

The Planning and Zoning Commission of the Town of Avon held a virtual *GoToMeeting* on Tuesday September 21, 2021. Present were Thomas Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Peter Mahoney, Mary Harrop, Lisa Levin, Dean Hamilton, Joseph Gentile, and Alternate Raz Alexe (7:08pm to 7:48pm). Not present were Alternates Drew Bloom and Elaine Primeau. Also present was Hiram Peck, Director of Planning and Community Development.

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

APPROVAL OF MINUTES

Mr. Mahoney motioned to approve the minutes of the July 20 meeting. The motion was seconded by Mrs. Harrop and received approval from Mr. Mahoney, Mesdames Harrop and Levin, and Messrs. Hamilton, Armstrong, and Gentile. Mr. Ladouceur abstained.

PUBLIC HEARING

App. #4950 - Proposed amendment to Avon Zoning Regulations pertaining to parking; Town of Avon, applicant

Mr. Peck explained that the work to modify the parking regulations has been ongoing for a long time. Parking information for many other towns across the country, similar in size to Avon, were reviewed as well as standards for the American Planning Association. He addressed retail uses noting that the proposal for 5 spaces per 1,000 SF are very close to what other similar sized communities use. He clarified that the Commission could allow additional spaces if so requested by an applicant. Requiring fewer parking spaces addresses environmental concerns such as storm water while also providing room for additional buildings on the site. Financial institutions are reduced from 8/1,000 SF to 6/1,000 SF; buildings for financial uses continue to shrink in size. There is no change to parking for personal services. Parking for gasoline stations without a convenience store have no change; gasoline stations with convenience stores is 6 spaces per 1,000 SF. Major grocery stores are 5 spaces per 1,000 SF, the same as retail uses. Office space parking is reduced to 4 spaces per 1,000 SF, as many more people are now working from home. No changes are proposed for restaurants and hotels and motels. He explained that parking for industrial uses remains as 3.3 spaces per 1,000 SF (which is high compared to standards in the rest of the country) but noted that another option has been added for parking based on the number of employees (3/4 space per employee) which has worked very well for other towns. For residential, there is a slight change (formerly 2.5 spaces per dwelling unit) to 1 space per 1 bedroom unit and 2 spaces per 2 bedroom unit. Any accessory apartment would require an additional parking space and no parking is permitted on the street. There are no changes to parking for theaters, churches, public assembly and shopping centers.

In response to Mr. Ladouceur, Mr. Peck confirmed that Whole Foods is 45,000 SF and has 344 parking spaces. Mr. Ladouceur said that Whole Foods has an additional 100 spaces beyond the requirement under the proposed parking changes (45K x 5 spaces = 225). Mr. Ladouceur said that the parking change requirement doesn't seem adequate noting though that there may not be as many customers in the future as there were at the grand opening for Whole Foods. He asked if the parking for retail and grocery stores takes into account both patrons and employees. Mr. Peck explained that the regulation speaks to gross square footage of the building (all spaces inside the building where there are no employees...like storage areas and freezer space) so both patrons and employees are taken into account such that 5 spaces per 1,000 SF seems very safe. He explained

that the number of existing spaces for Whole Foods is quite adequate; he noted that there are still people working at the store helping with setup but will be gone in a few more weeks.

Mr. Peck clarified that 5 spaces per 1,000 SF is a good base number that could be increased if deemed necessary for a specific application. Mr. Ladouceur said that his concern is that employees for Whole Foods are currently parking all over the complex, which isn't a problem now because the buildings are vacant. He said that 5 spaces per 1,000 SF might not be enough and there may need to be additional spaces required for employees. The word "gross" (square feet) should be added to the chart for clarification.

Mr. Peck noted his understanding agreeing to add the word "gross" to the chart relative to square footage. He reiterated that 5 spaces per 1,000 gross SF is a baseline such that more spaces could be required if deemed necessary by the Commission or proven to be needed by an applicant.

In response to Mr. Ladouceur, Mr. Peck explained that the Commission can require a minimum of one space for an accessory apartment and two spaces are requested and there is room they could have two spaces. He noted Mr. Ladouceur's concern adding that the word "studio" could be added to the regulation noting that a studio apartment would require one parking space.

