

The Planning and Zoning Commission of the Town of Avon held a virtual *GoToMeeting* on Tuesday, September 12, 2023. Present were Peter Mahoney, Chair, Dean Hamilton, Mary Harrop, Robin Baran, Joseph Gentile, Chet Bukowski, and Alternates Elaine Primeau (sat), and Jamie DiPace (did not sit). Lisa Levin, Vice Chair, and Alternate Julie Rousey were absent. Also present was Hiram Peck, Director of Planning and Community Development.

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

PUBLIC HEARING

App. #5011 - Melissa Traub, owner/applicant, request for Special Exception under Section IV.A.4.s. of Avon Zoning Regulations to permit major home occupation (dog training), 90 Old Farms Road, Parcel 3360090, in an R15 Zone

Melissa Traub was present.

Mrs. Harrop acknowledged that two letters of support were received on behalf of Ms. Traub's business; no complaints have been received.

There being no further comments the public hearing for App. #5011 was closed.

App. #5012 - Kenneth Owen, Trust ETAL, owner, Bailey Properties, LLC, applicant, request for Special Exception under Section IV.A.4.i. of Avon Zoning Regulations to permit daycare, 104 and 108 West Avon Road, Parcels 4520104 and 4520108, in an R30 zone

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

App. #5013 - Kenneth Owen, Trust ETAL, owner, Bailey Properties, LLC, applicant, request for Site Plan Approval to permit daycare, 104 and 108 West Avon Road, Parcels 4520104 and 4520108, in an R30 zone

Present were Attorney Bob Meyers, on behalf of the applicant and the owners; Jay Ussery, LLS, and Tim Coon PE, J.R. Russo; Eric Spungin; applicant; Scott Hesketh, Licensed Traffic Engineer, FA Hesketh.

Jay Ussery, surveyor, displayed plans of the site explaining that the proposal is for the construction of a 10,000 square foot daycare facility with a 5,000 square foot playground. Daycare (The Learning Experience – TLE) is available for infants to five years old with after school care if needed. There is an existing house in a wooded area at 104 West Avon Road; 108 West Avon Road is vacant. Water and gas are available in the road; a fire suppression system is proposed for the new building as well as an onsite septic system (approval has been received from the FVHD). The driveway entrance is proposed in essentially the same location as the existing driveway for the existing house. Parking will be located along the front and side of the site. Forty (40) parking spaces in total are proposed; this includes a couple of ADA spaces in the front. The maximum number of children permitted is 153 (about 25% of the children are part time and about 20% are families with siblings). The hours of operation are 6:30am to 6:30pm, Monday through Friday. The proposed plan meets all the zoning requirements as well as all landscape requirements. He noted that the Planning Director is recommending some additional plantings for the front of the site and further noted that they have no issue with that request. Storm drainage and an infiltration basin are shown on the plans and meet all State requirements; this information has also been reviewed by Town Engineering who have requested some additional notes be added to the plans. Utilities, including septic info and a grease trap, are also shown on the plans. Elevation drawings noted the residential feel to the building. The lighting plan provides for five (5) lights in the driveway and parking area (full cut offs and night sky compliant).

