

The Planning and Zoning Commission of the Town of Avon held a virtual *GoToMeeting* on Tuesday, December 13, 2022. Present were Peter Mahoney, Chair, Lisa Levin, Vice Chair, Dean Hamilton, Chet Bukowski, Robin Baran, Mary Harrop, Joseph Gentile, and Alternates Thomas Armstong (did not sit) and Julie Rousey (did not sit). Absent was 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. #4994 - Gerald Lagace, owner, Honeyman Builders, LLC, applicant, request for 2-lot Resubdivision, 4.10 acres, 80 Jackson Street, Parcel 2910080, located in R30 and R40 zones

App. #4995 - Gerald Lagace, owner, Honeyman Builders, LLC, applicant, request for Special Exception under Section IV.A.4.p.of Avon Zoning Regulations to permit two rear lots, 80 Jackson Street, Parcel 2910080, located in R30 and R40 zones

Present were David Whitney, PE, Consulting Engineers on behalf of the applicant; Mike Honeyman, Honeyman Builders, LLC; Gerald LaGace, owner.

Mr. Whitney displayed a vicinity map of the area explaining that the first 400 feet of Jackson Street is a paved road while the second 400 feet is an unpaved gravel road; an unimproved Town-owned road. At the end of Jackson Street several driveways split off to the east (32 and 40 Jackson) and west (39 Jackson). There is also a driveway that extends to the south from the end of Jackson Street (47 Jackson – existing rear lot). The subject site (80 Jackson) is 4 acres and an existing lot of record that is located in both the R30 (northern part) and R40 (southern part) zones. The proposal is to resubdivide the existing lot into 2 rear lots, residential single family. He confirmed that the subject applications have nothing to do with previous applications for high density housing on Sylvan Street. He explained that no house exists on the subject site but noted that an old horse barn exists on the property, as it was formerly used as a horse lot by the owner of 40 Jackson Street. The owner would like to keep the barn – it is in decent shape. He pointed out that the 50-foot ROW that extends from the end of the unpaved portion of Jackson Street to the south and west is owned by Beth El Temple. Mr. Whitney reviewed the site plan explaining that rear lots require twice the land area of front lots so each proposed rear lot contains more than 80K SF (R40 zone). The odd-shaped lot configurations was done so as to be able to keep the existing barn on one of the lots. The existing wooden pergola on the site will be taken down. Onsite soils are sandy and very well drained; there are no wetlands or watercourses on the site. The Farmington Valley Health District issued a memo stating that each lot can support a septic system; both lots will be served by onsite wells. A 36-foot-wide conservation restriction area is proposed/shown to provide a buffer to the houses on Sylvan Street. The conservation restriction area is proposed to satisfy the 10% open space requirement. The site does not abut any Town-owned land.

Mr. Whitney explained that access to these 2 lots is proposed via the existing driveway located within the 50-foot ROW on the land of the Jewish cemetery. This existing driveway currently serves the house at 47 Jackson Street and the proposal is to add 2 more driveways to it. In response to concerns from Town Staff (Fire Marshal and Planning Director), a fire truck turnaround area is proposed. An area that measures 22-foot wide by 50-foot long is also proposed to allow to vehicles to pass. The shared driveway is 280 feet in length. He noted that Town Staff recommended that the existing driveway, which is 12 to 15 feet in width, be made wider so from the end of Jackson Street down to where the 3 driveways separate it has been widened to 18 feet with two-foot shoulders for a total width of 22 feet. The proposed fire truck turnaround area located at the southern end of the shared driveway will be kept as well as the existing fire truck turnaround area at the end of Jackson Street and the entrance to the new/revised driveway. He indicated that the Town Engineer agrees that the aforementioned plan is reasonable for the proposed 280 foot-long, shared driveway. The driveway has adequate sightlines

In response to Mr. Mahoney, Mr. Whitney explained that the new/revised driveway will have a gravel base with an asphalt millings surface, which creates a pavement-like surface that is durable in all types of weather.

