

The Planning and Zoning Commission of the Town of Avon held a *GoToMeeting* on Tuesday, December 14, 2021. Present were Thomas Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Mary Harrop, Lisa Levin, Peter Mahoney, Dean Hamilton, Joseph Gentile, and Alternates Elaine Primeau (not sitting), Drew Bloom (not sitting). Absent was Alternate Raz Alexe. Also present was Hiram Peck, Director of Planning and Community Development.

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

## **OUTSTANDING APPLICATIONS**

App. #4957 - Proposed amendment to Avon Zoning Regulations for creation of Housing Opportunity Zone (HOZ): Beacon Communities Development, LLC, applicant

App. #4958 - Twenty Security Drive, LLC, owner, Beacon Communities Development, LLC, applicant, request for Zone Change from IP to HOZ, 11.21 acres, 20 Security Drive, Parcel 3900020

App. #4959 - Twenty Security Drive, LLC, owner, Beacon Communities Development, LLC, applicant, request for 2-lot Resubdivision, 20 Security Drive, Parcel 3900020, in an IP (HOZ) Zone

App. #4960 - Twenty Security Drive, LLC, owner, Beacon Communities Development, LLC, applicant, request for Site Plan Approval for 176 residential units, 20 Security Drive, Parcel 3900020, in an IP (HOZ) Zone

The public hearing was closed on November 16.

Attorney Tim Hollister was present.

App. #4957 - Proposed amendment to Avon Zoning Regulations for creation of Housing Opportunity Zone (HOZ): Beacon Communities Development, LLC, applicant

Ms. Levin motioned to approve App. #4957 subject to the following findings/conditions

1. The application is submitted, as permitted by CT General Statutes and as allowed under CT General Statutes 8-30g., with the acknowledgement that the Town of Avon is subject to the requirements of this Statute at this time, and
2. The application for the HOZ for the affordable housing development regulation is found generally acceptable, as it allows for the creation of a desirable affordable housing development in a designated location at 20 Security Drive in the Town of Avon, and
3. The HOZ zone regulation is found to provide for adequate safeguards regarding the protection of community health and safety as presented, and
4. The HOZ as presented is acceptable with revisions as agreed to by the applicant on this matter including the following revisions:
  - The HOZ regulation revisions dated 11.9.21 submitted by the applicant, and
  - Section H. 4. To be revised as follows: ...”In addition, the following accessory uses are permitted in connection with the multi-family residential use: playground, gardens, basketball court, dog run, and pedestrian trail(s), and

- Areas of “landscaped buffers” as shown on submitted plans shall be so labeled on the submitted and subsequent site plans, and,
- Section H. 8.b. shall be revised to read as follows: “All developments shall comply with handicap accessibility requirements mandated by local, state and federal laws in effect at the time of permitting and construction, and
- The Commission finds the HOZ requirement for the creation and submission of an affordability plan in accordance with CGS 8-30g to be acceptable in that it will respond to several of the Commission’s questions regarding affordability.
- The HOZ regulation Section H.15. shall be revised to read as follows: “Stormwater Management. All applications for an HOZ development shall include a Stormwater Management Plan which is found acceptable by the Town Engineering Department, and
- Add the following as Section 20 to the HOZ regulation: “The applicant (development owner) shall apply its best efforts at facilitating the resident’s pedestrian access to locally available transit options.
- The HOZ regulation with the noted revisions is found acceptable for adoption as a revision to the Avon Zoning Regulations as a means of helping accomplish the intended purpose of increasing the number of needed affordable housing units and increasing the variety of the local housing stock in the Town as discussed and put forward in Chapter 7, Affordable Housing section of the 2016 Avon Plan of Conservation and Development.
- The Commission notes that the applicant has represented during the public hearing sessions that it will strive to include a significant number of affordable dwelling units which will help address the current need for such units to help the Town seek to meet its affordable housing goals. This representation is not only noted, but also encouraged.

The motion, seconded by Mr. Mahoney, received unanimous approval.

App. #4958 - Twenty Security Drive, LLC, owner, Beacon Communities Development, LLC, applicant, request for Zone Change from IP to HOZ, 11.21 acres, 20 Security Drive, Parcel 3900020

Mr. Gentile motioned to approve App. #4958 subject to the following findings/conditions:

1. The submitted map shows the existing 16.72 acre parcel divided into a 5.51 acre parcel and an 11.21 acre (subject) parcel, and
2. The 11.21 acre parcel is rezoned to HOZ; and
3. The remaining 5.51 acre parcel shall remain as currently zoned as IP, and
4. The 11.21 acre HOZ parcel would then be eligible to be the subject of further review and possible approval as the site of an affordable housing development.
5. Submit one mylar map (surveyors zone change map) to be filed/recorded with the Town Clerk and one paper print. Please include this letter of approval on the mylar.
6. Please also submit via email to [lsadlon@avonct.gov](mailto:lsadlon@avonct.gov) a computerized, ***digital format map*** containing vertical and horizontal control points to define the boundary of the zone change.