In response to Ms. Levin, Mr. Peck addressed parking for industrial uses explaining that the Commission would make a determination based on the application presented as to which standard should be applied. For example, an intense use with many employees and not much tenant space would utilize the 3.3 spaces per 1,000 gross SF. He further explained, however, that a proposal for a large facility with a relatively small number of people would utilize the parking standard based on number of employees. Ms. Levin said that it should be made clear in the Regulation language that the parking standard used is at the discretion of the Commission depending on the use. Mr. Peck noted his understanding adding that he listed two parking standards because he wanted to give the Commission the option of choosing the parking standard depending upon the proposal presented. He confirmed that all Zoning Regulations contain minimum standards.

In response to Mr. Gentile, Mr. Peck explained that parking requirements for a mixed-use project would be based on the square footage/size of each use (e.g. a 5,000 SF use/space would have different parking requirements than a 15,000 SF use/space). The result is an additive square footage based on a mixed use.

In response to Mr. Ladouceur, Mr. Peck explained, relative to Class II and III restaurants, that "½ seats plus ½ employees" means one parking space for two seats and one parking space for two employees and so on. Mr. Ladouceur said that maybe the language should be consistent with the requirements listed for hotels and industrial uses. He asked if ¾ space per employee (industrial use) is the same thing as ½ employees (restaurants and hotels). Mr. Peck noted his understanding but clarified that they do not mean the same thing. Mr. Ladouceur said that we could easily add something to the retail and major grocery for the employee standard similar to what has been added to other categories. Mr. Peck agreed.

The public hearing was opened for public comment.

Mike Cegan, Richter & Cegan, expressed his support for the proposed changes to the parking regulations specifically relative to industrial uses. He displayed maps for Orafol, located at 120

Darling Drive in Avon Park South. Orafol is a high-tech film manufacturer, heavy on technology but light on employee needs, which affects parking. A 120K SF building was approved in 2012 requiring 395 parking spaces, based on the 3.3 spaces per 1,000 SF; only a fraction of that parking was needed (less than 20%). He noted that 50% of the parking was approved to be put in reserve but noted that reserve parking must still be shown on the plans as if it is going to be built such that it takes up coverage requirements limiting expansion opportunities of the facility. Of the 199 parking spaces built only 69 spaces (35%) are used, leaving 130 spaces unused. There are significant maintenance costs associated with those 130 unused spaces. Mr. Cegan noted that most of the other facilities in Avon Park South are using 35-50% of the existing paved parking spaces. He explained that Covid has not impacted parking needs at Orafol because there are no remote employees at this facility. He indicated that a few months ago Orafol started discussing adding a 21,500 SF addition; there is more than enough existing paved parking from the 2012 plan to support this addition. The proposed 21,500 SF addition requires only three (3) employees during the largest shift. Current parking regulations would require 71 additional parking spaces for the proposed addition which would likely never be needed and also not likely to be approved by the Inland Wetlands Commission. Mr. Cegan concluded by noting his support for revisions to the parking regulation requirements to be employee based; the existing requirement of 3.3 spaces per 1,000 SF is excessive but gives the Town added protection should it be needed.

In response to Mr. Armstrong, Mr. Cegan confirmed that the proposed language change (3.3 spaces per 1,000 gross SF or $\frac{3}{4}$ space per employee on 2 largest shifts) is acceptable while still providing Staff and the Commission with discretion to work with an applicant.

Mr. Ladouceur said that he supports all the revisions just discussed and also proposes to revise/add language to retail and major grocery stores as follows....*"5 spaces per 1,000 gross SF and, at the Commission's discretion, $\frac{1}{2}$ space per employee"*. This way parking for employees will not be taking up parking for patrons, especially if we are reducing the parking requirement from 10, 8, or 7 per 1,000 gross SF down to 5 spaces per 1,000 gross SF.

Ms. Levin said that she wants to ensure that the language used for industrial uses makes clear/identifies which standard applies, as two standards are provided.

Messrs. Armstrong and Peck suggested the following....*"3.3 per 1,000 gross SF OR at the Commission's discretion based upon the use, $\frac{3}{4}$ space per employee on the two largest shifts combined"*. Ms. Levin and Mr. Ladouceur noted their agreement.

There being no further comments, the public hearing for App. #4950 was closed.

