projects pursuant to lost revenue; all of the projects for the ARPA funding, at this point, fall under the lost revenue calculation. The funds can be used for anything that the regulations don't indicate as a prohibited use. He explained that paving and road maintenance is one of the examples of allowable expenditures used in the Treasury Department's rules. He noted he doesn't know why other towns created ad hoc committees but reiterated that the projects chosen already existed in the CIP budget. Both the BOE and Town Staff understand the need for the projects such that all the recommendations were made to the Town Council. He concluded by noting that any Avon resident can go on the Town website and voice comments to the Town Council regarding ARPA projects.

Mr. Armstrong said, relative to the 8-24 Referral for ARPA, the Commission is being asked to determine whether or not it is in conflict with the POCD; the Commission is not being asked for their opinion on the merits of the projects.

In response to Ms. Levin, Mr. Robertson said that the \$1.5M paving management item is part of CIP 8-24 Referral. He confirmed that the subject paving management projects are consistent with the POCD. There is a working list for pavement management and the roads being done are not new roads but are rather a combination of chip sealing, drainage, and overlay work which is all consistent with the POCD. He explained that these projects are just more of the same type of road work than would normally be done in a given year.

In response to Ms. Levin, Mr. Peck explained that an RFP is being put together for the possibility of doing a connectivity study for pedestrians, bicyclists, and other types of transportation connecting various parts of Town.

Ms. Levin asked if part of the ARPA funds will be used for the connectivity study.

Mr. Robertson said that while it has not yet been approved he confirmed there has been discussion relative to a connectivity study. Relative to walkability the Old Farms Road project is coming up and there is a community connectivity grant that will be used to install a multimodal trail along with the road. The sidewalks on the east side of West Avon Road will be replaced using State Grant funds.

In response to Ms. Levin, Mr. Robertson explained that from the very beginning of discussions relative to ARPA funding the Town has solicited input from the public and received feedback.

Ms. Baran motioned to approve the 8-24 Referral for the ARPA projects as outlined in the materials provided to the Commission. All the projects discussed are found not to be in conflict with the 2016 POCD.

The motion was seconded by Mr. Hamilton and received approval from Mesdames Baran, Levin, and Harrop, and Messrs. Hamilton, Bukowski, Gentile, and Armstrong.

#### 8-24 Referral – CIP FY 2022-2023

Mr. Peck explained that there are two items in the CIP for planning and zoning. The first item is to revise the entirety of the Zoning Regulations, which has been needed for some time, to ensure that the regulations do not conflict with other regulations or any recently passed laws. The second item involves a Town-wide discussion via an outside consultant to generate feedback from residents covering a broad number of aspects of the Town. This discussion would help to give some direction to the next update to the POCD. He noted that both of these items would provide benefits to the Commission.

Mr. Bukowski motioned to approve the 8-24 Referral for the CIP FY 2022-2023 finding it not to be in conflict with the 2016 POCD.

The motion was seconded by Mrs. Harrop and received approval from Messrs. Bukowski, Hamilton, Gentile, and Armstrong and Mesdames Harrop, Levin, and Baran.

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

Mr. Peck reported that the consultant has revised the document in accordance with all the comments received as well as in accordance with the all the discussions by the Commission over the last several months. Some photographs will be added to the final Plan but that will not change any content or format. Mr. Peck noted his recommendation that the Plan be approved/adopted tonight such that copies can be provided to the library, the Town Manager/Town Council, and to the State Department of Housing so the Town can be reimbursed. He explained/clarified that this Plan is a working guide document that can be modified; this Plan is not a regulation.

Mr. Gentile said that the Plan may be a working document and we are not modifying regulations but there are recommendations that we do such things like modify the regulations. He said there is also a recommendation for inclusionary zoning adding that he doesn't what that is – is the Town subsidizing the construction or housing? He noted his concerns that the Plan contains strong language suggesting that we change things. Our Regulations were just modified for accessory dwelling units (ADUs) yet there are references in the Plan that we should make ADUs by right.

Mr. Peck noted his understanding of Mr. Gentile's concerns but reiterated that the Plan is a working document with a series of recommendations to be used for further discussion. The Plan is not a regulation. All the implementation items listed are to be brought before the Commission for discussion; there is nothing in the Plan that says the items must be done. Inclusionary zoning is something that all towns have had the right to do for many years, per State Statute; some towns have done it but some have not. There would be a lot to talk about before moving forward with something like inclusionary zoning adding that it could be part of a larger discussion involving revisions to the entirety of the Zoning Regulations.

Mrs. Harrop said that the guidelines in the Plan seem like rules but we saying that they are just suggestions and asked for clarification.

Mr. Peck explained that the Affordable Housing Plan (AHP) document is a plan as opposed to a regulation and there is a big difference. The AHP is like the POCD except that the AHP focuses on affordable housing. The Zoning Regulations are what must be adhered to and enforced. The AHP is a series of recommendations for affordable housing; the AHP is not a regulation for affordable housing.

Ms. Baran said that she sees the AHP as a list of suggestions that accompany the current Regulations on how to increase affordable housing overall.

In response to Mr. Bukowski, Mr. Peck explained that adopting the AHP is a totally separate item from opting out (ADUs) of PA 21-29, which will need to be considered by the Commission along with the Town Council.

Mr. Armstrong noted his agreement with all statements made relative to the AHP. He noted his frustration with the legislature as the 8-30j requirement (5 years) conflicts with the timing of the POCD (10 years). The AHP will look at "a" affordable units to see if some can be converted to "A" affordable. He noted his concern with the task force adding that the Commission should ultimately have control over it. He agreed that a lot of this has to be worked out and discussed

because the Plan cannot contain everything. Avon has done a great job in the last several years with affordable housing projects. The POCD should be our leadership in principle.