The motion, seconded by Mr. Ladouceur, received unanimous approval.

App. #4959 - Twenty Security Drive, LLC, owner, Beacon Communities Development, LLC, applicant, request for 2-lot Resubdivision, 20 Security Drive, Parcel 3900020, in an IP (HOZ) Zone

Mr. Gentile motioned to approved App. #4959 subject to the following findings/conditions:

1. The 11.21 acre portion of the parcel shall meet the requirements of the HOZ zone for use as an affordable housing development subject to subsequent approval of a proper site plan, and
2. The remaining 5.51 acre portion of the parcel will remain as it currently exists, with the existing multilevel parking garage used as it currently is as previously approved by the Commission, and
3. The proposed 11.21 acre parcel will have the frontage as shown on the referenced ZC map sheet, will contain the existing buildings and existing parking lots, and
4. The proposed parcel will also have access to Security Drive via the existing 30+ foot wide driveway using acceptable cross easements as deemed appropriate and acceptable to the Director of Planning and the Avon Town Attorney.
5. A record mylar map suitable for recording and an electronic copy of the same map of the proposed subdivision shall be submitted with a check (\$30) for recording with the Avon Town Clerk within 1 year from the date of this approval. If for some reason the mylar is not able to be recorded before the expiration of 1 year, the Commission may extend this period in 1 year increments

The motion, seconded by Mrs. Harrop, received unanimous approval.

App. #4960 - Twenty Security Drive, LLC, owner, Beacon Communities Development, LLC, applicant, request for Site Plan Approval for 176 residential units, 20 Security Drive, Parcel 3900020, in an IP (HOZ) Zone

Mr. Ladouceur motioned to approve App. #4960 subject to the following findings/conditions:

1. All application materials including maps, plans, studies and supporting information are hereby made part of this approval, and
2. Agreement to specific questions and requests by the Commission during the public hearing and as agreed to by the applicant, the applicant's team and the applicant's representatives are also a part of this approval, and
3. The Avon Fire Marshal has reviewed the plans and the site itself and found the access to the subject site to be adequate for emergency service purposes as proposed, and
4. Specifically as to the phasing of construction as put forth by the applicant and applicant's team as part of the public hearing process, and
5. Specifically including the following items:
  - a. The applicant shall meet with Town staff prior to onset of any construction to review final site plans as mandated by all applicable codes and regulations and existing Town policies.
  - b. The applicant shall post security in an amount acceptable to the Town Engineer and in a form satisfactory to the Town Attorney prior to the onset of any construction activities on the site, and

- c. The applicant shall continue to meet with all necessary utilities so as to insure that all utilities are available to the site as needed both during and after construction, and
- d. The applicant shall communicate with the Director of Planning and Community Development on at least a monthly basis as to the project's progress from date of approval thru construction, including any issues that may arise which need to be resolved in which the Town could assist, and
- e. The applicant shall complete application for all necessary permits and closing of these permits for any Town Department including Planning, Zoning, Engineering, WPCA, Building and Fire Marshal as required in a timely fashion, and
- f. The applicant shall submit and properly file all documents necessary regarding the final affordable housing plan, all aspects and notifications required by the plan and any annual certifications and notifications as to the affordability and eligibility levels as required to insure the development remains in compliance with all applicable affordability standards, and
- g. Applicant shall provide written proof of site completion from the Town Engineer and Fire Marshal, prior to request for CO signoff from Zoning Enforcement Officer, and
- h. Applicant shall file 2 copies of a record mylar of the completed development suitable for recording purposes and 2 paper copies and 1 electronic copy of the completed site plan development plan (as built plan) with the Planning Department prior to the issuance of any Certificates of Occupancies being issued for the subject buildings.
- i. All concerns/comments by the Town Engineer shall be addressed to the Town Engineer's satisfaction.
- j. Sanitary sewer utility shall meet all requirements of the Avon Water Pollution Control Authority (AWPCA).