App. #4951 - Avon Marketplace Investors LLC, owner, Cuckoo's Hawaiian Shave Ice, applicant, request for Special Exception under Section VI.C.3.d. of Avon Zoning Regulations to permit ice truck for existing business (It's Playtime), 380 West Main Street, Parcel 4540380, in a CR Zone

Present were David Waldman, owner, and Cory Edgar, applicant.

In response to Mr. Armstrong, Mr. Edgar explained that he does not have any information about Fisher Meadows but will ask his wife. He said that the ice truck is not very mobile (electric

vehicle) and has only been used in the parking lot at Avon Marketplace, upon approval of the property owner. He indicated that they are willing to consider using the ice truck in the rear of the building to address safety concerns. The truck was being used in the front of the plaza for visibility and also has the most convenient electrical source. The ice truck was started as a way to increase income during Covid. He noted that they have thought about getting a dolly of some sort to be able to transport the ice truck to different locations, as they have received inquiries about using the truck at birthday parties.

In response to Mr. Ladouceur, Mr. Edgar explained that “It’s Playtime” is an indoor play area/birthday party place for kids under 10 years old; everything was approved by the Health District. Cotton candy and shaved ice were offered for sale inside the building but explained that the ice truck outside came about because of Covid.

In response to Mrs. Harrop, Mr. Edgar indicated that he doesn’t think the ice truck will work well in the winter time; the truck is currently in a full enclosed storage area in the rear of the building. The plan is to utilize the truck seasonally, spring to fall. He said that the ice truck was operational for about two weeks and at the max there were only 3-5 people waiting in line. The truck was parked in the lot (near an electrical outlet) close to Route 44 but far away from most of the parked cars at Avon Marketplace.

Ms. Levin said that the current Zoning Regulations do not allow for this type of use and to accommodate this request an amendment to the Regulations would be needed. She asked when approval was given by the Health District was there ever an indication that approval would also be needed by Planning and Zoning.

Mr. Edgar explained that the ice truck came about due to business struggles related to Covid and trying to come up with creative ways to do things outside. The long-term plan for the ice truck was not to keep it at Avon Marketplace but rather it would move around to various places and functions that people wanted. He said that he was never made aware by the Health District that they should seek approval from Planning and Zoning. Other business owners at Avon Marketplace had asked for support for their businesses by having the ice truck on site.

In response to Ms. Levin, Mr. Peck explained that while he is sympathetic to this particular situation, without an amendment to the current Regulations there is really no way forward. If the ice truck could be located and operated behind the building for a specific time period that could possibly work for the Commission. Operating the truck in the front of the building would be very difficult for safety reasons (kids on foot in a busy parking lot).

Ms. Levin said that possibly the ice truck could be allowed in the back of the building under certain conditions and where no parking would be allowed. She noted that she would not like to see food trucks in the front of this building when there is so much unrented space.

Mr. Peck agreed that that might work in this instance but confirmed that he would not want to see a lot of food trucks behind the building. The area could be closed off with barriers and a time limit imposed on the use of the truck.

Mr. Gentile said that while he sympathizes with the applicant he noted his concerns with setting

a precedent and not being able to say no in the future. If the area was a patio and not a parking space we probably wouldn't have an issue at all.

Mr. Armstrong said that there is a concrete island in the rear of the building that could be used that is not in a parking area. He asked that the applicant ask the Town Parks and Recreation for ideas and options adding that he would like to continue the hearing to the next meeting.

Mr. Ladouceur said that he is against changing the Regulations as it would open up a Pandora's Box relating to requests for outdoor storage and other activities. The Town could consider designating a food truck area sometime in the future. The ice truck is secondary to the main business. He said he is ok continuing the hearing to the next meeting but is against doing anything tonight.

David Waldman, property owner, noted his support for the ice truck and explained that there is a grassed area located behind Orvis (it was a future building area that was not used and is not part of landscaping) that is also located inside the sidewalk system, which could be a good place for the ice truck. Power could be provided and this area is nowhere near any parking areas so there would be no safety concerns. He added that while the ice truck is subordinate to the business, it is actually part and parcel and seems relatable to a kids' playtime business.

Mr. Mahoney said that he supports some flexibility with this proposal.

There were no further comments for App. #4951.

Ms. Levin motioned to continue the public hearing for App. #4951 to the next meeting, scheduled for October 12. The motion, seconded by Mr. Hamilton, received approval from Mesdames Levin and Harrop and Messrs. Hamilton, Armstrong, Ladouceur, and Gentile. Mr. Mahoney voted in opposition.