Mr. Whitney reviewed the Staff Comments (dated Dec 9) noting that Jackson Street is owned by the Town but only the first portion (400 feet) of it is paved; the second portion is unpaved and not currently maintained by the Town. As discussed earlier, there are 3 existing driveways serving 3 existing houses at the end of the unpaved portion of Jackson Street. The two new proposed rear lots will share the existing driveway for 47 Jackson Street. The Fire Marshal recommends adequate fire protection. Mr. Whitney noted that sprinklers are not required by the CT Building Code such that a decision to install them would be up to the eventual homeowners of the new lots. The applicant is willing to donate land for a fire cistern but would not install one. The locations of the closest fire hydrants are shown on the "vicinity map"; the closest hydrant is likely the one located at the end of Sylvan Street. A turnaround area for fire trucks and emergency vehicles, as discussed earlier, has been added/shown on the plans. He indicated that he has discussed with the Fire Marshal the need to display very prominent house numbers and directional signs. He pointed out that these 2 new proposed lots/houses (80 and 82 Jackson Street) will be fairly visible as you drive down Jackson Street; the lengths of the driveways are well under the 1,000- foot maximum for driveways for rear lots. The Town Engineer has indicated that he is satisfied with the proposed 18-foot wide gravel driveway (for the 3 lots) top dressed with asphalt millings. The applicant feels that the maintenance of the vegetation growing near Jackson Street is the responsibility of the Town, as the Town owns the road. The applicant is willing to do what needs to be done along the frontage of the 2 proposed new lots. The unimproved part (400 feet) of Jackson Street is a Town issue. Approval from the Farmington Valley Health District regarding septic and well locations has been granted. The applicant has had a shared driveway maintenance agreement prepared for his 2 new lots and the existing house at 47 Jackson and the owner of 47 Jackson has agreed to sign it. He indicated that he believes the proposed 2 rear lots comply with the Zoning Regulations but noted that a waiver is being requested to allow 3 rear lots to be served by 1 driveway.

In response to Mr. Mahoney, Mr. Peck noted that some of the maps displayed tonight were received early today and he has not had a chance to review them in detail and has not yet received any comments from the Fire Marshal or Town Engineering. The Town still needs to figure out how to address the unpaved portion of Jackson Street; a Staff meeting is scheduled next week. He recommended that any action/decision on these applications be continued to the January 10 meeting to allow time for resolution of the aforementioned issues and also to give him time to prepare language for the motions.

In response to Ms. Baran, Mr. Whitney indicated that while he can't speak to what shows up on Google maps he explained that he has walked the entire site (4 acres – 80 Jackson Street) and confirmed that there are no wetlands, watercourses, or bodies of water. However, there are some wetlands on the Jewish Cemetery site located to the west.

Ms. Levin noted that the applicant is taking care of access for his shared driveway but the remaining residents will still be dealing with the 400 feet of unpaved Jackson Street.

Mr. Whitney indicated that that is correct.

In response to Ms. Levin, Mr. Mahoney stated that the public hearing will be continued so comments from the public can be heard at the next meeting (January 10).

Ms. Levin asked how emergency vehicles/fire trucks are currently accessing the other houses at the end of the unpaved portion of Jackson Street.

Mr. Whitney explained that emergency vehicles are using the existing unpaved portion of Jackson Street for access. He reiterated that Jackson Street is a Town-owned road and ROW, which is the Town's responsibility.

Ms. Levin asked how that is working out and noted that all these improvements are being made but only for a couple of houses noting that she's raising the point for public consideration and input from other Commissioners.

Mr. Mahoney noted his understanding and agreement with both Ms. Levin and Mr. Whitney adding that that is why Mr. Peck is meeting with Staff to figure out what to do with the unpaved portion of Jackson Street.

In response to Mr. Mahoney, Mr. Whitney explained that the existing driveway for 47 Jackson Street exists within the 50-foot ROW on land owned by Beth El Temple. The owner at 47 Jackson has the right to use the driveway for ingress and egress and so does 80 Jackson Street.

In response to Ms. Levin, Mr. Whitney confirmed that Beth El Temple owns the 50-foot ROW that the driveway for 47 Jackson Street sits on.

In response to Mr. Mahoney, Mr. Whitney explained that it is his understanding that 80 Jackson Street, regardless of how it may be divided, has the right to use the aforementioned 50-foot ROW for highway purposes (driveway).

In response to Mr. Mahoney, Mr. Peck reported that he has met with the Rabbi and 2 attorneys from Beth El Temple who have questions as to how the ROW will be used and what will be done. They are waiting for information that results from Town Staff's discussion regarding Jackson Street. There is no question that the ROW is 50 feet and can be used for highway purposes but it is not clear whether the applicant has rights to make improvements to the ROW. All these questions need answers prior to making a decision on the subject applications.

