

The Planning and Zoning Commission of the Town of Avon held a ***GoToMeeting***, on Tuesday, January 26, 2021. Present were Thomas Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Peter Mahoney, Mary Harrop, Lisa Levin, Joseph Gentile, Dean Hamilton and Alternates Drew Bloom, Elaine Primeau, and Raz Alexe. The Alternates did not sit. Also Present was Hiram Peck, Director of Planning and Community Development.

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

APPROVAL OF MINUTES

Mrs. Harrop motioned to approve the minutes of the December 8, 2020, meeting, as amended. Mr. Ladouceur seconded the motion that received approval from Mrs. Harrop and Messrs. Ladouceur, Armstrong, Mahoney, Gentile, and Hamilton. Ms. Levin abstained.

PUBLIC HEARING

App. #4936 - Three Hundred Eight Arch Road, LLC, owner, Kristyn LeBarron, applicant, request for Special Exception under Section VI. J. 4. a. of Avon Zoning Regulations to permit events in existing barn (Miller Foods), 308 Arch Road, Parcel 1090308, in a RI Zone

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

App. #4937 - Three Hundred Eight Arch Road, LLC, owner, Kristyn LeBarron, applicant, request for Site Plan Approval to permit events in existing barn, 308 Arch Road, Parcel 1090308, in a RI Zone

Present were Kristyn LeBarron, applicant and Capri Brighenti and Carolyn Miller, Miller Foods.

Mr. Armstrong referenced/reviewed comments/recommendations contained in Mr. Peck's Staff Comments dated January 22, 2021.

Kristyn LeBarron asked if she could choose just one professional to prepare plans for the barn, noting that the Town has suggested an architect, an engineer, and a contractor.

Mr. Peck explained/clarified that formal plans for the barn would have to be submitted to the Town and approved prior to any barn activities beginning. He confirmed that he has no problem with Ms. LeBarron's request as long as the plans submitted are acceptable to the Avon Building Department and Fire Marshal. He further noted that it is his understanding that the needed repairs and expense may not take place immediately but rather may take place down the road.

Ms. LeBarron noted her understanding and agreement with the comments just made by Mr. Peck adding that she also understands and accepts the information and conditions contained in Mr. Peck's Staff Comments, dated January 22, 2021.

Ms. LeBarron explained that she is looking to create a space that would also allow the Town to get involved and gain revenue (e.g. community events with sales from local businesses, food trucks).

In response to Mr. Armstrong, Mr. Peck confirmed that any event on the site taking place outside the barn would require a Temporary Special Event Permit through the Town.

Mrs. Harrop noted her concerns with seven large trucks she saw on the site parked near the barn and asked about the long-term plan.

Capri Brightenti explained that the trucks on site are temporary trailers due to a freezer shutdown but noted that Miller Foods is waiting for approval from Eversource to get the freezers back up and running as soon as possible. She confirmed that once this happens the trucks/trailers would be removed from the site.

In response to Mr. Armstrong, Mr. Peck explained that he did not address hours of operation in his comments but indicated that the applicant will need to notify the Town in advance of any events involving more than 100 people so that the Town Staff can monitor such events.

Ms. LeBarron noted her understanding and agreement for a requirement to notify the Town of events for more than 100 people, to also include the start and end times for such events.

Mr. Hamilton noted his concerns with parking on the site asking where 100 people would park.

Ms. LeBarron indicated that there are adequate parking spaces near the barn and also referenced a relationship with St. Ann's Church (across the street) such that hopefully there would be access to parking at the Church for larger parties (e.g. an event involving a marriage at St. Ann's).

Mr. Hamilton commented that he counts about 22 spaces for parking on the site (as currently marked) adding his concern for people/children walking across Arch Road to park at the Church.

Capri Brightenti confirmed that Miller Foods has in place a shared parking agreement with St. Ann's Church. She pointed out that Kristyn's proposal is for smaller gatherings adding that larger events would be the exception rather than the rule. She noted that the Church created a walkway with steps to Arch Road for the aforementioned shared parking agreement. She commented that a crossing guard could be utilized, if needed. She stated that there is 12-15 spaces up top (Miller Foods site) and there are also spaces on the side. She noted that there is a fair amount of parking on site and doesn't see parking being an issue.

Mr. Ladouceur commented that he counts 24 parking spaces on the map submitted with the application. He asked what the current parking requirements are per person for restaurants and similar uses and is it based on building square footage.