App. #4952 - Martin and Karin Comer, owners, Wolfworks, Inc., applicant, request for Special Exception under Section IV.A.4.q. of Avon Zoning Regulations to permit attached accessory apartment, 72 Sunrise Drive, Parcel 4190072, in an R40 Zone

Present were Jamie Wolf, applicant; Martin and Karin Comer, owners, and David Whitney, PE.

Mr. Armstrong said that Town Staff recommends approval of the proposed 800-square-foot attached accessory apartment, as the Special Exception requirements have been met.

There were no public comments.

In response to Mr. Ladouceur, Mr. Wolf explained that the breezeway that connects the garage is enclosed via barn doors that can be opened to be "porch like". He further explained that he has worked with Town Staff on the details of the breezeway to ensure compliance with all Codes and Regulations. Mr. Wolf confirmed that the proposed accessory apartment is attached and fully conditioned space that connects it. The accessory apartment has its own entrance. Mr. Wolf explained/clarified that the proposed apartment is really being designed for multi-generational family living, as opposed to a traditional accessory apartment. He added that he has seen five of

this type of request over the last 1½ years; it appears to be a trend and a good thing. There is a door separating the two living areas (for privacy) but both families could come together for meals if they wished.

Mr. Whitney stated that this will be one house located on 9.3 acres; low-density housing. There being no further comments the public hearing for App. #4952 was closed.

App. #4953 - Kimberly and Bruce Beckius, owners, Kimberly Beckius applicant, request for Special Exception under Section IV.A.4.q. of Avon Zoning Regulations to permit detached accessory apartment, 15 Blanchard Road, Parcel 1350015, in an R15 Zone

Present were Kimberly and Bruce Beckius.

In response to Mr. Armstrong, Ms. Beckius confirmed that the proposed detached apartment is two stories. She said that she is aware of all the stipulations as provided in Mr. Peck's Staff Comments. Approval has been granted by the Health District for septic. The rest of the items are construction modifications that need to be done to turn what was once an apartment back into an apartment. The current building was approved and sits on the footprint of the original barn. She noted that her office currently exists in this detached building because Zoning Regulations did not previously allow for living areas in detached buildings. She noted that she bought the property 11 years ago. She confirmed that the space being discussed already exists; there is no new or modified construction being proposed. The space has a bathroom but not a shower, which will need to be installed. Appliances are also needed. Electric heat exists in the building. Ms. Beckius explained that renting a garage space with a tenant would be a future negotiation and not answerable at this time.

Bruce Beckius stated that he is in full support of this application.

Ms. Levin said that she has no questions but noted her support for the application as it would provide "a" affordable housing for the Town.

Mr. Mahoney noted his agreement.

In response to Mr. Gentile, Ms. Beckius explained that she only recently learned (from Mr. Peck) about the meaning of "A" affordable deed restricted housing. She explained that when we speak of affordable this is a one-bedroom unit located in an area of high-end residential homes. The size of the proposed apartment would deem it a very affordable (lower case "a") alternative to much of the existing housing in Avon.

In response to Mr. Armstrong, Ms. Beckius said that they have no intention of placing a deed restriction on this apartment; it is intended to be a long-term rental that just happens to be affordable due to its size.

In response to Mr. Ladouceur, Mr. Peck explained that he hasn't done any calculations with regard to affordable because the applicant has indicated that they don't intend to do that.

Mr. Ladouceur said that if we are not going to make this a deed restricted "A" affordable unit we

are being represented that it's an affordable unit but it's really a market unit.

Mr. Peck indicated that, technically, that is correct.

Mr. Ladouceur noted his concerns with throwing the affordable terminology around to get things approved when in reality there is nothing that is necessarily going to restrict the unit from being rented at a market rate price, which really defeats the claimed intent.

Mr. Peck explained that that is a much longer conversation but there is no intent in this instance to create a deeded, affordable unit and this application is really no different than the last unit just approved.

Mr. Mahoney noted his agreement.

Ms. Levin said that she understands that the applicant has no interest in deed restricting the unit to make it "A" affordable but noted that this is an example of someone proposing to add an ADU which is in compliance with our Regulations. This application is also an example of "naturally occurring affordable housing" (NOAH) but that isn't the standard by which the Commission approves an ADU; the ADU must meet the Regulations and Mr. Peck has indicated that it does.

