

The Planning and Zoning Commission of the Town of Avon held a virtual ***GoToMeeting*** on Tuesday, September 13, 2022. Present were Peter Mahoney, Chair, Lisa Levin, Vice Chair, Dean Hamilton, Chet Bukowski, Robin Baran, and Alternates Julie Rousey (sat) and Thomas Armstrong (sat). Absent were Mary Harrop, Joseph Gentile, and Alternate Elaine Primeau. Also present was Hiram Peck, Director of Planning and Community Development.

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

PUBLIC HEARING

App. #4980 - Melissa Traub, owner/applicant, request for Special Exception under Section IV.A.4.s. of Avon Zoning Regulations to permit major home occupation (kennel), 90 Old Farms Road, Parcel 3360090, in an R15 Zone

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

App. #4981 - Melissa Traub, owner/applicant, request for Site Plan approval to permit major home occupation (kennel), 90 Old Farms Road, Parcel 3360090, in an R15 Zone

Melissa Traub explained that she owns a dog training business that she would like to operate at her home at 90 Old Farms Road. At all times there would be a maximum of three dogs onsite. She indicated that her business is a board and train program where dogs come and stay for a couple of weeks. All dogs must be crate trained meaning they must not bark while in the crate. She noted that no dogs are left outside in the yard alone; if dogs are outside they are with her. Training sessions last about 30 minutes. She noted that some training will take place in her garage which has been fully insulated for noise reduction. She noted that she is not proposing a kennel; there are no outdoor kennels or runs on the site. The dogs stay in crates while in the house and in the garage. It's a very structured environment.

In response to Mr. Mahoney, Ms. Traub explained that she is not operating the business currently as she was notified that she needs approval first.

Ms. Baran noted that she was happy with the information provided that answered all her questions.

In response to Ms. Levin, Ms. Traub confirmed that there would be a maximum of 3 dogs for training. She noted that she has 3 dogs of her own. She noted that the garage will be outfitted with heat and A/C so training can take place all year round. Some training will occur outdoors regardless of the weather; short 30-minute sessions. Most outdoor training is done offsite; lots of field trips and hikes. A lot of training is passive teaching the dogs to be calm in different situations. She clarified that dogs that come for just day training are included in the maximum number of 3 dogs. All the dogs get walked between 7-8am and then again at 9pm for bathroom trips. Training occurs between 9am and 5pm. Offsite lessons usually take place on weekends to accommodate neighbors.

In response to Mr. Armstrong, Ms. Traub confirmed that her property is fully fenced. Dogs are not allowed off leash until they reach a certain point in training. She confirmed that she is the only one training the dogs; she is the only employee.

The hearing was opened for public comment.

Dave Bauer, 72 Old Farms Road, said that the business is already ongoing on the site and asked if something had to be approved to allow it. He noted his concerns for this type of business in his neighborhood.

Ms. Traub said that up until this point she was told that she did not need a special permit because she was not running a kennel but was later told that she did need a special permit. At that time she stopped the business on the premises and that is the reason for tonight's hearing.

In response to Ms. Rousey, Mr. Bauer indicated, relative to a one-year trial basis, he said that we are either doing business in our neighborhood or we are not; he said he doesn't see how it fits in.

Ms. Traub said that she wants to make sure she is not a nuisance to the public or the neighbors adding that she is agreeable to a one-year trial basis. She noted that she did get letters of support from some of her immediate neighbors.

In response to John Kodis, 66 Old Farms Road, Ms. Traub said that there would be a maximum of 3 cars on site adding that she has a turn-around driveway that allows for cars to drive out rather than having to back out onto Old Farms. She noted that she doesn't do any group classes that would add more cars on the site.

In response to Mr. Mahoney, Mr. Peck explained that legal notices are published in accordance with State law.