Mr. Peck noted his agreement that it would be beneficial if the legislature were more organized relative to timing but pointed out that the next time an update to the AHP is required will be about the same time that the POCD must be updated and possibly they can be combined/blended at that time.

In response to Ms. Levin, Mr. Peck explained that if the AHP is approved tonight the Plan will be forwarded to the Council for their approval. The Plan must also be submitted to the Department of Housing for the Town to be reimbursed for the consultant's work.

Ms. Levin addressed sourcing and recommended, at a minimum, that the consultant put together a list of end notes with a list of references that were relied on and used.

Mr. Peck noted his understanding adding that he would pass the request along to the consultant and it should be no problem.

Mr. Hamilton said that the Plan is not perfect but it is now a lot closer to something that he is ok with.

Mrs. Primeau said it's been a long haul and if we can change different things as we go along she can accept this Plan.

There were no further comments on the AHP.

Ms. Baran motioned to adopt the Affordable Housing Plan 2022-2027 in accordance with CGS 8-30j. This Plan is to be used as the basis for implementation and study, as discussed in the Plan. The Plan is to be posted on the Town's website and distributed to the State Department of Housing as well as the TMO and other Town Departments, Library, and Town Council. The AHP is to be placed on the PZC agenda twice a year to discuss status of implementation.

The motion was seconded by Mr. Bukowski and received approval from Mesdames Baran and Levin, and Messrs. Bukowski and Armstrong. Voting in opposition of approval were Mrs. Harrop and Messrs. Gentile and Hamilton.

#### Stratford Crossing – status update from developer

Mr. Peck reported that all the monuments are now set at the property corners with the exception of two at Haynes Road and Stratford Crossing, which should be done within the next week. Ninety percent of the property pins are set and the road asbuilts are in progress and expected to be completed by the end of May. A bench has been received at one of the open space areas in the development and tree planting will take place in the front yards of some of the lots. Town Staff will continue to work with the developer to ensure that all plantings are in accordance with the approved plans. The Staff is also working to try to get the Homeowners' Association functioning properly so that all the roads, the open space, and the trails are properly maintained.

Discussion of Avon Village Center approval

Ms. Levin noted that the latest monthly report shows 4 leases pending for medical uses and noted that medical uses seem to be the only uses that have been listed.

Mr. Peck reported on Avon Village Center, noting that an AT&T store is very close to opening in one of the buildings across from Whole Foods. A pet food store is in progress with a tenant fit out being completed. A tenant called Barre3 will also be relocating to the Village Center very soon. He noted that he has many times encouraged the developer, regarding the tenant mix, noting that there are a number of other uses that could locate here (small restaurants, small businesses). There are people on the development team, like the Commission, who would also like to see a better mix of tenants. He explained that he has been pushing hard to get some of the residential portion of the development moving forward and hopes to be able to provide some information soon. He reported that something should be happening within the next eight weeks or so relative to the detached tower/sign that was approved recently (Route 44/Climax). He concluded by noting that he continues to work with the developer to create a diversified tenant mix adding that he understands the Commission's concerns and will convey the information.

Review and adopt revisions to PZC Procedural Rules

This item was continued to the May meeting.

**STAFF UPDATES**

Mr. Peck reported that an expansion to the Orafol building (Avon Park South) will be coming before the Commission very soon. The Avon Mill (Avonwood Road) project is now back on track and moving forward with an estimated completion date in 18 months. He reported that the Nod Brook Mall (315 West Main) may be coming in soon to propose a retail use on the end of that existing building (former Colony Grill). Construction is underway at 221 West Main where an oil change/car detailing center is being built. We may also get an application for the former Dakota property (225 West Main Street) in the near future.

Possible upcoming matters – medical cannabis

Mr. Peck asked for feedback relative to the information presented by Heather Beaghen (29 Waterville Road – The Bees Knees) at the last meeting in connection with modifying the Regulations to allow wholesale medical cannabis products to be made at this location.

Ms. Beaghen would have to comply with the strict State application process as well with no guarantee that a license would be granted.

In response to Ms. Baran, Mr. Peck explained that Ms. Beaghen is proposing to make medical cannabis products, not recreational cannabis products. The State requirements relative to security measures for employees working with medical cannabis are extremely strict adding that he doesn't know the answer to the question about the age of employees but would find out.

In response to Mrs. Harrop, Mr. Peck explained that recreational cannabis regulation allows one facility per 15,000-20,000 people. He noted that Avon's Zoning Regulations do not currently allow any recreational cannabis. He clarified that Ms. Beaghen's request is for medical cannabis infused food products for wholesale distribution.

Mr. Gentile said that an industrial area would be a better location for security purposes for wholesale distribution of the products that Ms. Beaghen is proposing to manufacture. If she wasn't already at this location (29 Waterville) he would be reluctant to allow changes to the Regulations to allow her to move forward with her proposal. Initially this location was to be an owner occupied retail business. He noted his reluctance to approve this request.

Mr. Peck noted his understanding adding that he is not taking a position either way but noted that Ms. Beaghen has indicated she would like to remain in Avon with her business. He added that he isn't sure an industrial area is the best fit for this use either but confirmed that security will definitely be the key and no permit would be issued by the State without it.

In response to Ms. Levin, Mr. Peck confirmed that he doesn't know if this type of business situation is occurring in any surrounding towns but that he would try to find out.

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

Linda Sadlon  
Avon Planning and Community Development