Mr. Ladouceur asked what makes this an actual affordable unit if we don't know the monthly rental amount that is considered affordable.

Mr. Beckius, owner, indicated that this property is located on a dead end of a private street. The subject detached building was a three-car garage with an office (formerly a barn existed where the garage now sits). He explained that when they moved in the garage was being rented as an apartment. He said that when they moved in they had to remove the appliances and the shower from the apartment.

Ms. Beckius clarified that it was the previous owners that had to remove the appliances and shower in order to get a Certificate of Occupancy and transfer the property. She spoke to intent and explained that affordable by definition is relative to the size of the apartment and what else is available in Town. She said that she has more property than she needs with an existing unit and reiterated her intent is really to try and help someone by providing a nice safe place to live. She confirmed that there will be off street parking and all the requirements of the Regulations will be satisfied.

Mr. Ladouceur said he would like to have rental amounts/affordability information/numbers for any future applications so that the Commission can make an informed decision.

Ms. Levin said, for the record, that when the Commissions reviews/approves an ADU, the intent of the owner to make it "a" affordable is not relevant to the decision.

Mr. Armstrong said that the Regulations are specific in that regard such that an ADU is recommended to be rented or leased as an affordable unit; it is a recommendation and not a requirement.

Mr. Armstrong said that the location of this property is terrific but noted his concerns that the application does not meet the requirements of the Regulations (proposal is 1,200 SF total for both floors) such that a variance may be needed for size (apt cannot exceed 1,000 SF living area and cannot exceed primary residence by more than 25%). He also noted concerns with the existing septic system for the garage.

Ms. Beckius said that she confirmed with Town Staff that a variance would not be needed. She noted that it is their understanding that the proposed apartment is approximately 700 SF in total. She added that there was some incorrect information on the Town property card for both buildings when they bought the property that had to be sorted out. She said that she could wall off a small section of the apartment to make it smaller but doesn't seem to benefit anyone. She addressed the septic noting that it is her understanding that there is only one system and the bathroom in the detached building works fine; there is no request to increase the demand on the septic system in any substantial way. She concluded by noting that Town Staff has been in support of this proposal and it would be great if we all shared an intent to make this happen.

Mr. Peck explained that the comments relative to the size of the unit are covered by his Staff Comments in Recommendation #5. He noted that Staff has reviewed all these issues with the applicant and offered to answer any questions that remain.

In response to Mr. Mahoney, Mr. Peck confirmed that he is satisfied with the application and his recommendations. He explained that this is an unusual situation such that the condition was previously existing and the applicant removed it and did not use it, in accordance with the Town's requirements. The applicant is now trying to put the apartment unit back in and make use of an existing building within the confines of the current Zoning Regulations; the proposal works. Mr. Peck stated that his comments/recommendations address all the questions that have been asked so far; he recommends approval with the five conditions/recommendations listed.

In response to Mr. Armstrong's question about the 25% requirement, Mr. Peck explained that the structure already exists and the unit is limited to a maximum of 1,000 SF, per the Regulations.

There were no comments from the public.

There being no further comments, the public hearing for App #4953 was closed.

App. #4954 - DP3 LLC, owner, Michelle Norris, applicant, request for Special Exception under Sections VI.C.3.b. and V.J.5. of Avon Zoning Regulations for Class III restaurant/tap room, 300 West Main Street, Parcel 4540300, in a CR Zone

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

App. #4955 - DP3 LLC, owner, Michelle Norris, applicant, request for Site Plan approval for Class III restaurant/tap room, 300 West Main Street, Parcel 4540300, in a CR Zone

Present were Michelle Norris, applicant; John Dillon, owner; Adam Burwin, applicant; and Robert M. Meyers, on behalf of the applicant.

In response to Mr. Armstrong, Attorney Meyers confirmed that the outdoor patio area is for this facility only.