Scott Hesketh addressed traffic and reviewed his report, dated 8/16/23, submitted in support of the subject application. West Avon Road (Route 167) is a State road governed by the State DOT. Manual turning movement counts were done (May and June 2023) at the signalized intersection of West Avon Road and Woodmont at the existing daycare center. The ITE Trip Generation Manual was used to generate traffic volumes for the proposed development. Data from other TLE facilities throughout the country is also included in the subject report. The highest anticipated/projected volume for the subject facility is 168 vehicles during the morning peak hour (84 entering and 84 exiting) and 144 vehicles during the afternoon peak hour (72 entering and 72 exiting). The signalized intersection at West Avon Road and Woodmont currently operates at a LOS B during both morning and afternoon peak hours and will continue to operate at a LOS B during both morning and afternoon peak hours with the introduction of the traffic generated from the proposed facility at the subject site. The intersection of West Avon Road and the proposed site driveway, both north and south movements, will operate at a LOS A under combined traffic volume conditions. The proposed site driveway approach to West Avon Road (stop sign) will operate at LOS C (average delay 17 seconds) during morning peak hour and at a LOS D (average delay 32 seconds) during afternoon peak hour, which are more than acceptable levels of service (LOS) for an unsignalized intersection on a State highway used by commuters. A left-turn lane into the site should be considered but based on the projected traffic volume based on the LOS of the southbound approach it is appropriate to provide a bypass capability in the southbound direction. The proposal is to widen West Avon Road across the site frontage to provide a 20-foot half section for southbound traffic to allow through vehicles to bypass a vehicle that is waiting to turn left into the site. The site driveway proposes 24-feet of pavement with a single 12-foot lane for both entering and exiting. There is adequate sightline from the site driveway in both directions. If this application is approved, an encroachment permit is required and will be submitted to the State DOT. He explained that while he believes the State DOT will accept the recommendation for a bypass at the unsignalized intersection he confirmed that the ultimate decision is with the State DOT. Mr. Hesketh concluded by expressing his professional opinion that the existing roadway network has sufficient capacity to accommodate the traffic volumes associated with the subject proposal and that construction and operation will not imperil public safety.

In response to Mr. Mahoney, Mr. Hesketh confirmed that there is sufficient DOT right-of-way to accommodate the widening (approximately 5 feet) for the proposed bypass lane. He also confirmed that the aforementioned turning movement counts included the existing neighboring daycare. There is about 480 feet from the site driveway to the Woodmont intersection. Across from the subject site is all residential.

In response to Mrs. Primeau, Mr. Ussery explained that 40 parking spaces is the prototype for all TLE facilities including the one in Glastonbury. He noted that 30% of the 26 employees are part time such that they are not all there at the same time. Not all of the 153 children are there every day, or all day, or at the same time. He confirmed that there is approximately 15 feet of State right-of-way on the west side of West Avon Road that can be used for widening.

In response to Mrs. Primeau, Mr. Hesketh explained that no right-turn lane exiting the site is proposed because there are existing acceptable LOS without the need for a two-lane egress. He further explained that the State DOT typically does not like to have a two-lane approach at an unsignalized intersection because when one vehicle pulls up to make a left-hand turn another vehicle pulls up beside them to make a right-hand turn and they tend to get in each other's sightlines blocking each other's view of oncoming traffic resulting in a more unsafe situation than having a single lane. He indicated that they will comply with whatever the State DOT recommends.

In response to Mrs. Primeau regarding reserved parking spaces, Mr. Peck explained that 40 parking spaces seems quite adequate, based on other TLE facilities in other locations. People coming in to drop off children do not stay very long and the Staff is not onsite full time. Minimizing pavement is preferred to allow for more infiltration whenever possible.

In response to Mr. Hamilton, Mr. Peck explained that from his experience the State DOT will require the safest configuration possible. If there is adequate room within the State ROW it is unlikely that they will recommend against installing the proposed bypass lane.

Mr. Spungin stated that the drop off and pick up times are staggered such that there is never a problem with parking. He confirmed that there will not be any school buses on this site.

In response to Ms. Baran, Mr. Hesketh stated that when school buses are stopped they have flashing lights on such that if they are blocking sightlines it should not matter because everyone is supposed to be stopped.

In response to Mrs. Harrop, Mr. Spungin explained that the building will have a stone knee wall with beige hardy board; roof shingles will be done in a brown weathered wood color. The building has a very residential look.

Mr. Peck confirmed that he worked with the applicant who was very helpful to create a residential look for the building; there were some changes to building materials/colors and landscaping.

In response to Mr. Bukowski, Mr. Meyers explained that the Commission's approval is not conditioned on State DOT requirements but clarified that the applicant's ability to build (bypass lane) is contingent upon approval being received from the State DOT.

Mr. Gentile requested a rendering of the facility view from Route 44 showing the landscaping and four proposed red elm trees be given to Town Staff for review and approval.

Mr. Meyers noted his understanding and agreement.

The hearing was opened for public comment. There were none.

There being no further comments the public hearing for App. #5012 was closed, as well as the entire public hearing portion of the meeting.

