

The Planning and Zoning Commission of the Town of Avon held a GoToMeeting on Tuesday, October 18, 2022. Present were Peter Mahoney, Chair, Lisa Levin, Vice Chair, Mary Harrop, Chet Bukowski, Dean Hamilton, Robin Baran, Joseph Gentile, and Alternates Elaine Primeau (did not sit) and Thomas Armstrong (did not sit). Alternate Julie Rousey was not present. Also present was Hiram Peck, Director of Planning and Community Development.

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

### **PUBLIC HEARING**

App. #4985 - Riverdale Farms LLC, owner, Bee's Dog Services, LLC, applicant, request for Special Exception under Section VI.F.3.c. of Avon Zoning Regulations to permit dog training business, 124 Simsbury Road, Parcel 3970124, in a CP-B Zone

Present were Derrick Seymour, applicant, and Jeff Brighenti, owner.

In response to Mr. Mahoney, Mr. Seymour confirmed that he has seen the Staff Comments and has no problem with any of them.

There being no further comments, the public hearing for App #4985 was closed.

App. #4986 - Three Hundred Eight Arch Road, LLC, owner, Ben Garson/Dogology, applicant, request for Special Exception under Section VI.J.4.a. of Avon Zoning Regulations to permit dog training, 308 Arch Road, Parcel 1090308, in an RI Zone

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

App. #4987 - Three Hundred Eight Arch Road, LLC, owner, Ben Garson/Dogology, applicant, request for Site Plan approval to permit dog training, 308 Arch Road, Parcel 1090308, in an RI Zone

The applicant Ben Garson was present.

Mr. Garson stated that he owns Dogology, located in Canton, and proposes dog training in Avon.

In response to Ms. Levin, Mr. Peck explained that an approval was granted for events in the large barn to the rear of the site. The subject application is for use of the smaller garage located some distance from the barn.

Mr. Garson explained that none of his hours for dog training conflict with the hours for barn events but noted that should there be a conflict he would steer clear. There is no issue with parking; there would be need for only 6 vehicles in the large rear lot. Dog training will be a maximum of 8-10 hours per week.

In response to Mr. Mahoney, Mr. Garson explained that 4 hours a week of training are fixed – 1 hour on Tuesday and Thursday and 2 hours on Saturday mornings.

In response to Mrs. Harrop, Mr. Garson confirmed that all dogs would always be on leashes.

There being no further comments, the public hearing for App. #4986 was closed.

App. #4988 - Connecticut Water Company, owner, Justin Parlapiano, applicant, request for Special Exception under Sections IV.A.2. and IV.A.4.a. of Avon Zoning Regulations to permit replacement water storage tank, 44 Anvil Drive, Parcel 1060044, in an R40 Zone

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

App. #4989 - Connecticut Water Company, owner, Justin Parlapiano, applicant, request for Site Plan approval to permit replacement water storage tank, 44 Anvil Drive, Parcel 1060044, in an R40 Zone

Present were Justin Parlapiano and Nick Meder, CT Water Company.

Mr. Parlapiano explained that the existing water storage tank is about 55 years old and needs to be replaced. Also proposed is a prefabricated booster station to improve water pressures in the area.

In response to Mr. Mahoney, Mr. Parlapiano confirmed that he has seen the Staff Comments adding that he has talked to the 2 immediate abutters (38 and 54 Anvil Drive). Construction and site work is proposed to begin in the fall of 2023 with the new tank construction to begin in the spring of 2024 and be completed by the summer of 2024.

In response to Mrs. Harrop, Mr. Parlapiano explained that the water in the existing/old tank will be drained into the new system so as to not waste water before the old tank is taken down. The old tank is scheduled to come down in the fall of 2024.

In response to Mr. Peck, Mr. Parlapiano explained that trees and landscaping are proposed to provide screening for the new tank but added that if it is determined that more screening is needed it will be provided. The site will be screened during construction with a temporary construction fence. The new tank will take 6 to 10 months to build. So that there will be no interruption in service (drinking water for residents and fire protection) the old tank will not be taken down right away because it holds 1.3M gallons of water and is the primary storage for this system. Water quality and service should be improved for customers with the new tank. The proposed booster station should also improve water pressure for everyone (currently residents have individual booster pumps in their basements that will no longer be needed).

In response to Ms. Levin, Mr. Parlapiano addressed risks and explained that there is a lot of rock on the site that is not necessarily a risk but could be a nuisance as to how it is removed. Construction traffic will be controlled as there will be concrete tanks and excavators; the tracking pads will be maintained to keep roads clean. Soil and erosion control measures will be implemented and maintained. The construction itself does not pose any real risk. If blasting is used it is usually quick but if hammering the rock is needed that is noisier. Construction hours will be limited to normal business hours, 7am to 5pm, Monday through Friday.