Mr. Meyers explained that this application was facilitated by a recent amendment to the Zoning Regulations (Section VJ.5. Café Permits) as well as a recent legislative act allowing self-pour establishments. The original application was applied for under the Class III restaurant regulation but noted that it has since been determined that the subject proposal is a closer fit to the Café Permit, under Section VJ.5. (The legal notice referenced both Class III and café permit) He reported that the menu proposed by the applicant is acceptable to the Liquor Control Commission as long as the business is willing to allow take-out food deliveries, which they are. He explained that the Liquor Control Commission does not have a “Tap Room” (pour your own) permit. The applicant will need to obtain a Café Permit, which allows the service of mixed drinks which the applicant has no intention of doing. He reported that eight (8) surrounding nearby businesses are in support of this application and these are the same businesses that share the parking.

In response to Mr. Armstrong, Ms. Norris said that she doesn’t think there will be a litter issue on the outdoor patio. All food containers and utensils used on the patio area will be disposable and plastic cups will be used. She confirmed that Adam Burwin has spoken with some of the adjacent business owners regarding trash pickup. She noted that there is a green space area to the right of the main entrance where outdoor games could take place.

In response to Mr. Armstrong, Mr. Meyers confirmed that the Liquor Control Commission has made it clear that no one is to wander off the outdoor patio area with a drink. (i.e., people playing games on the green space). The applicants have agreed to control this issue.

In response to Mr. Armstrong, Ms. Norris confirmed that the intention is to serve beer, wine, and hard cider.

In response to Ms. Levin, Mr. Peck confirmed that there isn’t a definition for “café permit” in the Zoning Regulations but explained that the definition is basically the same as that of the State of CT Café Permit. He explained that he was told by the Liquor Control Commission that the State issued Café Permit allows the serving of mixed drinks (as well as beer, wine, and hard cider) and as such the Town’s local regulations could not restrict what is served. However, the applicant has indicated that they have no intention of serving mixed drinks. The State’s Café Permit requires that an establishment offer a small amount of food on their menu as well as allow food to be brought in and delivered (take out) from other places. Mr. Peck indicated that all the comments/questions listed in his Staff Comments have been addressed/answered. He noted that he just wanted to ensure that the Commission understands that this proposal is not for a full-service, sit down restaurant but rather is more like beer and snacks, which is in keeping with the State issued Café Permit.

Mr. Meyers stated that the applicant has agreed to allow food deliveries to their site from outside sources. He also confirmed that the use of the outdoor patio is exclusively for this applicant’s tenant space.

In response to Mr. Ladouceur, Mr. Meyers agreed that the “self-pour” that was recently approved (June 2021) is allowed under the existing State Café Permit. He explained that he was told by the Liquor Control Commission today that there is no such thing created yet known as a “self-pour permit” but they (Liquor Control) know that they have to comply with the recently passed law and so their requirement is to use the preexisting Café Permit for this purpose. He acknowledged that he doesn’t know if “self-pour” can only be done under the Café Permit but confirmed that the Liquor Control Commission wants the applicant to apply under the Café Permit.

Mr. Ladouceur said that he understands that food deliveries would be allowed but noted that he wouldn’t make it open to any food delivery as that could result in a lot of deliveries (e.g. 24 people on the outdoor patio could order from 12 different food places). Maybe the business could select two or three preferred food vendors.

Mr. Meyers confirmed that the Liquor Control Commission does require that food deliveries in association with a Café Permit be completed open ended but noted his agreement that limiting food vendors is a good idea.

Mr. Mahoney asked how that would be controlled adding that limiting the number of food places allowed to make deliveries is not how the model works.

Ms. Levin said that she supports anything that is going to offer more business opportunity for any business in the Farmington Valley area. She said that the likelihood that 12 different food deliveries would arrive at the same time causing a safety issue is remote.

Mr. Mahoney noted his agreement.

In response to Mr. Armstrong, Mr. Peck explained that no number limit was placed on food deliveries for the microbrewery located at 205 Old Farms Road; they have food trucks come periodically that are very popular. The microbrewery is self-regulating by utilizing good business practices and by the number of parking spaces they are allowed; there have been no issues to date.

Mr. Mahoney said that he can guarantee that people sitting out in the beer garden who order food receive it via delivery.

In response to Mr. Armstrong, Mr. Peck noted his understanding that signage for this business would be located on the existing detached sign.

Mr. Meyers confirmed that the applicants have agreed and understand that they are limited to the existing signage until they come before the Commission with a future application for signage.

In response to Mr. Armstrong, Mr. Peck explained that the applicant has confirmed that they will monitor patrons’ alcohol intake via a coin or a card process and comply with the State’s requirements.