PLANNING AND ZONING COMMISSION MEETING

NEW APPLICATIONS

App. #5014 - Avon Marketplace Investors LLC, owner, Macchi Engineers, LLC, applicant, request for Site Plan Approval to permit outdoor dining/patio area, Avon Marketplace, 380 West Main Street, Parcel 4540380, in a CR Zone

Present were David Waldman and John Greenspan, owners; Herb May, PE, Macchi Engineers.

Mr. Peck reported that the Town Engineering Department and the Farmington Valley Health District are satisfied with the comments they received from the applicant regarding the grease trap drains.

Mr. May explained that the proposed outdoor dining area is for the new tenant that will occupy the former Bertucci Restaurant site. The proposed patio area is about 1,700 SF in size surrounded by a landscaped buffer area of 1,350 SF. A five-foot concrete sidewalk is also proposed. There are currently 453 parking spaces on site. Parking is being reduced by 10 spaces for the proposed site improvements but is still above the required 351 spaces, per the Zoning Regulations. One handicap van parking space has been added near the main entrance to the building; there are additional ADA parking spaces elsewhere on the site.

In response to Mr. Gentile, Mr. Waldman explained that the new tenant is planning to use umbrellas in the outdoor seating area but noted that if any changes are proposed they will come back to the Commission.

In response to Mr. Mahoney, Mr. Waldman explained that there will be a sidewalk and a pretty good size landscape buffer providing a shield for the outdoor seating area. In addition, he noted his understanding that the tenant also intends to use planters along the inside skirt of the patio.

Mr. May stated that there is also a raised concrete curb with the sidewalk.

App. #5016 - DH Thirty Eight Security Drive, LLC, owner/applicant, request for Site Plan Approval to renovate existing building and construct two new buildings, 38 Security Drive, Parcel 3900038, in an IP Zone

Present were Phil DeFronzo and Wesley Horbatuck, owners; David Whitney, PE, Consulting Engineers; and Hugh Schweitzer, CHK Architects.

Mr. DeFronzo explained that they would like to repurpose their building, which currently houses Norcom Mortgage, due to a lot of people now working remotely since Covid.

Mr. Whitney displayed maps of the site noting that there are 199 parking spaces and a 34K SF one-story office building. Phase One proposes to renovate roughly half of the existing building to make climate-controlled self storage (about 17K SF) on the east side and remaining office space for Norcom on the west side. Phase Two proposes the construction of two (2) free-standing self-storage buildings in what is formerly a portion of the parking lot; about 122 spaces will be eliminated. The required parking for the remaining office space in the building is 95 spaces (88 spaces plus 7 spaces for self storage). As there are only 77 spaces remaining, the applicant requests that 18 spaces be deferred for future construction, if needed. Norcom does not feel they need even the existing 77 spaces. The proposed two (2) free-standing self-storage buildings will not be climate controlled and they won't have water or bathrooms; electricity will be provided only for lighting. Catch basins have been added and tied into the existing storm drainage, which currently drains to a detention basin on the adjacent site and will remain there. In terms of runoff, blacktop has been replaced with roof top for the buildings. Approval for Phase Three (maximum buildout if/when Norcom moves out) is not being requested at this time; the design and number of proposed buildings is not known.

Hugh Schweitzer, architect, addressed the self-storage, utilitarian buildings and explained that most of the bay sizes are 10 feet with 8-foot wide doors with metal roofs and siding. The intent is to make these buildings compatible with the existing building. He added that the self-storage units proposed for the existing building will range in size from as small as 25 SF up to 150 SF. All access to the storage units is from inside the climate-controlled building.

App. #5016 - DH Thirty Eight Security Drive, LLC, owner/applicant, request for Site Plan Approval to renovate existing building and construct two new buildings, 38 Security Drive, Parcel 3900038, in an IP Zone

Mrs. Harrop motioned to approve App #5016 subject to the following conditions:

1. Approval is granted for Phases 1 and 2 only.
2. Approval is granted for the deferral of 18 parking spaces.
3. All building and renovation plans shall demonstrate compliance with all standards/Codes of the Zoning Official, Building Official, Fire Marshal, Town Engineer, and Farmington Valley Health District.
4. Applicant shall submit plans for Phases 2 and 3 to the Director of Planning for Staff review and approval prior to applying for any building permits.

The motion seconded by Mr. Gentile received unanimous approval.