Additional agreed upon conditions include the following:

- 6. The applicant shall obtain a revised major traffic generator certificate from the Office of State Traffic Administration, and provide a copy to the Town Planning Department
- 7. The applicant will use its best efforts to work with Town Staff, the Avon Bike Walk organization and any similar interested groups, and the owners of businesses in Avon Town Center Village to obtain funds and devise a design for improvement of the pedestrian tunnel under Route 44, east of the Town offices. Improvements will include lighting and pedestrian safety measures.
- 8. Prior to the start of construction, the applicant will submit to the Town a plan showing all trees on the site that are greater than 6 inches in diameter at breast height; identifying all such trees proposed for preservation; and identifying all trees proposed for removal, and the reason for removal. The applicant will have an arborist review the trees adjacent to the driveway from Security Drive to determine if any might be in poor health, or an obstacle in the path of proposed improvements or to emergency response.
- 9. After initial leasing, the applicant will submit a location and safety plan for school bus pickup and drop off of children living in the complex who will attend the Avon Public Schools, which plan will be reviewed by the school system transportation coordinator.

10. Prior to occupancy, the applicant will submit to the Town Planning staff, including the town public safety director, a plan for evacuation of the buildings in the event of an emergency, including a meeting point and procedure for a census of those evacuated.
11. Prior to the beginning of hauling of earth materials from the site, the applicant or its contractor will inform the Police Department and Town Planning Department of the intended route of trucks entering and leaving the site.
12. The applicant will use its best efforts to work with the Town's traffic authority to obtain funds and design approval for a pedestrian-controlled signal at the existing crosswalk at the outlet of the pedestrian path onto Darling Drive, at the northwest corner of the site.
13. Prior to occupancy, the applicant will submit to the Town Planning staff and the Commission the proposed declaration of covenants and restrictions required by the financing program for the development's affordable residential units, including the intended percentage of affordable units and maximum household limitations.
14. The applicant will include in each resident lease a disclosure of the presence of nonresidential uses, such as manufacturing, in the vicinity of 20 Security Drive, using the text contained at Tab 1 of the applicant's November 15, 2021 submission to the Commission.
15. The applicant has represented a goal of obtaining financing that will provide for at least 80 percent of the units being affordable, and maintained as affordable for 40 years. In any case, the percentage of affordable units within the development will not be below 40 percent of the total units, and the affordability period shall be a minimum of 20 years in accordance with the constraints of the approved project financing and tax credit obligations.
16. In the event that financing for the proposed § 8-30g "assisted housing" is not obtained and the intended ground lease is terminated, the applicant, in conjunction with the ground lessor/owner 20 Security Drive, will promptly inform the Commission and explain whether the HOZ regulation, HOZ zone change, resubdivision, and site plan approval may also be terminated.
17. The applicant will contact the CT Transit Authority to discuss having a bus stop added in the vicinity of Route 44 and Darling Drive, and inform the Town Planning Department of the result of the discussion.
18. The applicant will explore the possibility of installing a pedestrian crossing signal at the crosswalk on Darling Drive near where the pedestrian path is proposed. It is understood that DOT/OSTA may have a position either in favor or against this installation, but best efforts are required.
19. The project construction shall begin within three (3) years of final Commission approval and shall be completed within seven (7) years from the effective date of the Commission's approval. Extensions to this time frame may be applied for and may be granted by the Commission for good reason.

The motion, seconded by Mr. Mahoney, received unanimous approval.

In response to Mr. Ladouceur, Mr. Peck reported that he met with the applicant and together they looked at the subject site and abutting site where the path to the bus stop is in front of O'Neill's. The applicant will continue its best efforts to maintain this path and this is noted in the approval findings/conditions. The applicant has no problem maintaining a path on their own property but are unable to provide a path on property they don't own. The applicant has attempted to contact

the abutting property owner but has been unable to get a commitment from that owner to allow the wooded path to go through that property; there are legal and liability issues. Mr. Peck indicated his willingness to continue to follow up on top of this item as he understands the importance to the Commission.

Mr. Armstrong said that the applicant worked hard to make this application work. There are only two areas of disappointment but wants to praise them in terms of goals. He asked that the applicant strive to increase the percentage of affordable housing above 40% and 20 years and also asked that completion of paragraph 19 be strived for as much as possible. He thanked the project team and said let's make this thing work well for Avon.

Mr. Hollister said that they will strive for a development that makes everyone proud.

### **PUBLIC HEARING**

App. #4964 - Proposed amendment to Avon Zoning Regulations pertaining to accessory apartments; Town of Avon, applicant

Mr. Armstrong clarified that manufactured mobile homes and mobile home vehicles are not to be used as detached accessory apartments and this language has been added to the amendment. The intent of the proposed revisions to the existing accessory apartment regulation is in response to PA 21-29 and the opt-out provisions; the revisions hopefully give more control to the Town.