Mr. Meyers said that State Law has set the limit (32 ounces) adopted by this applicant. He explained that the applicant has selected another attorney very familiar with the State Liquor Control Commission to file all the necessary paperwork should an approval be granted by the Town.

Allison, a member of the public, noted her full support for the applicant and a new way for people to gather and enjoy a cold beer; a great first for Avon.

John Dillon, property owner, noted his full support for this business

There being no further comments the public hearing for App #4954 was closed, as well as the entire public hearing portion of the meeting.

PLANNING AND ZONING COMMISSION MEETING

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

App. #4950 - Proposed amendment to Avon Zoning Regulations pertaining to parking; Town of Avon, applicant

Mr. Ladouceur motioned to approve App #4950, as presented and modified. The motion, seconded by Ms. Levin, was approved by Mr. Ladouceur, Mesdames Levin and Harrop, Messrs. Armstrong, Mahoney, Gentile, and Hamilton. The effective date of the amendment is October 21, 2021.

App. #4952 - Martin and Karin Comer, owners, Wolfworks, Inc., applicant, request for Special Exception under Section IV.A.4.q. of Avon Zoning Regulations to permit attached accessory apartment, 72 Sunrise Drive, Parcel 4190072, in an R40 Zone

Mr. Ladouceur motioned to approve App #4952, as submitted. The motion, seconded by Ms. Levin, was approved by Mr. Ladouceur, Mesdames Levin and Harrop, Messrs. Armstrong, Mahoney, Gentile, and Hamilton.

App. #4953 - Kimberly and Bruce Beckius, owners, Kimberly Beckius applicant, request for Special Exception under Section IV.A.4.q. of Avon Zoning Regulations to permit detached accessory apartment, 15 Blanchard Road, Parcel 1350015, in an R15 Zone

Mr. Gentile motioned to approve App #4953 subject to the following:

1. Compliance with all requirements of the Building Official and Fire Marshal relative to all Building and Fire Codes shall be demonstrated prior to occupancy and the issuance of a C/O.
2. Compliance with all requirements of the Farmington Valley Health District regarding the existing septic system shall be demonstrated.
3. Detached accessory apartment is stated to be 700 SF but may be a maximum of 1,000 SF.

4. There is no requirement that the renter of the detached apartment be related in any way to the property owner. The property owner has indicated that she will reside in the main dwelling.

Mr. Mahoney seconded the motion.

Mr. Ladouceur said, relative to Staff's Comment Item #4, that while he understands the need to mention that the property was previously used as a rental with no known issues, he said that he thinks this needs to be clarified because the property was used as a rental without authorization by a prior owner of the property. He said that it's important to distinguish this so that we are not encouraging people to use prior illegal acts as justification to come before this Commission for a special exception once they are caught.

Mr. Mahoney said that he doesn't think the previous owner's actions needs to be mentioned in this approval at all.

Mr. Armstrong noted his concern with the 25% rule and the 1,000 SF area but said that Mr. Peck's comments address this issue. He said that he recommends that the Building Official and Fire Marshal look at the records of the FVHD.

The motion, made by Mr. Gentile and seconded by Mr. Mahoney, was approved by Messrs. Gentile, Mahoney, Armstrong, Ladouceur, Hamilton, and Mesdames Levin and Harrop.

App. #4954 - DP3 LLC, owner, Michelle Norris, applicant, request for Special Exception under Sections VI.C.3.b. and V.J.5. of Avon Zoning Regulations for Class III restaurant/tap room, 300 West Main Street, Parcel 4540300, in a CR Zone

App. #4955 - DP3 LLC, owner, Michelle Norris, applicant, request for Site Plan approval for Class III restaurant/tap room, 300 West Main Street, Parcel 4540300, in a CR Zone

Mr. Mahoney motioned to approve Apps #4954 and #4955 subject to the following:

1. Approval is granted for a Café permit (Tap Room), as represented by the applicant. Patron consumption of alcohol shall be monitored by the applicant or its representative. Food service inside the building shall be as represented.
2. Compliance with all requirements of the State Department of Consumer Protection shall be demonstrated including no alcohol to be consumed outside off the patio.
3. Existing outdoor patio is approved for use, as represented. Food deliveries to patio patrons is approved, as represented.
4. Hours of operation shall be as represented by the applicant; Wednesday through Friday, 3pm to 9pm; Saturday and Sunday, 12pm to 9pm.
5. Parking for patrons shall be as represented by the applicant; a consolidated/shared parking agreement exists on this site. Applicant shall use rear parking area when necessary.
6. No signage is approved; any requested signage shall be addressed by a future application.

