

The Planning and Zoning Commission of the Town of Avon held a **GoToMeeting** on Tuesday, May 11, 2021. Present were Thomas Armstrong, Chair, Brian Ladouceur, Vice Chair, Lisa Levin, Dean Hamilton, Joseph Gentile, Mary Harrop and Alternates Drew Bloom (sat for meeting), Elaine Primeau, and Raz Alexe. Peter Mahoney was not present. 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 April 13, 2021, meeting. The motion was seconded by Ms. Levin and received approval from Mesdames Harrop and Levin and Messrs. Armstrong, Ladouceur, Gentile, and Bloom. Mr. Hamilton abstained.

PUBLIC HEARING

App. #4945 - JohnPaul Tonry, owner/applicant, request for Special Exception under Section IV.A.4.s.of Avon Zoning Regulations to permit home occupation (hair salon), 22 Andrea Lane, Parcel 1050022, in an R30 Zone

JohnPaul Tonry was present.

Mr. Tonry explained that he has been in the hair salon business for 25 years adding that when Covid hit he had to move his business from a commercial location in Farmington to his house for financial reasons. He noted that he is a single parent who has bills to pay and is looking for understanding for a temporary situation for three to six months while he gets back on his feet. He indicated that he has spoken to his neighbors, as suggested, noting that aside from one neighbor who has a problem with the situation all the other neighbors have indicated they are fine with it. He explained that he has only one client at a time and there are not people waiting, as used to be the case when he ran his salon in a commercial location. He uses his three-season room in the back of the house for the salon. The area is wooded in the back so it's not visible to anyone except the one aforementioned neighbor who has noted their dislike of the situation. He doesn't have any signs at his house but noted that sometimes clients park in the street because they don't feel comfortable backing out of his driveway. He indicated that he was a reputable business owner with a higher end clientele with some traveling from out of State; he added that he keeps a clean environment. Mr. Tonry stated that he has lost a lot of clients due to the fears surrounding Covid. He said that he grew up with a friend whose mother ran a hair salon out of their basement for years. He noted that his current situation is surprising and very uncomfortable.

In response to Mr. Bloom, Mr. Tonry stated that he has been running his business at home since April of 2020; he closed his business in March of 2020. He indicated that he has a person who works for him 15 hours a week to book appointments.

Mr. Tony noted that he has not seen the letters received from the Town in opposition to his business.

Mr. Armstrong said that the two letters received mention zoning, insurance, the Farmington Valley Health District, environmental impacts, fire codes, and traffic. One letter is signed "Town of Avon Resident" and the other letter is signed "Resident of Andrea Lane".

In response to Mrs. Harrop, Mr. Tonry confirmed that he has not been in contact with the Farmington Valley Health District because he doesn't intend to make this setup permanent. He acknowledged that he never thought things would go on this long (Covid).

In response to Mr. Ladouceur, Mr. Tonry confirmed that last Wednesday he obtained written signatures of support from four of his neighbors who live on Andrea Lane. He indicated that the fifth neighbor did not sign adding that he suspects that may be the neighbor who sent the letters of opposition to the Town. Mr. Tonry noted that he could go to every house on the road if the Town wishes and added that he is happy to give the Town the document with signatures of his neighbors in support.

Mr. Ladouceur indicated that he remembers approving a home-based yoga studio within the last couple of years before Covid and asked for clarification on the types of home businesses that have typically been allowed in the past.

Ms. Levin noted that the yoga studio that was approved was not for a temporary time period; it was permanent.

Mr. Peck explained that the Regulations that apply here are for minor and major home occupations; the subject proposal does not qualify as a minor home occupation. The subject proposal is a request for a major home occupation and thus requires a special exception application and public hearing. Approved major home occupations permit people to visit the home whether to purchase stamps or have a hair treatment of some kind. The Regulations allow the subject use as a special exception and the request is for a solution/relief on a temporary basis.

In response to Mr. Ladouceur, Mr. Peck confirmed that while the letters of opposition received by the Town are anonymous are part of the record file; the amount of credibility the letters are afforded is up to the Commission.

In response to Mr. Gentile, Mr. Tonry explained that he did not apply for disaster relief. He added that he has never applied for unemployment because he never wants to be part of the bigger problem (national deficit) and wants to take care of things on his own. He confirmed that he did not ask the Town if his business at home was allowed adding that he did not know how long Covid would go on. He reiterated that working out of his house is not something he's looking to do permanently.

