

The Planning and Zoning Commission of the Town of Avon held a virtual **GoToMeeting** on Tuesday, July 19, 2022. Present were Peter Mahoney, Chair, Lisa Levin, Vice Chair, Dean Hamilton, Joseph Gentile, Robin Baran, Chet Bukowski, and Alternate Thomas Armstrong (sat) Elaine Primeau (did not sit) and Julie Rousey (did not sit). Absent was Mary Harrop. Also present was Hiram Peck, Director of Planning and Community Development.

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

PUBLIC HEARING

App. #4975 - Cornerstone Landing, owner, Small State Provisions, applicant, request for Special Exception under Section VI.H.3.k.of Avon Zoning Regulations for a bakery, 205 Old Farms Road, Parcel 3360205, in an I Zone.

Present were Kevin Masse, applicant, and Brett Eisenlohr, owner.

Kevin Masse indicated that he opened a store at the Gastro Park in West Hartford last July, which has been very successful. He noted that he makes bread for several local restaurants. He explained that the West Hartford location will remain open for retail only as all production will be done out of the new location at 205 Old Farms Road.

Mr. Peck reported that he looked at the parking for the building adding that all the uses, including the subject bakery, seem very compatible.

In response to Ms. Levin, Mr. Peck confirmed that building access would have to comply with the building code and added that the access as proposed looks acceptable.

In response to Ms. Levin, Mr. Masse explained that right now the primary entrance and exit will be via the double doors. He noted that the architectural plans are still in progress.

In response to Mr. Armstrong, Mr. Eisenlohr confirmed that there is a dumpster pad shown on the site plan; the pad is located to the rear of the building, located behind the smaller building.

There being no further comments, the public hearing for App. #4975 was closed.

App. #4976 - American Sign Inc., applicant, Nod Brook Investors LLC, owner, Request for Special Exception under Sections VII.C.f.(3) and VII.C.4.a.of Avon Zoning Regulations to permit wall sign larger than 75 SF, 315 West Main Street, Parcel 4540315, in a CR Zone

Present was Tony Lafo, American Sign.

Mr. Peck explained that the wall sign as proposed (for Home Goods) meets the Zoning Regulations relative to the distance from the edge of the ROW to the building (285 feet). The size of a sign that could be permitted (300 SF) is slightly larger than what is proposed (273 SF) and the construction of the sign as proposed is adequate.

There being no further comments, the public hearing for App. #4976 was closed.

App. #4977 - Joseph and Georgette Sappington, owners/applicants, request for 2-lot Resubdivision, 6.120 acres, 26 Stonefield Road, Parcel 4090026, in an RU2A zone.

App. #4978 - Joseph and Georgette Sappington, owners/applicants, request for Special Exception under Section IV.A.4.p.of Avon Zoning Regulations for one rear lot, 26 Stonefield Road, Parcel 4090026, in an RU2A Zone.

Present was David Whitney, PE, Consulting Engineers on behalf of the owners, also present.

David Whitney explained that the proposal is for a two-lot resubdivision at 26 Stonefield Road. The owners currently live in the existing house on the property; a new rear lot would be created. Approval has been received from the Farmington Valley Health District (septic and reserve area). Grading and drainage/storm water management plans have been approved by the Town Engineering Department. The new rear lot will have its own driveway. All requirements for rear lots have been met/satisfied.

Mr. Peck confirmed that the Engineering Department is satisfied with the storm water information provided on the plans. He explained that there is no room for the dedication of open space in this instance but the Commission can ask for a fee in lieu of open space. He suggested that should a fee in lieu of open space be requested Town Staff (Planning and Assessing) could work together with the applicant to arrive at an agreed upon fee amount.

In response to Mr. Mahoney, Mr. Peck explained/confirmed that the resubdivision meets the density requirement, as it conforms to the original density calculation that was part of the original approved subdivision.

In response to Mr. Bukowski, Mr. Whitney explained that approval has been granted by the Farmington Valley Health District. A detailed plan for the septic system for the new (rear) lot will have to follow the design as presented on tonight's plan.

In response to Mr. Armstrong, Mr. Whitney indicated that all the conditions for the rear lot have been met. The proposed driveway is about 700 feet long.

In response to Mr. Armstrong, Mr. Peck confirmed that his recommended conditions of approval cover erosion and sedimentation control and maintenance of the existing drainage swale.

In response to Mr. Armstrong, Mr. Whitney explained that the easement serves to preserve vegetation as a buffer between the 2 lots. In addition, the easement allows the swale in that area to be maintained by the owners of the front lot.

Mr. Peck explained/clarified that should an approval be considered, a requirement/condition could be added as to the purpose of the easement.

In response to Ms. Levin, Mr. Peck explained that the process outlined in the Subdivision Regulations for open space/fee in lieu is pretty much in line with the way the Statute was originally constructed. Since the Commission has the ability to waive or reduce the open space requirement it would seem that the Commission could also consider waiving or reducing the requirement for a fee in lieu. He indicated, for example, that if the Commission feels the subject easement could serve as a conservation easement and that it could serve the open space purpose or if there are wooded areas (next to septic system) that could remain wooded that is up to the Commission. He confirmed that there is no room on the lot (given the required size of the lot per the Zoning Regulations) to require open space and have the lots still fit.