Mr. Ladouceur seconded the motion.

Mr. Armstrong said that axe throwing is not permitted.

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

OTHER BUSINESS

Stratford Crossing – application completion discussion and possible action

Attorney Meyers was present on behalf of Mr. Ferrigno.

Mr. Armstrong said that a response from the applicant has been received by Mr. Peck but there wasn't time to review it. The Commission is very disappointed with the lack of progress for this project.

In response to Mr. Armstrong, Mr. Meyers confirmed that the law recently passed expands the period of time to legally complete a subdivision to 14 years. He said that Mr. Peck spoke with the Town Attorney who confirmed that this law applies in this case. One member of the neighborhood has been made aware of this. Mr. Meyers said that the only way the applicant rests on the law is that he no longer has to apply for extensions from the Commission but the applicant also knows that it is in his best interest to get this done quickly because until everything is done and the roads get accepted, the applicant is legally responsible for any problems/accidents that may happen on the roads. He stated that he has had nothing to do with the creation of the Homeowners Association.

Mr. Ladouceur asked what other items are still outstanding, in addition to the roads.

Mr. Armstrong said that property boundary markers (monuments) and vegetation are outstanding.

Mr. Meyers addressed the monuments explaining that the business of making monuments became unprofitable. The Town had a supply but was unwilling to let the applicant buy some. Finally someone was found that was willing to make them and they are due in. The monuments are for road setbacks and property corner pins – some of the front pins are in but the rear pins are not. He said that Sunlight Construction has again told its surveyor to put the pins in the ground. There are some supply issues during the pandemic. He indicated knowledge of what has been promised in the past by the applicant and a lot of it has not come true but the applicant is committed to doing these things.

In response to Mr. Ladouceur, Mr. Meyers confirmed that street lights are still on the list explaining that there are two different types of lights; there are decorative lights on the private roads that are installed but electrical service has not yet been established. The other street lights are going on the corners of the public roads; these poles are supplied by Eversource and are in place but conduits are needed.

In response to Mr. Ladouceur, Mr. Peck indicated that all lighting to some extent (including decorative) provides illumination for safety and security purposes.

He explained that there is a whole list of uncompleted items (landscaping, E & S Controls, property pins, lighting) but noted that he received just this morning a list of items from the applicant that have been completed or are being worked on but noted he hasn't had time to review it. The Staff was very surprised by the new legislation noting that the extension of time granted is counterproductive in many ways.

Mr. Meyers indicated that among the items sent to Mr. Peck for review is a list of items that are the responsibility of the Homeowners Association to complete; a maintenance schedule is also included.

Mr. Ladouceur said that while the law gives the applicant an extension of time, the completion of these items need to get done as soon as possible. Promises were made to the residents and the Town by the applicant who was given an extension of time to complete things; credibility is a commodity that can be quickly lost.

Mr. Armstrong said this item will remain on the agenda for all future meetings.

Affordable Housing – Staff Comments on Avon's Affordable Housing Plan

This item will be discussed at a special meeting to be held on September 28, 2021.

2022 PZC Meeting Calendar

Mr. Mahoney motioned to accept the 2022 PZC Meeting Schedule. The motion, seconded by Ms. Levin, received approval from Mr. Mahoney, Ms. Levin, Messrs. Armstrong, Ladouceur, Hamilton, and Gentile and Mrs. Harrop.

STAFF UPDATES

Avon Village Center Status

Mr. Peck reported that Whole Foods is now open and doing well. Hopefully there will be additional tenants for this development in the near future.

Mr. Meyers said that the opening of Whole Foods has spurred a lot of future tenant interest. Feedback indicates that more signage is needed for the development thus a future sign application proposal is coming.

Legislative Updates

Mr. Peck reported that the Town Attorney will attend a future meeting to provide an overview of recent legislative updates.

There being no further business, the meeting adjourned at 10:15pm.

Linda Sadlon

Avon Planning and Community Development