The hearing was open for public comment. There were no comments.

Mr. Ladouceur said he is in favor of the proposed changes as it gives the Town greater local control. If we do nothing we are handing the right over to the State which should be avoided. If changes are needed in the future (either to further restrict or expand) the Commission has the authority to do so.

Mr. Mahoney noted his agreement.

Ms. Levin said that ADUs are a very complicated issue adding that while she understands and likely agrees on not wanting to cede control to the State she also noted that she needs more time and asked why the rush – the law makes it clear that we have until January 1, 2023 to opt out. She said that it makes sense to couple these changes with the information we will get from the Town Attorney on all the changes relative to PA 21-29, including the opt out provision.

Mr. Ladouceur said that the law isn't very clear and there is an interpretation that it should be done before December 21, 2021.

Ms. Levin said that she has read the law and asked where it says that changes must be done by 1/1/2022.

Mr. Armstrong said that in section 6 it says the effective date is 1/1/2022 adding his concern that we may not be able to adopt any changes after that date unless it's in conformance with the law. In response to Mr. Mahoney, Mr. Peck indicated that he knows there are some communities that are talking about opting out but doesn't know of any that have actually opted out yet. He

explained that it's a two-level process – the Commission would have to decide to opt out, draft a motion, and hold a public hearing. It would also have to go to the Town Council (who also would hold a public hearing) and all this would likely be impossible by the end of the year. He said that he is not aware of anyone who is saying that this has to be done by the end of this year. He said he agrees and thinks we have until January 1, 2023, to make a decision.

Mr. Ladouceur said that there are two parts to the law – the opt out can happen between 1/1/2022 and 1/1/2023 – the concern is the other part that says you cannot change ADU regulations after 12/31/2021 such that what you have in place now is what you are stuck with. We are trying to clean up the regulations now so that if the Council and Commission decide to opt out there will be better regulations in place.

Mr. Armstrong said that the proposed changes are better than what we have currently in the regulations and puts everything in a better position should the Town Council and Commission decide to opt out. If the regulations need to be tweaked that is ok.

Mr. Gentile noted his agreement with the proposed regulation changes as it encourages affordable units whereas the State Statute does not encourage them as much. He said he sees no reason to delay the changes.

Mr. Mahoney asked that if we opt out next year what would stop us from amending our regulations at that time. He asked why the urgency.

Mr. Armstrong said that if we don't opt out the Statute becomes the law.

Mr. Ladouceur said and we can't make changes inconsistent with the State law.

Mr. Armstrong said if we opt out next year then Avon will govern its own accessory apartment regulations.

Mr. Mahoney noted his understanding and agreement.

There being no further comments, the public hearing for App. #4964 was closed.

Mr. Ladouceur motioned to approve App. #4964, as modified. The motion was seconded by Mr. Gentile and received approval from Messrs. Ladouceur, Gentile, Armstrong, Mahoney, and Hamilton and Mrs. Harrop. Ms. Levin voted in opposition of approval.

App. #4966 - Farmington Valley Gateway, LLC, owner, Carpionato Group LLC, applicant, request for Special Exception under Section VII.C.5.c. of Avon Zoning Regulations to permit detached sign 50 Climax Road, Parcel 1830050, in an AVC Zone

Present were Attorney Robert Meyers and Michael Cegan, ASLA.

Mr. Meyers explained that Sign Option #1 is the preference of the applicant. The sign would be installed as soon as possible, if an approval is granted. The need for the requested detached sign is twofold. Avon Village Center is a 90-acre unique opportunity for the area that when completed

will have outstanding retail, residential, and office uses. People approaching the development on Route 44 need to see an attractive indication that a special place exists. The detached sign noted in Option #1 will provide this for motorists traveling in both directions on Route 44. Tenants are not willing to sign leases until they have some opportunity for signage visible from Route 44 identifying their business in Avon Village Center. He confirmed that the construction of Building R3 would not be prevented by the location of the proposed detached sign. The developer wishes to build R3 as soon as possible but approval is needed by Whole Foods which has not yet been received. He noted precedent for the subject sign stating that there is a large sign (approved by the Commission years ago) for “River Ridge” on Route 44, although this business is located off of Bickford Drive Extension. There is also a detached sign along Route 44 for the Battistons Cleaners building that contains signs for the tenants in the building located to the rear/behind the Battistons building.