Mr. Mahoney said that if open space was already required with the original subdivision and an easement is being offered that seems worth considering.

Mr. Whitney explained that while most of the construction activities for proposed Lot #2 would occur on the upper portion there may want to be some clearing on the lower portion for a view and because of this he would hesitate to encumber this area. He pointed out that the proposed easement area is larger than 10% of the total lot area such that he wondered if this easement area could be counted towards open space.

There being no further comments, the public hearing for Apps. #4977-78 was closed, as well as the entire public hearing portion of the meeting.

PLANNING AND ZONING COMMISSION MEETING

App. #4975 - Cornerstone Landing, owner, Small State Provisions, applicant, request for Special Exception under Section VI.H.3.k. of Avon Zoning Regulations for a bakery, 205 Old Farms Road, Parcel 3360205, in an I Zone.

Ms. Levin motioned to approve App. #4975 subject to the following:

1. All parking lot striping, as shown on the "Proposed Site Improvements" plan prepared by Milone & MacBroom, revised to May 27, 2002, shall be completed by October 30, 2022. Town Staff will inspect the site to confirm the striping has been completed.
2. All landscaping as shown on the plan noted in Item #1 shall be installed by October 30, 2022. Any changes to landscaping relative to planting sizes and/or species shall be reviewed and approved by the Director of Planning prior to any installation.
3. All requirements of the AWPCA shall demonstrate compliance prior to commencement of this use.
4. All requirements of the Building Code, Fire Code, and Health Code shall demonstrate compliance prior to commencement of this use.
5. Applicant shall notify the Planning Department of any changes in tenant mix in order to continually confirm the adequacy and conformance of the existing parking availability. If additional parking is needed the building owner shall be responsible for providing adequate parking in accordance with the Avon Zoning Regulations. No additional CO will be permitted without provisions for adequate and safe parking connected to this site.

The motion seconded by Mr. Armstrong received unanimous approval.

App. #4976 - American Sign Inc., applicant, Nod Brook Investors LLC, owner, Request for Special Exception under Sections VII.C.f.(3) and VII.C.4.a.of Avon Zoning Regulations to permit wall sign larger than 75 SF, 315 West Main Street, Parcel 4540315, in a CR Zone

Mr. Bukowski motioned to approve App. #4976 subject to the following:

1. A 273.3 SF wall sign for “Home Goods” is approved, as represented by the applicant. The wall sign shall be constructed and installed as represented, once the Home Goods store has been constructed.
2. Prior to sign installation, the applicant shall apply for a building permit online using the following link <https://avonct.viewpointcloud.com> All applicable building and fire codes shall be satisfied/demonstrated.

The motion seconded by Ms. Levin received unanimous approval.

App. #4977 - Joseph and Georgette Sappington, owners/applicants, request for 2-lot Resubdivision, 6.120 acres, 26 Stonefield Road, Parcel 4090026, in an RU2A zone.

App. #4978 - Joseph and Georgette Sappington, owners/applicants, request for Special Exception under Section IV.A.4.p.of Avon Zoning Regulations for one rear lot, 26 Stonefield Road, Parcel 4090026, in an RU2A Zone.

Mr. Armstrong motioned to approve Apps. #4977-78 subject to the following:

1. The easement area, as shown on the “Feasibility Site Plan for Proposed Two-Lot Resubdivision” 26 Stonefield Road (per maps prepared by David Whitney, Consulting Engineers, dated May 25, 2022, revised to July 12, 2022) shall serve as a conservation easement. This conservation easement area shall satisfy the open space requirement, in lieu of a fee submission. A conservation easement document shall be prepared and submitted to the Planning Department for review and approval prior to filing on the Land Records.
2. Applicant shall submit a final site plan to Town Staff showing all proposed grading, drainage, and construction and site clearing limits. The final site plan shall meet all the requirements of the Town Engineering Department.
3. Applicant shall submit to the Town Engineering Department for review and approval an asbuilt plan for both lots (grading and drainage).
4. Applicant shall obtain all needed permits for driveways and drainage for Lot #2 from the Town Engineering Department. All requirements shall be met and compliance demonstrated to the satisfaction of the Town Engineering Department.

The motion seconded by Ms. Levin received unanimous approval.

OTHER BUSINESS

8-24 Referral – Old Farms Road Phase 1 (north/south section) State Project

Mr. Peck explained that the north/south section of Old Farms Road is the first phase of this project and runs near Avon Old Farms School. This section of the road has needed alignment correction for a very long time. The new road will be about 26 feet wide, per State requirements and the State funding being used (existing road is about 18 feet wide). A 10-foot wide bike trail will be constructed alongside this new road construction and there will be a buffer between the

road and the trail. A new roundabout is also proposed near the entrance to AOFs. The phase 1 road construction (north/south) is expected to start in the spring of 2023. The plan/design for the east/west section is expected to begin later this year.