In response to concerns from the public that the subject application is requesting a zoning change, Mr. Peck explained/clarified/confirmed that the subject application is not a request for a zone change for the property but rather is a request for special exception which is required under the Zoning Regulations for specific uses in certain zones. The subject application requests a special exception to allow a major home occupation in a residential zone. As defined in the Regulations there is potential for clients to come to the house in connection with a major home occupation. The applicant's proposal fits in with what is permitted under a major home occupation. He asked that the public clearly voice their concerns in connection with the proposed use. He indicated that a trial period, if approval is considered, may be a way to find out if this business would work well. He clarified that the subject property is located in the R15 Zone and that will remain the same.

Mr. Kodis noted his concerns for potential barking as the houses in this area are close together. He said that he doesn't think this house is the best choice for this business.

In response to Mr. Armstrong, Ms. Traub confirmed that she has written support from her neighbors at 82 Old Farms Road, 87 Old Farms Road, 112 Old Farms Road, and 115 Old Farms Road. She noted that she doesn't know all of her neighbors as she is relatively new to the area but added that all the neighbors that she did have contact with were in support.

In response to Mr. Kodis, Mr. Traub said that it's not a full kennel but confirmed that she fully explained and gave details about her business to everyone that she spoke with.

Mr. Kodis said that Ms. Traub asked the neighbors to provide a letter for the Town indicating if she was a good neighbor. He said there was a positive reply but noted that to his knowledge there was no information given to the neighbors about the nature of the business.

In response to Mr. Mahoney, Ms. Traub confirmed that she spoke with neighbors at 82 and 87 Old Farms Road.

In response to Ms. Levin, Mr. Traub confirmed that she has 5 written letters of support from her neighbors that she can provide to Town Staff.

There being no further input the public hearing for App. #4980 was closed.

App. #4983 - Fred and Bonnie LLC, owner, Hartford Sign, applicant, request for Special Exception under Section VII.C.4.b.(2) of Avon Zoning Regulations to permit detached sign, 221 West Main Street, Parcel 4540221, in a CR Zone

Present were Darin Senna, Hartford Sign, and Damian Fox, business owner (Foxy's Express Oil Change).

Mr. Peck noted that the proposal is for a detached sign in front of the new business at 221 West Main Street. He indicated that the sign size meets the Regulations and the proposed sign location as shown on the site plan is correct, but more details are needed for sign illumination and plantings around the sign.

Mr. Fox indicated that the detached sign will be internally illuminated adding that Mr. Senna will provide full details to Mr. Peck, as requested, for both the lighting and the plantings.

Mr. Senna indicated that low-voltage LED is planned for illumination of the sign.

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

There being no further input the public hearing for App #4983 was closed, as well as the entire public hearing portion of the meeting.

PLANNING AND ZONING COMMISSION MEETING

NEW APPLICATION

App. #4984 - Green Mountain LLC, owner, Avon Retail LLC, applicant, request for Site Plan approval to construct auto service center with site improvements, 225 West Main Street, Parcel 4540225, in a CR Zone

Present were Bob Meyers, on behalf of the developer; Matthew Bombaci, PE, Bohler Engineering; and Shaun Kelly, traffic engineer, Vanasse & Associates

Attorney Meyers noted that the applicant is aware of the Staff's comments/recommendations and is committed to complying.

Mr. Bombaci displayed a site plan of the site (former Dakota restaurant). There are 128 existing parking spaces; the proposed project results in about 20K SF of reduction in pervious area. The proposed Firestone building is 6,425 SF; the business is primarily tire sales and service. Approximately 30 customers per day are expected; a very low trip generator. Hours of operation are 7am to 7pm, Monday through Saturday and 7am to 5pm on Sunday. There will be 15 employees at the largest shift. The existing connection from this site to 255 West Main (Walmart Plaza) will remain and a connection to 221 West Main Street is proposed. Customer parking up front is proposed at 30 spaces. There are parking spaces to the rear to remain which were a deed requirement to provide spaces for the Walmart Plaza. A solid/screened trash and tire enclosure will be located to the rear of the building. A sidewalk is proposed along the frontage of this site and also a connection from that sidewalk to the building entrance; the sidewalk would connect with the sidewalk on the abutting property. Shade trees, shrubs, and a small berm are proposed along the frontage; interior landscaping is also proposed at the front corner of the building and between the drive aisle and loading bays. Existing pine trees located on both the eastern and western boundaries are proposed to be replaced with shade trees. Fully down lit and dark-sky compliant lighting is proposed for the site. An 8-foot-high vinyl fence is proposed along the rear boundary, as requested by the homeowners. A full storm water design will be utilized. The building will have brick finishes and storefront windows with awnings.