Mr. Cegan displayed a PowerPoint noting the uniqueness of the property adding that the purpose of the proposed sign identify marker for the main entrance extends well beyond the area shown within the circle (where the sign would be located). The proposed signage would be an identification marker for the entire Village Center property (90 acres), which is unlike any other property in the entire Town. The site extends back over 2,000 feet from Route 44 with most of the tenants having no visibility or recognition. He noted that there are no strong vertical elements that define the entry to Avon Village Center from Route 44. The tower structure that exists at the boulder plaza (near the bike trail) is the ideal element to be used as a vertical marker at the Route 44 entrance that would also hold tenant signage. The applicant’s preference is the tower structure that holds tenant signage (Option #1) and is what is being applied for. The vertical tower structure (has signage on both east and west sides) complements the existing horizontal Avon Village Center (AVC) signage along the brownstone wall (Route 44) as well as the existing landscaping in the area. Mr. Cegan confirmed that the tower structure would not prevent the construction of Building R3. He reviewed five other options/alternatives, as requested by the Town. Option #2 removes the top half of the tower leaving the tenant signage at the base but losing the vertical marker identification. Option #3 is very different with metal framework that picks up the color of the existing AVC signage. Option #4 moves a masonry-base sign to the east of the existing AVC signage; the sign is turned 90 degrees to Route 44 with signage on both the east and west faces. He noted that signs at 45 degrees to Route 44 are more readable. Option #5 is similar to the masonry sign in location and orientation but uses metal framework design. Option #6 creates a lower and horizontal profile utilizing a curved brownstone wall located directly behind the existing brownstone wall signage. This option does not provide the vertical accent desired at that corner. Mr. Cegan concluded by noting that Option #1 (tower structure) provides the best quality uniquely appropriate identification marker for the AVC while also providing tenant signage.

In response to Mr. Mahoney, Mr. Meyers explained that the applicant is ok with any type of lighting deemed acceptable by Town Staff (as a condition should an approval for signage be granted). He added that the applicant would be fully in charge of which tenants would be utilizing this signage.

In response to Mr. Mahoney, Mr. Peck indicated that any lighting should be minimal and should not be exterior; any lighting (low-voltage LED) allowed should be interior to the sign panel.

In response to Mr. Mahoney, Mr. Cegan confirmed that the landscape hedge will be maintained at a six-foot height so as not to block any signage.

Mr. Mahoney noted his preference for the proposed tower structure, as it draws attention to the corner.

Mrs. Harrop said that she loves the sign in Option #1 and feels that AVC deserves a very special sign for a very special place. The proposed tower structure would be a great asset and hopefully bring tenants.

In response to Ms. Levin, Mr. Meyers explained that the need for the sign is twofold; potential tenants are telling us that there needs to be an identification of this special mixed-use project. He said that he has confirmed this with some commercial realtors that he trusts. People need to know that the development is a special destination with a variety of tenants, more than just Whole Foods.

Ms. Levin noted that while she agrees with Mrs. Harrop that Option #1 is a very good looking sign she is calling into question the need for the sign based on both anecdotal information from the applicant as well as prior representations to the Commission. She noted that she has heard from other establishments that want to move into AVC but cannot work a deal with the developer. She asked if a condition could be placed on a sign approval such that regular reporting be received on details of the leasing process (why leases are not being signed) because that is why the sign is being requested.

Mr. Meyers acknowledged that he has no information/knowledge about Winterfest but said that he has the same questions about the leasing process. He required a detailed report from the developer relative to people they have talked to and have seen emails from prospective tenants who say that as soon as they can have a sign they are coming. He explained that he is not permitted to disclose the names of the potential tenants but confirmed that he has satisfied for himself that this is the real concern of prospective tenants. He agreed to provide to the Town/Commission reports of leasing efforts reiterating that he cannot provide the names of the tenants with the responses.

Mr. Armstrong noted that the proposed tower structure sign has spaces for 20 signs (east and west) in total but only 10 tenants/businesses. There are maybe 30+ tenant spaces in AVC but the Commission is never going to allow 30+ sign placards on the tower structure. All sign placards will have the same background and no logos.

Mr. Meyers confirmed there will be no logos. He agreed that a condition could be imposed to require disclosure to the Town every 30 days of any information on signed leases but said that he would add to that a report of declinations due to lack of signage.

In response to Mr. Mahoney, Mr. Peck said that he feels a variety of options have been explored for the sign that fit in well. He noted that the initial things he was looking for were a tower structure with minimal sign panels. He said that while he has never been in favor of additional signage in this location he understands that the developer needs some certainty that they can get rentals from this signage. It is helpful that Mr. Meyers has offered to provide information on

leasing which is helpful and better than the Commission having to add requirements should an approval be granted.