Mr. Peck explained that parking requirements for restaurants typically depends on the number of seats while also considering the kitchen and waiting areas (total square footage). The subject proposal may have events with 10-15 people with other events for possibly 40 people; the number of tables/chairs/seats per event will be varied. He referenced his comments and explained that 100 people is likely the upper end of any event adding that the applicant will be required to notify the Town of any large events such that the police can be notified ahead of time. The parking lot containing 24 spaces is quite large and there is also a large grassed field near the barn that could be used for parking. He indicated that he feels there is adequate space for

the facility as proposed adding that while the need for 100 parking spaces at one time is unlikely, if it does occur there is a shared parking agreement in place with the Church. He reiterated that the applicant would be required to alert the Town ahead of time for events for more than 100 people such that the police can be notified and parking/crossing the street addressed. He noted that if a tent is going to be used the Fire Marshal would get involved to ensure safety.

In response to Mr. Ladouceur, Ms. LeBarron indicated that the area of the existing barn that she would be utilizing is 2,100 SF. She noted that while the Fire Code permits 140 people she would not be having 140 people noting her agreement with Mr. Peck that 100 people is on the high side.

Mr. Ladouceur conveyed his concerns for parking such that 24 spaces does not seem adequate for the potential for 100 people or a maximum of 140 people. He also noted his safety concerns for a shared parking agreement that requires people to cross a collector road (Arch Road).

Capri Brightenti addressed parking explaining that the expansion for the Church, including the parking, was approved because of the overflow parking. She confirmed that a parking agreement exists with the Church and was part of the approval process. She commented that Thanksgiving events at Miller Foods is one example of how the overflow parking arrangement works well for both parties. Shared parking between the sites occurs on a weekly basis and is a very common occurrence; safety is always a priority. She noted that for the type of events that Kristyn is proposing there seems to be sufficient parking on the subject site.

Mr. Ladouceur noted his understanding of available parking on the site but requested a revised map of the site be submitted highlighting all areas of available parking on the site (the submitted plan/map only highlighted the aforementioned 24 spaces near the barn). There will be food trucks and/or caterers on site that will need places to park.

Capri Brightenti commented that Miller Foods closes at about 4pm every day, Monday through Friday adding that Kristyn's events would take place primarily on weekends. She reiterated her understanding relative to safety noting that precautions/accommodations would be made if parking were to be utilized at the Church.

In response to Mr. Ladouceur, Capri noted that employees work first shift, Monday through Friday, adding that the only part of the business that is open on weekends is a small market located in the front of the site where there are a few parking spaces.

Mrs. Harrop commented that there is a lot of room and black top area in front of the barn that should be able to accommodate at least 20-30 cars. She noted that this large area is not noted or highlighted on the map that was submitted identifying the highlighted parking area.

Mr. Armstrong noted his agreement with Mrs. Harrop such that there is a lot of parking areas on the site that could be used. He also requested that a revised map of the site be submitted to the Town identifying all the available parking areas.

Ms. Levin commented that she is not concerned with parking adding that the proposal sounds existing. The grassed area at the site entrance could also be used as overflow for maybe 10 cars for larger events.

In response to Mr. Ladouceur, Mr. Peck confirmed that before the zone was changed for this site from R40 (Residential) to RI (Restricted Industrial) the subject use was discussed. The subject proposal comes to the Commission for special exception review because such events are not permitted “as of right” in the RI Zone. He suggested that a revised site plan identifying all available parking on site as well as a copy of the shared parking agreement with the Church be submitted to help address concerns.

Mr. Ladouceur noted that right now no one can hold a 100-person event (Covid) and suggested that the time period requiring the applicant to notify the Town in advance of large events (more than 100 people) be two years from the date that the State lifts Covid restrictions.

Messrs. Armstrong and Peck noted their agreement.

In response to Mr. Gentile, Ms. LeBarron addressed food trucks noting that everything they need (kitchen, water, food) is contained within the truck itself and there is no need to access the facility (there is no kitchen inside the facility). All food trucks are insured and licensed.

Mr. Peck added that all food trucks must be licensed by the Health Department and DMV. He noted that there are food trucks that operate in Town without any problems.

There were no comments from the public.

There being no further comments from the Commission the public hearing for App. #4936 was closed, as well as the entire public hearing portion of the meeting.

PLANNING AND ZONING COMMISSION MEETING

Mr. Ladouceur motioned to waive Administrative Procedure #6 and consider the public hearing item. Mr. Hamilton seconded the motion that received unanimous approval.