App. #5011 - Melissa Traub, owner/applicant, request for Special Exception under Section IV.A.4.s. of Avon Zoning Regulations to permit major home occupation (dog training), 90 Old Farms Road, Parcel 3360090, in an R15 Zone

Mr. Gentile motioned to approve App #5011 subject to the following conditions:

1. 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.
2. Hours of operation are 9am to 5pm, Monday through Friday and possible weekends.
3. 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.
4. Indoor training will take place in the onsite garage, which has noise-reducing insulation, heat, and A/C.
5. Applicant is the only employee.

The motion seconded by Mrs. Primeau received unanimous approval.

App. #5012 - Kenneth Owen, Trust ETAL, owner, Bailey Properties, LLC, applicant, request for Special Exception under Section IV.A.4.i. of Avon Zoning Regulations to permit daycare, 104 and 108 West Avon Road, Parcels 4520104 and 4520108, in an R30 zone

App. #5013 - Kenneth Owen, Trust ETAL, owner, Bailey Properties, LLC, applicant, request for Site Plan Approval to permit daycare, 104 and 108 West Avon Road, Parcels 4520104 and 4520108, in an R30 zone

Mr. Mahoney motioned to approve Apps #5012 and #5013 subject to the following conditions:

1. Approval is granted for a 10K SF building with a 5K SF playground area. 40 parking spaces including 2 ADA spaces shall be provided. A maximum of 153 students and 26 employees is permitted.
2. Details regarding access to the site as well as a proposed bypass lane shall be reviewed and determined by an application to the State DOT.
3. Compliance shall be demonstrated with all standards and requirements, including as-built requirements, of the Town Departments of Planning, Engineering, AWPCA, Building, Fire, and the FVHD.
4. Staff recommends a slight increase in the landscaping along the frontage of the property, facing West Avon Road (Route 167). ; details shall be worked out with the Planning Director. All landscaping shall be maintained in perpetuity.
5. Applicant has agreed to face the building with Chilton Ledge Stone, as shown on Sheet SA-1.2 (Elevation)
6. Applicant shall schedule a preconstruction meeting with Town Staff at least two weeks in advance of beginning any activities on the site.

The motion seconded by Ms. Baran received unanimous approval.

App. #5014 - Avon Marketplace Investors LLC, owner, Macchi Engineers, LLC, applicant, request for Site Plan Approval to permit outdoor dining/patio area, Avon Marketplace, 380 West Main Street, Parcel 4540380, in a CR Zone

Mrs. Harrop motioned to approve App #5014 subject to the following conditions:

1. Approval is granted for construction of outdoor patio/dining area for a maximum of 100 patrons. No outdoor bar area is proposed or approved.
2. Compliance shall be demonstrated with all requirements and standards of the Building Official, Fire Marshal, FVHD, Town Engineer, and AWPCA. Applicant shall address the grease trap directly with the Town Engineering Department.
3. A plan for a cover over the outdoor dining area shall be prepared and submitted to the Planning Director for Staff review and approval.
4. Any proposed alterations/changes to the site plan, as represented and approved, shall be submitted to the Planning Director for Staff review and approval prior to implementing any changes.
5. One additional ADA parking space shall be added near the proposed outdoor dining area, as noted on the plan.

The motion seconded by Mr. Bukowski received unanimous approval.

OTHER BUSINESS

Housing Task Force (First meeting agenda discussion – meeting date TBD)

Mr. Peck stated that he would like to set a meeting date/agenda for the near future to discuss the goals and strategies of the Affordable Housing Plan; discuss the possibility of creating a housing trust fund; and setup some work tasks for the next quarter. He agreed to provide information on task forces created in other towns. The Housing Task Force could report back to the Commission as to their findings/recommendations.

Zoning Regulations Revision (Special Meeting Scheduled for Sept 26)

Mr. Peck confirmed that a *virtual* special meeting is scheduled for September 26 to discuss the rewrite to the Zoning Regulations with the Consultant. He asked that the Commission send/email him any comments and/or suggestions.

STAFF UPDATES

2024 PZC Meeting Schedule

The Commission unanimously approved the 2024 Meeting Schedule.

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

Linda Sadlon
Avon Planning and Community Development