In response to Mr. Mahoney, Mr. Meyers explained that if the applicant agrees to a condition of an approval they cannot appeal and the condition is enforceable.

Mr. Ladouceur said that while he isn't a fan of additional signage in this area, his preference would be for Option #1 if he were to approve a sign.

In response to Mr. Ladouceur, Mr. Peck explained that the AVC regulations created years ago did not include sign regulations but noted that recent revisions to the sign regulations were made to include the AVC zone. He further explained that the section of the sign regulations that currently exists and is cited for the subject application applies to this situation. The size of the existing Battiston detached sign discussed earlier is likely as big or larger than the total square footage of the signage being proposed for Option #1 (tower structure).

Mr. Ladouceur noted his concerns that if this sign is approved that it opens the flood gates for other plazas in Town to ask for more signage. He asked if it wouldn't be a better idea to create a special sign regulation that only pertains to the AVC zone.

Mr. Peck noted his understanding adding that the subject application is a special permit giving the Commission discretion to either approve or deny. All requests for detached signs at any location in Town require an application for special permit.

Mr. Gentile asked what special circumstances exist on the subject site that don't exist in Avon Park South (detached sign at Darling Drive and Route 44). He said that he likes the proposed sign but must fit the regulations and not set a precedent that needs to be defended in the future. He doesn't want to hear hardship because every property owner on Route 44 could claim that. He said that the River Ridge sign is not a directory style sign. He noted his preference for a special sign regulation for AVC.

The hearing was opened for public comment.

Mr. Bloom, Juniper Drive, noted his concern for the proposed tower structure and its close proximity to future Building R3.

Mr. Cegan noted his understanding and explained that he is very confident that an architect can design building R3 to complement and work well with the proposed tower/sign structure (Option #1).

Ms. Mozzicato, Fox Hollow, asked why they don't just get leases signed subject to the approval of signage and then that erases all doubt.

Mr. Meyers said that no tenant would do that.

There being no further comments, the Commission agreed to continue the public hearing to the next meeting to allow the applicant time to provide additional information relative to leasing and

tenants. The Commission generally supported the idea of a sign on Route 44; Option #1 was favored. The Commission also asked Mr. Peck to draft some revisions to the existing sign regulations for review.

Mr. Mahoney motioned to continue the public hearing for App. #4966 to the next meeting. The motion was seconded by Mr. Ladouceur and received unanimous approval.

### **NEW APPLICATION**

App. #4965 - Avon Old Farms School, owner/applicant, request for Site Plan Approval for lighting for athletic field, 500 Old Farms Road, Parcel 3360500, in an EL Zone

Robert Orenstein and Glenn Wilcox, were present on behalf of Avon Old Farms School. Mr. Orenstein said that he doesn't the actual distance of the nearest home but it is quite a distance away; he noted that there haven't been any concerns expressed by nearby neighborhoods. He indicated that he has worked with Mr. Peck on the lighting and will be doing something similar (same manufacturer) to what was approved at Avon High School but the lumens will be significantly less (285,000 less lumens at AOFS). The track at AHS is wider than that at AOFS. The spill and glare is expected to be equal but most likely less than what exists at AHS. Musco is both the lighting company and the engineer.

Mr. Mahoney asked what has changed with the sporting programs that lighting is needed now.

Mr. Orenstein said that lighting gives us the opportunity to expand the day when it gets dark to utilize the existing turf field. We currently bring in construction lighting for night football games which doesn't do the trick. This proposal is consistent with many other schools are doing.

In response to Mr. Mahoney, Mr. Orenstein said that the lights aren't expected to be needed any later than 10pm.

In response to Mr. Mahoney, Mr. Peck explained that relative to the lights approved at AHS the lights were required to be turned off shortly after the event ends. He noted his agreement with Mr. Mahoney that requiring that the lights be turned off within an hour of the end of the event is reasonable.

Mr. Mahoney said that it has been his understanding that a tradition exists such that nothing electrified would be built in the floodplain and this is why there are no lights at Fisher Meadows.

Mr. Orenstein said that due to the floodplain soil borings have been done for the poles and it is understood that everything will have to be a certain height off the ground for electrical reasons.

In response to Mr. Mahoney, Mr. Peck noted that there is nothing in the Building Code that addresses the floodplain but the floodplain regulations have to be met. In addition, some compensatory flood storage would have to be provided such that a small amount of material would have to be removed to compensate for lights to be placed there.