App. #4936 - Three Hundred Eight Arch Road, LLC, owner, Kristyn LeBarron, applicant, request for Special Exception under Section VI. J. 4. a. of Avon Zoning Regulations to permit events in existing barn (Miller Foods), 308 Arch Road, Parcel 1090308, in a RI Zone

App. #4937 - Three Hundred Eight Arch Road, LLC, owner, Kristyn LeBarron, applicant, request for Site Plan Approval to permit events in existing barn, 308 Arch Road, Parcel 1090308, in a RI Zone

Mr. Ladouceur motioned to approve Apps. #4936 and #4937 subject to the following conditions and modifications:

1. Applicant shall comply with all information/requirements contained in Staff Comments, dated January 22, 2021, from the Director of Planning with the following modification to the second sentence in Section 4.d. – *Advance notice shall be given to the Town for planned events for more than 100 people –this notice shall be provided for two years from the date Covid restrictions are lifted.*
2. Applicant shall submit to the Planning Department the following:
 - a. Detailed architectural plans of the existing barn showing any interior changes. Plans

- shall be submitted for review and approval prior to any events taking place in the barn.
- b. A revised site plan map identifying/showing all available parking for a maximum of 100 attendees.
 - c. A copy of the existing shared parking agreement with St. Ann's Church.
 - 3. Compliance with all requirements of the Farmington Valley Health District, Building Codes, and Fire Codes shall be demonstrated.
 - 4. Applicant shall submit any proposed outdoor lighting plans to the Planning Department for review and approval prior to any lighting installation and/or barn activities.

The motion was seconded by Ms. Levin.

Mr. Armstrong indicated that the applications meet the criteria contained in both Section VIII and Section VI.J.1. (Restricted Industrial Zone).

The motion, made by Mr. Ladouceur and seconded by Ms. Levin, received approval from Messrs. Ladouceur, Mahoney, Hamilton, and Gentile, and Mesdames Levin and Harrop. Mr. Armstrong abstained.

STAFF UPDATES

Avon Village Center Status and Covid (Executive Order Revised)

Mr. Peck indicated that the steel is being installed for the two buildings located on the west side of Climax Road; these buildings will begin to be closed up in the near future. Work on the inside of Whole Foods continues with a proposed opening date of May 2021 but clarified that no firm date is yet known. There is now some interest from tenants for the building (Market Street) located behind Whole Foods. There are 8 or 9 total tenant units in that building. He noted that he has gotten positive feedback from people inquiring/visiting the site. The stone wall (in front of the site) is mostly completed and will be finished soon. The developer has agreed, for any future applications for future buildings, to consider doing a study on the possibility of using alternative energy sources (microgrid, solar) to serve those buildings in the event of a long-term power failure. The Town continues to review and work with the developer regarding numerous easements (roads, etc.) on the site. Once review of the easements is complete there will also be review by the Town Council. He explained that Climax Road was supposed to be opened in December 2020 (but wasn't due to delays with Frontier) but will be opened in the spring 2021, as soon as paving can occur (need warm enough weather). He reported that he has been working with both Town Engineering and the Police regarding the directional signs at Climax Road to ensure that the required signs are in place while the rest of the unnecessary signs are eliminated.

Mr. Peck addressed outdoor dining during Covid noting that he has received requests from numerous restaurants in Town asking that tents be allowed to be put back up when the weather permits. He suggested/recommended that the Town could approve such tents for outdoor dining utilizing the same Staff Temporary Permits used last fall and continue this procedure to December 31, 2021. The Commission communicated their unanimous agreement.

In response to Mr. Ladouceur's suggestion, Mr. Peck agreed that it would be a good idea to gather information/keep a record of details on outdoor dining during the pandemic in order to consider allowing, in the future, permanent outdoor dining at some locations (restaurants) on a seasonal basis.

Mr. Armstrong noted his agreement with Mr. Ladouceur adding that a review of the current Regulations (by Commission members, if interested) may be helpful such that when the aforementioned information from outdoor dining has been compiled that we may know what changes to the Regulations may be beneficial/needed.

Mr. Gentile noted his frustration/concerns with the large number of temporary (A-frame) signs that exist along Route 44 for many businesses and not just restaurants. He noted his understanding of the rules being relaxed due to the pandemic but asked that the Town again start enforcing temporary signs.

Mr. Peck reported that he has received calls from people who are asking to place "thank you" signs along Route 44 (every half mile or so) to thank all the healthcare workers, who are just worn out. The Town Manager has indicated that as long as the pandemic is still ongoing he thinks that "thank you" signs are ok. He acknowledged that while no one likes too many signs both the Chamber of Commerce and the business owners feel that the signs are helping them. He noted his understanding of Mr. Gentile's concern but suggested that for now and until the pandemic ends that the Town continue to allow businesses some slack. The Governor has extended his orders (pandemic) until April 20, 2021.

Mr. Ladouceur suggested that temporary signs be addressed by the Commission and full enforcement resumed once the Governor has formally lifted all Covid restrictions.

Mr. Peck reported that the Zoning Board of Appeals, at their January 21 meeting, made a unanimous decision/determination (denied an application) that short-term rentals are not appropriate and not allowed by the current Regulations.

There being no further business, the meeting adjourned at 8:15pm.

Linda Sadlon
Avon Planning and Community Development