In response to Mr. Mahoney, Mr. Peck confirmed that the Commission is being asked to approve the proposed plan, in accordance with their authority under an 8-24 Referral. He noted that the proposed plan is pretty close to the road layout for Old Farms Road shown in Chapter 10 of the 2016 POCD.

Ms. Levin motioned to approve the 8-24 Referral having reviewed the proposal for the relocation and reconstruction of Old Farms Road finding no conflict with the 2016 POCD.

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

PA 21-29 - Overview and discussion of possible action

Mr. Peck addressed PA 21-29 noting that there are some items that the Commission needs to decide whether to opt in or opt out. He suggested that a zoning regulation be considered that allows the Commission to hire outside consultants for complex projects. Any Regulations that contain the phrase “based on community character” should be revised to clarify that we are talking about physical characteristics, not community character. Changes to the language in the Regulations related to outdoor dining should be modified so as to comply with the Special Act 21-3. Revisions/clarifications will be made to Avon’s Regulations relative to extensions allowed by the legislature in connection with dates/timelines to complete certain developments. He asked for input/direction from the Commission relative to regulations for recreational cannabis, parking space requirements/limitations for residential uses, and accessory apartments (ADUs). If the Commission decides to keep Avon’s Regulations as is relative to accessory apartments, the Commission would have to vote (2/3) to opt out of PA 21-29. The Town Council would also have to vote (2/3) to opt out. He explained/clarified that if the Commission decides to let PA 21-29 take over it means that accessory apartments in detached structures would be allowed by right but further explained that the Commission can still require a site plan and ask the applicant to come before the Commission to review the site plan but a public hearing cannot be held. Town Staff would also review the site plan. Temporary healthcare structures can also be opted out of per PA 21-29. He concluded by noting that there are three items the Commission can choose to opt out of; accessory apartments, parking, and temporary healthcare structures. He indicated that he can prepare some recommendations for the September meeting once he receives some feedback from the Commission adding that action needs to be taken before the end of 2022 if the Commission decides to opt out of any of the three aforementioned items.

In response to Mr. Gentile, Mr. Peck explained that the legislature can change the laws at any time; changes to PA 21-29 could happen at any time. He further explained that if the Commission opts out of ADUs under PA 21-29, leaving control with Avon’s Zoning Regulations, it doesn’t necessarily mean that Avon’s Regulations would not be impacted should the legislature change the law. Mr. Peck noted that this time the legislature decided to put in an opt out provision for whatever reason but if they decided that if it is not having the desired or anticipated effects they could probably change the law again but we have no idea if this would take place.

Mr. Mahoney said that he thinks that the opt out provision was added because the law would not have passed without it. We are complying for the most part with the intent of the PA 21-29 adding that Avon should keep as much local control as possible and opt out while we can.

Mr. Gentile noted his agreement adding that he prefers to keep as much independence as possible.

In response to Ms. Levin, Mr. Peck explained/clarified that we can choose to opt out of 1 of the items, or 2 of the items, or all 3 of the items or we can choose to opt out of none of the items. If the Commission chooses to opt out it should really be complete and sent to the Town Council by the end of October 2022 to give them time to review the information and make their decisions before the deadline of December 31, 2022. He explained that he doesn't recall there ever being a parking issue in connection with ADUs but added that he would prepare an analysis for the Commission's review (parking opt out). There is really nothing in Avon's Zoning Regulations addressing temporary healthcare structures. A couple of years ago there was discussion about something called "granny flats" but Avon decided to not participate in that Regulation thinking we could do better with our own Regulations. He noted that he hasn't heard of any discussion or interest in temporary healthcare structures.

Mr. Armstrong noted his preference for the Town to opt out of ADUs leaving control with the Town. He suggested that a term/definition for "community character" be created such that it should save time with the redraft of the Zoning Regulations. He asked for consideration to be given how we can get around future approvals relative to developer extension dates; create trigger dates for completion of certain items.

Mr. Peck noted his understanding adding that he will look into new ways to manage new developments.

STAFF UPDATES

Stratford Crossing – status update from developer

Mr. Peck reported that the residents have been working hard to correct the HOA documents and are close to getting a final document that can be signed by all residents and filed on the Land Records. This will be a huge accomplishment to address some of most problematic issues that have been ongoing for quite some time. There is still road work, open space and trail work that needs to be completed.

AVC update on tenants

Mr. Peck reported that the developer is still working hard to get additional tenants.

Temporary sign enforcement update

After some discussion, it was decided that enforcement for temporary signs will resume on September 1, 2022. He clarified that businesses can still have temporary signs for two weeks, twice a year, or a 30-day permit for new businesses they just need to fill out a permit and file it with the Planning Department.

There being no further business, the meeting adjourned at 8:30pm.

Linda Sadlon
Avon Planning and Community Development