Mr. Mahoney said that he has lived above the School for 30 years adding that a lot of what the School does impacts people on the east side of the River and disrupts a lot of people. Things

such as cutting away the hillside for new buildings and lighting and a large generator that sends exhaust in our direction and runs at odd times of night when power is available. He asked that consideration be given to the residents who about this site.

Mr. Ladouceur asked if there is already permanent lighting in the parking areas or is temporary lighting going to be brought in for night events.

Mr. Orenstein said that they need to provide lighting along the pathways to allow people from the upper campus to get down to the fields. The proposed subject lighting should be sufficient for parking areas next to the fields.

Mr. Wilcox noted his agreement with Mr. Orenstein adding that the proposed lighting would not be on every night and will have limited use.

In response to Mr. Ladouceur, Mr. Orenstein explained that visitors coming to the campus for games are accessing the fields from both the upper campus pathways and the grassed fields. He said that they anticipate that the proposed lighting will be sufficient and satisfy their needs.

In response to Mr. Ladouceur and Mr. Orenstein, Mr. Peck confirmed that he would work with the Building Official to ensure that lighting standards are met/satisfied.

Mr. Ladouceur motioned to approve App. #4965 subject to the following:

1. All flood storage compensation requirements shall be reviewed and determined acceptable by the Town Engineer.
2. All earth materials required for compensation storage shall be removed from the floodplain area prior to use of the lighting for any sporting activity.
3. Applicant's engineer/surveyor shall certify that all lighting control mechanisms are installed at least 2 feet above base flood elevation; higher is recommended.
4. If lighting glare is or becomes a valid issue for off-site residential uses, adjustment or realignment of the lighting shall be required.
5. Field lighting shall be turned off within an hour after the field is finished being used on any given evening. All lighting shall be installed as shown on submitted plans.
6. Site lighting for access paths and parking shall be minimized to the extent possible.
7. Noise from any generators used on site shall be minimized by any feasible means.

The motion was seconded by Mr. Hamilton and received approval from Messrs. Ladouceur, Hamilton, Armstrong, Gentile, and Mesdames Levin and Harrop. Mr. Mahoney voted in opposition of approval.

#### Affordable Housing DRAFT Plan – public discussion and possible action

Mr. Armstrong said that he would like to entertain a motion to receive the Affordable Housing report and adopt the Goals and Recommendations set forth in Section 7, as amended by the Commission. He said that he will allow comments from the public, although this is not a public hearing.

Mr. Ladouceur said that he would suggest a couple minor tweaks to Section 7 (spelling out TDR and AHOZ). The size of the task force (Section 1) should be enhanced in accordance with

requests by the Commission and the first row in Part 3 should be deleted. He said that with these changes he is in agreement with Section 7 but clarified that he doesn't agree to adopting the prior 24 pages.

Mr. Armstrong said that these are the changes he suggested. The composition of the task force would consist of three voting members of the Commission; two voting members of the public who must be Avon residents; and two non-voting Town Staff members. He said he also added to promote TDR, AHOZ, and Work/Live units.

Ms. Levin asked Mr. Peck if the makeup of the task force should be decided at a later date.

Mr. Mahoney said yes it should be decided later.

Mr. Peck suggested that there should be more public involvement but noted that it is the Commission's decision and the makeup of the task force could always be changed later.

Mr. Ladouceur said that the Plan to be put out for public comment at a public meeting should be our best effort Plan but noted that the Plan distributed by Town Staff in the past week is not the best as noted by his substantial red-line edits that were made and sent to everyone. The requests for edits (remove opinions and statements that have nothing to do with affordable housing in Avon) that have been sent for the past six months do not get through to the consultant. He said his red-line edited version is closest to what the public could review and comment on and the Commission vote to approve or revise but the version sent out in the Commission's agenda package is nowhere close and he is opposed to sending it out.

In response to Mr. Armstrong's comments on the timeline of holding a public hearing, Mr. Peck explained that what he thought was possible for tonight's meeting by sending out the consultant's latest draft to the Commission was for the draft Plan to be adopted and then moved forward for a public hearing. A public hearing could be scheduled for January and the Plan could still be modified after the public hearing.

Ms. Levin said that if we adopted the draft Plan it allows the Commission flexibility to make modifications.

Mr. Mahoney noted his agreement.

Mr. Ladouceur said that he has deleted sections of the Plan multiple times but they just don't get to the consultant; he doesn't get it.