Mr. Mahoney noted his agreement.

There were no further comments.

Ms. Baran motioned to continue the public hearing for Apps #4994-95 to the next meeting, scheduled for January 10, 2023. The motion was seconded by Mr. Gentile and received approval from Mesdames Baran and Harrop and Messrs. Gentile, Hamilton, Mahoney, and Bukowski. Ms. Levin abstained.

The public hearing portion of the meeting was closed.

PLANNING AND ZONING COMMISSION MEETING

STAFF UPDATES

Stratford Crossing – status update from developer

Mr. Peck reported that he has not received any update from the developer.

AVC update on tenants

Mr. Peck reported that the "Good Feet" store is now open, located across the street from Whole Foods and hopefully more tenants will be coming in the near future. There is no information about the tower sign but hopefully the building permit request will come through soon. There is no other news to report.

Commission Discussion - Meeting Schedules, Virtual/Hybrid Meetings

Mr. Mahoney noted his understanding that the dates for the April meeting can move/change from year to year as holiday dates also move/change from year to year. He indicated that it is ok to miss a meeting or two adding that he plans to miss some in 2023.

Ms. Baran indicated that she wasn't speaking about holidays but rather the week the public schools are closed such that a lot of people are not in Town; it's a disservice to the public to hold a meeting that people may want to attend.

Mr. Mahoney noted his understanding adding that this is another incentive to keep meetings virtual (online), adding that he watches plenty of meetings when he travels. He said that he joined two or three virtual meetings recently noting that the Town Council is really the only agency that is holding hybrid meetings. At the Council meeting recently the only people on site (in person) were three of the Council members and possibly the Town Manager; there were no members of the public on site (in person). He indicated his preference to stay remote, at least until summer 2023, adding that he will be traveling and wants to attend meetings when he can.

Ms. Baran asked if the Commission can vote on hybrid meetings. She noted that she attended last week's IWC meeting; there were 85 people in attendance remotely and someone from the public shared their screen preventing the applicant from presenting/sharing their information. She researched it noting that 7 out of 10 boards/commissions are hybrid or in person and IWC will be hybrid starting January 2023. The intent of these commissions is to meet in person so hybrid would be a compromise.

Mr. Mahoney acknowledged his understanding of Ms. Baran's comments/requests but further noted that he's not ready to vote on this right now. He noted that he's curious to see how the January IWC meeting goes. At the last IWC meeting, the Town Attorney, Kari Olson, made a very succinct and to the point statement about how the next meeting would proceed. He noted that he's been on this Commission for 12 years and knows that large public meetings, whether in person or virtual, can get out of hand.

In response to Mr. Mahoney, Mr. Peck explained that there are a number of issues associated with hybrid meetings adding that Staff is addressing all the things that took place at the last IWC meeting (December). There will be a way for people to ask questions at a virtual meeting and have their questions answered. These items will be ironed out before the next IWC meeting, which will be a special meeting scheduled for January 9, 2023.

Ms. Levin said that we should hear viewpoints from other Commissioners on all the items raised by Ms. Baran. She asked what the process is relative to this Commission's administrative rules that would be needed to adopt going hybrid. For example, if the Chair doesn't support it but we have members that do, how do we proceed. She noted she is open to hybrid as there is value in collaboration among Commissioners at a meeting.

Mr. Peck explained that State Law allows the Commission to continue holding virtual meetings, or hold hybrid meetings, or go back to in person meetings. Any of these formats are allowed as long as proper notice is given. He indicated that he doesn't think there is a requirement that a new policy (administrative rule) be formed relative to hybrid meetings; it's just what the Commission decides to do. He noted that it would be best to take the hybrid approach slowly until we know fully how it's going to work (someone has to be present to address any technical difficulties) and also it may be best to get through the flu/illness season.

Mrs. Harrop noted her support for hybrid meetings but added that she doesn't want to be the only person at the meeting. The Commission is more of a team in person.

Mr. Hamilton said that he finds this a pretty efficient and effective way to go about it but hybrid it not bad either.

Mr. Mahoney clarified that he is not averse to hybrid but agrees that it would be best to get through the flu season and see how things go.

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

Linda Sadlon

Avon Planning and Community Development