Mr. Kelly addressed traffic and explained that a project of this size generates about 14 trips in the evening peak hours and about 20 trips in the Saturday midday peak hours. Firestone confirms that they see about 30 customers a day. The traffic study indicates a car about every 3 or 4 minutes during peak hours. The former restaurant use on this site, if still in operation, would typically generate 80-100 trips in the peak hours. The recommendation is to design the driveway in accordance with all applicable ASHTO and NTSB standards and criteria. It is recommended that the existing vegetation in front of the site be cut back to improve sightlines. The existing connection from this site to the Walmart Plaza is actively used (70-80 vehicles per hour) and operates fine but it is recommended that pavement markings be added and stop signs installed to better control the traffic flow.

Mr. Mahoney noted his preference for keeping the driveway connection to the Walmart site but questioned the 6 parking spaces near that connection and whether they could be moved to the rear of the site.

Mr. Peck noted his agreement on that concern adding that he would defer that to the traffic engineer. He suggested that maybe employees would park in these spaces such that cars would not be pulling and backing out frequently near this connection. He also suggested/requested that the applicant consider, near the front of the subject site, the potential for a cross easement connection with 221 West Main; it may help service vehicles and would maximize circulation between the sites.

Mr. Kelly confirmed that there is appropriate sightline for vehicles using that connection noting that there are no safety issues but adding a stop sign, as noted earlier, will ensure that vehicles are making the turn slowly.

Mr. Armstrong commented that he would like the sidewalk from the subject site to continue/extend and connect to the properties on both sides (221 and 255 West Main).

He asked for some type of distinction (color, texture) between the asphalt and the sidewalk area for pedestrian safety. He shared his concern with traffic on the westerly side of the site and asked if some of the parking spaces in the front could be moved to the back. He noted his agreement that the parking spaces near the driveway connection to Walmart should be utilized by employees to minimize traffic in that area.

Mr. Peck explained that initially he had the same concern but noted that the parking in the front of the site is important to the applicant for their customers and they are willing to screen the parking with a berm and plantings along the front that will match plantings along the front of the Walmart Plaza so his concerns have been addressed. He indicated that the sidewalk is likely concrete and the asphalt is a darker color so that should provide a good distinction.

Ms. Levin asked if all the red-tagged trees on the westerly side of the site (near driveway connection to Walmart) are coming down. She noted that the trees near the driveway connection to Walmart are not tagged but don't look very good and asked if they would come down.

Mr. Bombaci stated that no expansion to the pavement in that direction is proposed but some pavement will be removed and some utility work done such that some tree damage may occur. The trees tagged is an estimate; not all would come down. The existing pines could be replaced with some hardwood shade trees but he confirmed that he will work with Mr. Peck on any tree removal/replanting. He clarified that the trees near the driveway connection to Walmart are located on property owned by Walmart, not the subject site.

Mr. Peck explained that many of the trees on site are not in very good condition; there are some not worth saving at all and the proposed replanting plan is quite good. He confirmed that he will work with the applicant on all landscaping on the site.

In response to Mr. Mahoney, Mr. Peck addressed signage noting that the applicant has discussed possibly taking the allowable square footage and splitting it between two signs, to be located on each side of the building. This seems like a reasonable approach.