Mr. Meder added that the general contractor and the tank builder are very familiar with tank construction similar to the size and nature located in residential areas. CT Water Company has good relationships with all of their vendors. He explained that the subject location services about 2500 to 3000 customers.

In response to Ms. Baran, Mr. Meder explained that after the new booster pump station is constructed CT Water would remove the existing booster pumps from the homes that have them.

Mr. Meder confirmed that this project is a signification benefit to their customers in this area as well as to the residents of Avon who have the pump components in their homes currently.

The hearing was opened for public comment.

Scott Cuyler, High Ridge Road, said that he advocates for this project as his home currently has a pump for water pressure that is inconsistent. He noted that he knows a lot of people in this area that are very excited about this project and although a bit of disruption during construction is understood it will be a quality of life improvement for many.

There being no further comments, the public hearing for App #4988 was closed, as well as the public hearing portion of the meeting.

## PLANNING AND ZONING COMMISSION MEETING

App. #4985 - Riverdale Farms LLC, owner, Bee's Dog Services, LLC, applicant, request for Special Exception under Section VI.F.3.c. of Avon Zoning Regulations to permit dog training business, 124 Simsbury Road, Parcel 3970124, in a CP-B Zone

Mrs. Harrop motioned to approve App #4985 subject to the following conditions:

1. Approval is granted for dog training for a maximum of 10 dogs per class. Classes will be offered at 10am and 5:30pm, Monday through Friday. Four (4) classes will be offered on Saturday. All classes will have a 30-minute gap in between for cleaning.
2. Canis Mountain Outfitters is approved as a retail use along with dog training on the first floor. The second floor is office space.
3. All dogs shall be controlled during classes and at all times while on the site and compliance shall demonstrated with all leash laws.
4. Applicant shall address any valid complaints regarding noise and/or dog behavior immediately.

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

App. #4986 - Three Hundred Eight Arch Road, LLC, owner, Ben Garson/Dogology, applicant, request for Special Exception under Section VI.J.4.a. of Avon Zoning Regulations to permit dog training, 308 Arch Road, Parcel 1090308, in an RI Zone

App. #4987 - Three Hundred Eight Arch Road, LLC, owner, Ben Garson/Dogology, applicant, request for Site Plan approval to permit dog training, 308 Arch Road, Parcel 1090308, in an RI Zone

Ms. Levin motioned to approve Apps. #4987 and #4987 subject to the following conditions:

1. Approval is granted for a maximum number of 8-10 hours per week. Four hours per week is a fixed schedule with one (1) hour on Tuesdays and Thursdays and two (2) hours on Saturday mornings.
2. Applicant has confirmed that none of the hours for dog training will conflict with any events taking place in the barn. As represented, dog training will take place in the small garage on site and not in the barn.
3. All dogs would always be on leashes while outside at the site; no dogs would be allowed to run loose on the site.
4. Parking needed for dog training is about six (6) spaces; parking would be in the rear lot.

The motion seconded by Mr. Gentile received unanimous approval.

App. #4988 - Connecticut Water Company, owner, Justin Parlapiano, applicant, request for Special Exception under Sections IV.A.2. and IV.A.4.a. of Avon Zoning Regulations to permit replacement water storage tank, 44 Anvil Drive, Parcel 1060044, in an R40 Zone

App. #4989 - Connecticut Water Company, owner, Justin Parlapiano, applicant, request for Site Plan approval to permit replacement water storage tank, 44 Anvil Drive, Parcel 1060044, in an R40 Zone

Mrs. Harrop motioned to approve Apps. #4988 and #4989 subject to the following conditions:

1. A replacement 30-foot high water tank with a small, prefabricated booster station is approved.
2. A preconstruction meeting shall be scheduled with Town Staff prior to beginning any site activities.
3. Hours of construction will be limited to Monday through Friday, 7am to 5pm. A temporary construction fence will be used to screen the site during construction. Erosion and sedimentation controls are shown on the plans.
4. Construction traffic will be controlled – tracking pads will be used to keep the roads clean.

5. Site work for construction of the new water tank would begin in the fall of 2023. New tank construction is planned for the spring of 2024 with completion by the summer of 2024.
6. Landscaping and trees are proposed to screen the tank.

The motion seconded by Ms. Levin received unanimous approval.

## **PUBLIC HEARING**

The public hearing was reopened.

App. #4990 - Regarding CGS Section 8-1bb, Temporary Healthcare Structures, Section (j) which allows a municipality to opt out of CGS 8-1bb regarding authorization for the installation of temporary healthcare structures.