Mr. Peck explained that he has talked to the consultant about all the comments that have been received (from the Commission) adding that there are reasons for leaving things in the Plan. He noted that there has never been a full complete discussion with the Commission about the entire Plan, page by page, but indicated that he is happy to do that if we want to schedule a special meeting.

Mr. Gentile said that there was not a consensus on this working draft and said he was one of the

primary members of the Commission who didn't like and is opposed to the conclusions or opinions in the Plan that were attributed to us that we do not have and this draft went out to the public.

Mr. Peck asked Mr. Gentile to send his written comments to the Planning Department so he can know what those comments are.

Michelle Strawder, Wheeler Lane, said that she will have more questions when the final draft Plan is available and noted her concern if there isn't going to be a time set for the public to be able to ask more questions when the final draft plan is available.

Mr. Armstrong said that the intention was to allow people to comment on the draft tonight as well as allow public comments during a public hearing on the final draft Plan to be held sometime in the near future but the date is not yet known.

Ms. Levin made a motion to receive the final revised draft Affordable Housing Plan, dated December 2021, as amended to include the changes discussed to the Goals and Recommendations section. A public hearing will be scheduled for January 2022 to receive public comment.

The motion was seconded by Mr. Mahoney and received approval from Ms. Levin and Mr. Mahoney. Voting in opposition were Messrs. Ladouceur, Gentile, Hamilton and Mrs. Harrop. Mr. Armstrong abstained.

Mr. Ladouceur motioned to accept the consultant's December 2021 draft Plan with Mr. Ladouceur's red-line edits included such that a clean copy could be sent out for public comment in 2022.

Mr. Gentile seconded the motion.

In response to Mr. Ladouceur, Mr. Peck said that he received Mr. Ladouceur's red-line edits late yesterday noting that he has not yet read them yet so he has no idea what they says.

Ms. Levin said that while she received Mr. Ladouceur's red-line edits this morning at 5:30am in her email she noted that she has not had a chance to read them. She was tracking the discussion relative to Section 7 adding that she has not had ample time. She voted no on the motion.

Mr. Mahoney said that he also has not read Mr. Ladouceur's edits either and voted no on the motion.

Ms. Levin said that it is very disturbing that this Commission does not give the public an opportunity to review wholesome drafts. Commissioners cannot review documents sent on the day of the meeting; it's not responsible. Town Staff made a concerted effort to send out documents to Commissioners well in advance of tonight's meeting.

Voting in favor of Mr. Ladouceur's motion, and Mr. Gentile's second, were Messrs. Ladouceur and Hamilton.

Mrs. Harrop abstained from the vote noting that she did not fully read Mr. Ladouceur's edits.

Mr. Gentile said that he didn't realize that half the Commission hasn't read Mr. Ladouceur's modified draft. He said he doesn't understand why Mr. Ladouceur's red-line drafts proposed earlier were not incorporated into the other draft. He said that although he likes what Mr. Ladouceur has done and agrees with his draft if we are rushing through this it doesn't look good upon the Commission. He said that although he seconded the motion he is abstaining from the vote.

Mr. Ladouceur withdrew his motion.

Mr. Peck explained that the only comments that he has on the consultant's December 2021 report are from Mr. Ladouceur. He asked that all Commissioners that have comments on that document to send them to him as soon as possible so that we can get it marked up clearly and figure out exactly what we are looking at. It is really inappropriate to send out two different marked-up documents that people who don't deal with this type of thing regularly are going to have to read and judge. He suggested that any Commissioner that has comments to mark up the document that the Town sent you two weeks ago and send to him (Mr. Peck) written comments so he can understand what the comments are. Sending out one document to the public will be much better.

Mr. Armstrong noted his understanding and agreement but said that he doesn't think it's going to be a simple process because he doesn't think we are going to get one document that everyone can agree on.

Mr. Peck asked to receive all the comments in writing so that he can talk to the consultant and have an opportunity to work through it all to come up with a document that makes compromises.

In response to Mr. Ladouceur, Mr. Peck confirmed that Mr. Ladouceur's comments, as presented and sent to everyone, will be transmitted to the consultant.

Mr. Armstrong said that we likely won't be able to hold a public hearing in January so it may be in February.

Mr. Peck said that if everyone sends me their written comments in one week from now he is happy to push things along as quickly as possible.

## **OTHER BUSINESS**

### Stratford Crossing – status update from developer

Mr. Peck confirmed that he got a report today from the developer and noted that he would send the information to the Commission via email tomorrow morning.

## **STAFF UPDATES**

There were no Staff updates.

There being no further business, the meeting adjourned at 11pm.

Linda Sadlon  
Avon Planning and Community Development