App. #4980 - Melissa Traub, owner/applicant, request for Special Exception under Section IV.A.4.s. of Avon Zoning Regulations to permit major home occupation (kennel), 90 Old Farms Road, Parcel 3360090, in an R15 Zone

App. #4981 - Melissa Traub, owner/applicant, request for Site Plan approval to permit major home occupation (kennel), 90 Old Farms Road, Parcel 3360090, in an R15 Zone

Ms. Levin motioned to approve Apps #4980 and #4981 subject to the following conditions:

1. Approval is granted for dog training on a one-year trial basis. After the one-year period expires (September 13, 2023) the applicant is required to reapply to the Town for Special Exception to permit dog training.
2. Maximum of three (3) dogs onsite for training at any given time is permitted. Dogs must be crate trained with no barking. Dogs being trained may stay for a couple of weeks. There is no other kenneling, boarding, or runs permitted.
3. Hours of operation are 9am to 5pm, Monday through Friday and possible weekends.

4. Outdoor training is permitted for 30-minute sessions. Walks offsite will be done for passive training. No dogs shall be left outside alone for any extended period of time.
5. Indoor training will take place in the onsite garage, which has noise-reducing insulation, heat, and A/C.
6. Applicant is the only employee.

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

App. #4983 - Fred and Bonnie LLC, owner, Hartford Sign, applicant, request for Special Exception under Section VII.C.4.b.(2) of Avon Zoning Regulations to permit detached sign, 221 West Main Street, Parcel 4540221, in a CR Zone

Mr. Armstrong motioned to approve App #4983 subject to the following conditions:

1. Final details for sign materials and lighting shall be submitted to the Planning Director for review and approval prior to application for a building permit
2. A landscape plan for plantings at the base of the sign shall be prepared and submitted to the Planning Director for review and approval prior to any plant installation.
3. Sign shall be installed in the location represented on the approved site plan. No C/O will be issued until it has been demonstrated to Staff that no sightline issue has been created.
4. Prior to sign installation, the applicant shall apply for a building permit online.

The motion seconded by Mr. Hamilton received unanimous approval.

App. #4984 - Green Mountain LLC, owner, Avon Retail LLC, applicant, request for Site Plan approval to construct auto service center with site improvements, 225 West Main Street, Parcel 4540225, in a CR Zone

Ms. Rousey motioned to approve App #4984 subject to the following conditions:

1. The facing on both sides (North and West face of the “tower” portion of the building shall be brownstone rather than brick facing.
2. The facing on the rest of the “front” of the building (not the Tower portion) shall be red brick rather than the other materials shown.
3. The transition to brick on the east elevation is acceptable. The remainder of the east elevation is also acceptable, as this portion of the building will be screened in part by the abutting building on the abutting property.
4. The stone facing material surrounding the building base shall be brownstone or red brick, rather than the “N-4” material shown on the plan; this is to be coordinated with the Planning Director.
5. Applicant to provide information/clarification for the awning color to the Director of Planning.
6. This Firestone store is primarily tire sales and service, as represented by the applicant’s engineer (Bohler) at the public hearing.
7. Revised landscape/planting plans shall be prepared and submitted to the Planning Director for review and approval. This plan shall include the small 24” berm to be located between West Main Street and the parking area to be located in front of the new Firestone building. Examples of preferrable/desirable vegetation exist nearby in front of Walmart, Russell Speeders Car Wash and Hartford Healthcare.

8. The parking spaces on the west side of the driveway are to be designated for employee/essentially non-transient use in order to minimize vehicular conflicts to the maximum extent possible.
9. Applicant shall show on the record plans an area for a potential cross easement from the eastern end of the front parking lot for 225 West Main Street through to the property line of 221 West Main Street. It has been Town policy to permit such connections between abutting properties.
10. Consideration shall be given to installing at least two (2) electric vehicle charging stations for customer use on the site.
11. Consideration shall be given to utilizing pervious paving when repaving the site.
12. A separate sign permit is needed for the proposed attached sign. Applicant is to work with the Planning Director on this signage. NOTE that the wall sign size is limited to 1 (one) square foot per lineal foot of building frontage (51 square feet).
13. A sidewalk shall be installed at the front of the site along the entire frontage. Details of the design to be addressed with the Planning Director.