Mr. Peck addressed App #4990 noting that temporary healthcare structures can be used by those that are either mentally or physically impaired. The structures must be towed onto a site; one structure per lot is allowed to be used in any residential zone. The application must be approved within 15 days of submission if it meets all requirements. No public hearing is required. If the Commission chooses not to opt out these structures would be hard to deny. Structures not in use must be removed from the lot within 120 days. Mr. Peck noted that to his knowledge the Town has not had any requests for these structures.

In response to Mr. Mahoney, Mr. Peck explained that if someone had a need for a temporary healthcare structure it could likely be addressed/approved under our current Regulations for accessory apartments/ADUs.

Mr. Mahoney said he would prefer to keep control over where these structures go and suggested that they be dealt with as they come. He noted that to date there has been no demand.

Mr. Gentile said that a special exception application under our ADU regulation would address this issue.

Ms. Levin said that she would prefer to establish local regulations that are responsive to the needs of the community.

Mr. Bukowski noted his agreement with Messrs. Mahoney and Gentile and Ms. Levin adding that we can address these structures on a case by case basis.

Mrs. Harrop and Mr. Hamilton also noted their agreement with all just discussed.

The hearing was opened for public comment.

There being no further comments, the public hearing for App. #4990 was closed.

Ms. Levin motioned to opt out of CGS Section 8-1bb, regarding Temporary Healthcare Structures, for the following reasons:

1. The Town can comply with this need, Sec 8-1bb temporary healthcare structures, under existing Regulations and further directs Staff to publish a notice of this decision not later than 15 days after this decision is rendered.
2. There has been no demonstrated need or increased demand in having such temporary healthcare structures in the Town.
3. Should a need arise, Regulations are in place for regulating such structures; specifically, the Town's accessory dwelling unit (ADU) regulation for attached or detached structures contained in Sections IV.A.3. and IV.A.4. would govern development that could serve as temporary healthcare structures.

4. While the Town's current ADU Regulation for detached structures prohibits the use of manufactured mobile homes and mobile home vehicles as detached accessory structures, Section IV.A. authorizes other ADUs as well as Section IV.A.3. that could be used to carry out the purpose and spirit of the State law on temporary healthcare structures.

The motion was seconded by Mr. Gentile; voting in favor to opt out were Mesdames Levin, Harrop, and Baran, and Messrs. Gentile, Mahoney, Hamilton, and Bukowski.

App. #4991 - Regarding CGS Section 8-2o. zoning regulations for accessory apartments, municipal opt out exception of CGS 8-2o. Section (f) which allows municipalities to opt out of applicable subsections (a) and (d) inclusive of CGS 8-2.

Mr. Peck noted that our Regulations were modified recently to allow attached accessory apartments by right when meeting all requirements; all detached accessory apartments currently require special exception approval. Many of the requirements in the State Statute are very close to our current Regulations.

In response to Mr. Gentile, Mr. Peck explained that if the Commission wants to keep the existing restriction in our Regulations that prevents motor homes from being used as accessory apartments the Commission would need to opt out of the accessory apartments.

Mr. Peck clarified that if the Town wants to keep our current Regulations in place the Commission would need to opt out.

The hearing was opened for public comment.

Elizabeth Zagata, High Ridge Road, encouraged the Commission to be open to more equitable and varied housing options including accessory dwelling units, as having a variety of housing options increases property values. She urged the Commission not to opt out and leave the option open.

Thomas Armstrong, Ayrshire Lane, said that if the Commission does not opt out, he reads the Statute to say that we cannot have a regulation that would contradict the Statute. He noted his agreement that the Town has moved forward in allowing accessory apartments and has never denied one to date.

There being no further comments the public hearing for App. #4991 was closed.

Ms. Levin motioned to opt out of CGS Section 8-2o., regarding zoning regulations for accessory apartments, for the following reasons:

1. The Town can comply with this need, Sec 8-2o. accessory apartments, under existing Regulations and further directs Staff to publish a notice of this decision not later than 15 days after this decision is rendered.
2. The Town has an existing Accessory Dwelling Unit (ADU) Regulation in force, which was recently revised and adopted by this Commission effective January 13, 2022. Such Regulation is substantially similar to the State law legalizing accessory dwelling units including the general allowable size of the unit, parking requirements, and permitting attached ADUs as a matter of right when demonstrating compliance with all Building, Fire, and Health Codes.
3. The Town plans to continue to monitor the implementation of its revised ADU Regulation including that which provides that detached ADUs must be approved by special exception. On further study the Town may consider further changes to the Regulation using the State law on ADUs to help in form and, if any, modifications.

The motion was seconded by Mr. Hamilton; voting in favor to opt out were Mesdames Levin, Harrop, and Baran, and Messrs. Gentile, Mahoney, and Hamilton. Mr. Bukowski voted in opposition to opt out.

App. #4992 - Regarding CGS Section 8-2p. municipal opt out for dwelling unit parking space limitations, which allows municipalities to opt out of CGS Subsection (d) of Section 8-2.