In response from Mr. Armstrong, Mr. Tonry indicated that he doesn't know if the Health District requires his house to be connected to sewers to run his salon.

The hearing was opened for public comment; there were no comments.

In response to Mr. Bloom, Mr. Tonry explained that he had to have his mail forwarded to his house adding that his address change was likely made to the State of CT but noted that he is not sure. He noted he also made changes online for his business.

Mr. Gentile commented that the approval for the yoga studio discussed earlier should be researched very closely because he isn't sure that that approval was for commercial gain. The applicant maybe just wanted to be able to have people over for yoga.

In response to Mr. Ladouceur, Mr. Peck confirmed that an inspection by the Health District is required. He suggested that the Commission can request an inspection from the Health District as well as the Fire Marshal and request reports from both prior to the next meeting on June 8.

Mr. Peck added that it would help the applicant's position if Mr. Tonry spoke with the rest of his neighbors on Andrea Lane to find out who is in support and who is not and then submitted this in writing to the Town before the next meeting.

In response to Mr. Armstrong, Mr. Tonry confirmed that he's looking for a temporary understanding of his situation for six months, ideally, because he needs time to find a new location which takes time and funding. He pointed out that due to Covid it may be some time before people feel comfortable sitting in salons next to other people but we're not there yet.

Ms. Levin asked if the Governor's Executive Orders and/or the Health District have made accommodations for others in similar situations to operate businesses out of their homes subject to certain conditions. It doesn't seem like this instance is all that unusual given all the difficulties surrounding Covid.

Ms. Levin motioned to continue the public hearing for App. #4945 to the June 8 meeting. The motion seconded by Mrs. Harrop received unanimous approval.

Mr. Bloom commented that more information is needed from the applicant for the plans to open a permanent location because we don't know where we will be with Covid in three to six months. If the ultimate request is for a permanent home-based location that is different than three to six months.

Ms. Levin asked for clarification such that the Commission is able to grant permanent special exceptions for proposals that meet the requirements of Section VIII. There are no barriers to keep the Commission from approving the subject application on a permanent basis if they wish.

Mr. Peck confirmed that the Commission has the ability to grant permanent special exception uses that meet and satisfy the requirements of Section VIII.

The public hearing portion of the meeting was closed.

PLANNING AND ZONING COMMISSION MEETING

STAFF UPDATES

Mr. Peck reported that the Governor's Executive Orders have been extended until at least July 20, 2021.

Mr. Peck addressed the Affordable Housing Study explaining that there is a lot of information to be compiled before the draft is completed adding that he doesn't know if the complete draft will

be available by June 1. The Commission will need to decide if they want to hold a public meeting and/or hold a public survey once the draft is complete.

Mr. Armstrong commented that he feels the Commission would agree that holding a public meeting/hearing is a good idea adding that it can be discussed further at the next meeting. In response to Ms. Levin, Mr. Peck noted that because the Grant is very small he suggested that the consultant spend his time gathering data for the second part of the Plan. He confirmed that he is happy to review and respond to comments from the Commission by himself, adding that he can certainly show the information to the consultant so it can be incorporated into the draft.

Mr. Ladouceur noted his agreement adding that he always wanted the consultant's focus to be on the data, parts two and three of the Plan. The Commission will figure out how the data fits Avon.

Stratford Crossing Completion Activities

Mr. Peck explained that the developer has until May 17, 2021, to complete all items (landscaping, some road corrections, site lighting, and others) required by the approval of this subdivision. He noted that items outside of the developer's control such as lighting, which is controlled by Eversource, and monuments that need to be installed but are not available at this time but are on order. He further explained that after May 17 a revised list will be produced noting the items completed and the items not completed. This list will be provided at the next meeting at which time the Commission can make a decision on how to proceed with items not yet completed.

Avon Village Center Status

Mr. Peck reported that things are moving along and Climax Road is projected to reopen on May 25. The wall along the Route 44 frontage is nearly complete. The buildings under construction on the west side of Climax Road are coming along. The driveway to the Farmington Valley Arts Center will hopefully be reopened soon adding that there is no change to the road design.

Attorney Robert Meyers was present on behalf of the developer and stated that on May 7 the developer turned over the building to Whole Foods adding that Whole Foods is in charge of their own interior fitout and opening date. Any questions regarding opening should now be directed to Whole Foods.

There being no further business, the meeting adjourned at 8:05pm.

Linda Sadlon
Avon Planning and Community Development