The motion seconded by Mr. Armstrong received unanimous approval.

OTHER BUSINESS

2023 PZC Meeting Schedule

Ms. Levin motioned to approve the 2023 PZC Meeting Schedule. The motion was seconded by Ms. Rousey and received approval from Mesdames Levin, Rousey, and Baran and Messrs. Mahoney, Hamilton, and Bukowski. Mr. Armstrong abstained.

AVC Tower Sign/Lighting

Mr. Peck explained that the approval of the tower sign required that none of the signs (10 panels) be internally lit. The sign panels, as submitted by the applicant, are black with white letters. The applicant has indicated that it doesn't work very well to try to light these sign panels externally because they are located high up on the tower. The applicant would like to light the signs internally, keeping the same colors (black panels with white letters). The applicant said they would design the lighting such that it could be turned down/dimmed if necessary.

Mr. Meyers explained that the lighting can be either LED or Rheostat so the voltage can be adjusted; the applicant is committed to do whichever is preferred.

Mr. Armstrong motioned to approve internal illumination for the sign panels on the tower sign. Ms. Baran seconded the motion that received unanimous approval.

PA 21-29 - Overview and discussion of possible action

Mr. Peck reviewed and discussed legislative options to opt out relative to temporary healthcare structures, accessory apartments, and parking for dwelling units. A temporary healthcare structure could be located on a site for a disabled person as long as is needed. The Town could decide to opt out and create specific regulations to address temporary healthcare structures. If it is decided that the Commission wants to opt out a public hearing needs to be held. The Town Council also has to decide whether or not they wish to opt out. If the Commission opts out but the Council does not, the Statute remains in effect. This applies to all 3 aforementioned items.

He addressed accessory apartments (ADUs) noting that Avon's current Regulations allow attached ADUs as of right while detached ADUs require special exception approval. The legislature allows both attached and detached ADUs as of right. He clarified that the applicant still must submit a site plan for review by the Commission but no public hearing is required. He addressed parking requirements noting that the legislature says that the Commission can only require a maximum of 1 parking space for a studio or one-bedroom apartment or a maximum of 2 parking spaces for apartments with two or more bedrooms. Mr. Peck recommended that a public hearing be held at the next meeting in accordance with guidance he receives tonight from the Commission.

Mr. Mahoney said that he wants to opt out of all 3 items and hold a public hearing soon. Our ADU Regulations are pretty well in line with the State. Language for temporary healthcare structures could be added to our Regulations and our parking regulations work fine for the needs of our Town.

In response to Ms. Baran, Mr. Peck agreed that if our Regulations are very clear there likely is no benefit for holding a public hearing. He explained that when applicants come in for either attached or detached ADUs the Staff reviews everything in great detail. A site plan is required and all building, fire, and health codes, must demonstrate compliance; Avon's site plan requirements are quite strict. He clarified that "as of right" does not mean anyone can apply for a building permit without first coming to the Commission for site plan approval.

In response to Mr. Bukowski, Mr. Peck explained that eliminating the need for a public hearing reduces the costs to an applicant.

Mr. Armstrong said that he also wants to opt out.

In response to Mr. Armstrong, Mr. Peck suggested that requiring special exception approval for temporary healthcare structures would give the Town more control over the aesthetics of the structures.

STAFF UPDATES

Stratford Crossing – status update from developer

Mr. Peck reported that he has no new information from the developer and added that he doesn't believe anything has changed since the last meeting. The HOA has been resolved and properly constructed and the documents filed.

AVC update on tenants

Mr. Peck reported that he continues to work with the developer on getting new tenants that will attract people to the stores. Retail is still very slow.

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

Linda Sadlon
Avon Planning and Community Development