Mr. Peck explained that the Town's parking regulations were revised very recently such that the current parking regulations very closely mirror the State Statute; one (1) parking space for a studio or one-bedroom unit and two (2) parking spaces for units with two bedrooms or more. The Town's regulations do not allow on-street parking such that if the Commission wishes to keep this requirement we would need to opt out.

In response to Ms. Levin, Mr. Peck explained that on street parking is very common in urban areas and the State law probably didn't prohibit on street parking because a lot of the changes came from communities more urban than Avon where on street parking is very common.

The hearing was opened for public comment.

Mr. Armstrong, Ayrshire Lane, noted his agreement with Mr. Peck.

There being no further comments, the public hearing for App #4992 was closed, as well as the entire public hearing portion of the meeting.

Ms. Levin motioned to opt out of CGS Section 8-2p., regarding dwelling unit parking space limitations, for the following reasons:

1. The Town can comply with this need, Sec 8-2p. parking for dwelling units, under existing Regulations and further directs Staff to publish a notice of this decision not later than 15 days after this decision is rendered.
2. The Town has an existing requirement on parking spaces that mirrors the State law. Avon's Regulation requires one parking space for a studio or one-bedroom unit and two spaces for two-bedroom units but has the added restriction of not permitting street parking.

The motion was seconded by Mr. Bukowski; voting in favor to opt out were Mesdames Levin, Harrop, and Baran, and Messrs. Bukowski, Mahoney, Hamilton, and Gentile.

## **PLANNING AND ZONING COMMISSION MEETING**

### **INFORMAL PRESENTATION**

#### Social Equity establishment retail sales

Mr. Peck reported that the State recently issued six licenses for recreational cannabis noting that Amanda Ostrowitz is present to talk about Social Equity.

Amanda Ostrowitz, Slap Ash LLC, displayed a PowerPoint presentation and said that this past spring adult use applications were accepted by the State through both a social equity process and a general lottery process for all different license types. The lotteries are now in progress; half of the available licenses will go into a social equity lottery and the other half will be a general lottery. Twelve new retailers were selected; six through social equity and six through the general lottery. Provisional licenses can be converted to final licenses but require local approval. There have been 13 provisional adult-use retailer licenses issued, as they have completed all the background checks and paid all fees. Equity joint ventures allow the existing operators on the medical side to open up two through equity joint ventures, meaning a partnership with a social equity qualified applicant. It is anticipated that there will be a total of 65 to 85 licenses in the State. Municipalities can impose a 3% retail tax on cannabis sales. There are several towns in Hartford County that allow retailers. The Statute allows towns to cap the number of cannabis establishments allowed. Nothing inside a dispensary would be visible from the outside/exterior of the building. Legislation allows for 10% of the registered voters to put forth a ballot that would

allow a town to opt in via a vote and the Commission would have no say on zoning. One potential site in Avon is the former People's Bank on East Main Street.

In response to Ms. Levin, Ms. Ostrowitz indicated that this process (ballots/referendums) has all just begun in CT but noted that Simsbury is currently working on draft language so as to avoid the likelihood of a voter based initiative. She said that she has seen this happen in many other states such as in California where 1/3 of the cities that allow it has been via voter based initiative. Of all the potential licenses noted earlier (65 to 85) not all of those would open because there won't be enough sites due to distance requirements. Two thirds of all the towns in CT still have a moratorium in place. We are moving closer to 50% that are now allowing it but there are many places/rural areas that don't make any business sense.

In response to Mr. Mahoney, Ms. Ostrowitz noted there have been 13 provisional licenses granted to date; she noted that her Company was the first one to receive a provisional license. The municipal tax is 3% but there is also a State sales tax.

In response to Mr. Peck, Ms. Ostrowitz indicated that of the production facilities that have applied for recreational sales many have been rejected. The State really scrutinizes the structure of the arrangements with larger companies.

In response to Mrs. Harrop, Ms. Ostrowitz noted that the hours are similar to retail; 9am or 10am to 9pm or 10pm, 7 days a week.

In response to Ms. Baran, Ms. Ostrowitz explained that the store in town actually helps to put the local drug dealer out of business; it's the local drug dealer who is providing drugs to children. Products are not allowed to be made to be attractive to children, per the State Regulations.

#### **STAFF UPDATES**

##### Stratford Crossing – status update from developer

Mr. Peck reported that he has no update from the developer.

##### AVC update on tenants

Mr. Peck reported that there are some new tenants likely coming into the Village Center; leases are now being negotiated. A burger place, a Mexican restaurant, a cookie store, and a dental office; all these businesses will be located in the Climax Road area.

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

Linda Sadlon  
Avon Planning and Community Development