The Planning and Zoning Commission of the Town of Avon held a meeting at the Avon Town Hall on Tuesday, December 11, 2018. Present were Linda Keith, Chair, Thomas Armstrong, Vice Chair, Mary Harrop, Joseph Gentile, Lisa Levin, Brian Ladouceur, Jr., and Alternates Elaine Primeau (sat), Linda Preysner and Jill Coppola. Peter Mahoney was absent. Also present was Hiram Peck, Director of Planning and Community Development.

Ms. Keith called the meeting to order at 7pm.

**APPROVAL OF MINUTES**

Mr. Armstrong motioned to approve the minutes of the November 13, 2018, meeting. The motion was seconded by Mrs. Harrop and received unanimous approval.

**PUBLIC HEARING**

App. #4882 - Proposed Amendment to Avon Zoning Regulations pertaining to Work/Live Units; John Dillon, applicant

App. #4882 was withdrawn by the applicant.

App. #4883 - Cornerstone Landing, LLC, owner/applicant, request for Special Exception under Section VII.B.2 of Avon Zoning Regulations for parking reduction, 205 Old Farms Road, Parcel 3360205, in an I Zone

App. #4884 - Cornerstone Landing, LLC, owner/applicant, request for Special Exception under Section III.H.2.of Avon Zoning Regulations for earth removal, 205 Old Farms Road, Parcel 3360205, in an I Zone

App. #4886 - Cornerstone Landing, LLC, owner/applicant, request for Special Exception under Section VII.A.2.b.of Avon Zoning Regulations for landscape reduction, 205 Old Farms Road, Parcel 3360205, in an I Zone

The public hearing for Apps. #4883, #4884, and #4886 was continued to the January 15, 2019, meeting at the request of the owner.

**NEW APPLICATION**

App. #4885 - Cornerstone Landing, LLC, owner/applicant, request for Site Plan Modification to permit building redevelopment for multi-tenant use, 205 Old Farms Road, Parcel 3360205, in an I Zone

App. #4885 was tabled to January 15, 2019, meeting at the request of the owner.

**OTHER BUSINESS**

Avon Village Center Update

Present were Attorney Robert M. Meyers; David Taglianetti, Carpionato Group; Ron Bomengen, PE, Fuss & O’Neil; Mike Cegan, ASLA, Richter & Cegan, Inc; and Joe Pierik, The Carpionato Group.

Mr. Meyers introduced David Taglianetti, explaining that he has recently joined the Senior Management team at the Carpionato Group. He noted that Mr. Taglianetti has 25 years of engineering and project management experience. He indicated that Mr. Taglianetti will explain the process that goes into creating the schedules that have been provided to the Commission in the past.

David Taglianetti explained that he has been working directly for the Carpionato Group for the last several weeks but further explained that he has worked as a consultant for the Carpionato Group for about 20 years. He stated that he has 32 years of experience with VHB involving design and permitting. He noted that he was the Director of Land Development for the last 20 years of his employment with VHB, working with and overseeing permitting involving retailers and developers from all over southern New England. The goal was to get projects to construction as soon as possible. He confirmed that while he has many tasks, overseeing development of the Avon Village Center project is very important noting that his boss reminds him of it daily. He addressed the development “schedule” that has been provided noting that he will explain the process and what it means. He explained that schedules are fluid, dynamic, and always subject to change. Currently, we continue to work with the design team through the State of CT and are still working to secure permits with OSTA, DOT, Army Corps, and MDC. Fuss and O’Neill has been working diligently over the last several months to secure permits. The Carpionato Group is working to secure tenants for the project; the project cannot start without an anchor tenant and/or other tenants. Work continues towards preparation of building plans and construction documents for site plans. After all permits are received, an anchor tenant is secured, and the construction documents are finalized the project will be put out to bid. He noted that this project has been before the Town for 3 to 4 years so everyone understands the complexity. A talented general contractor, a site contractor and subs will be needed to deliver this project and will be a process. Once the project is bid and bids are received by the Carpionato Group the next step is financing and then final budget information can be known; construction costs are the most substantial. Once it has been determined that the project makes financial sense a loan will be secured, the contract awarded, then shovels can be put in the ground. He indicated that each step is dynamic adding that no one wants the project to start construction more than the Carpionato Group, who have already invested millions. He concluded by reiterating that he is working to get this project to construction as soon as possible and offered to answer any questions.

In response to Ms. Levin’s question, Mr. Taglianetti explained that while he has other responsibilities, Avon Center is his top priority. He noted that he has multiple discussions per day with the president of the Carpionato Group, the construction and leasing teams, and in house attorneys regarding this project.

Ms. Keith asked for a review of the questions contained in Mr. Peck’s Staff Report, dated December 10, 2018.

Mr. Taglianetti explained that he has not seen the schedule that has been provided to the Town but noted that he’s guessing we’re behind schedule and added that his task is to manage expectations moving forward. Sharing schedules that may not be able to be met doesn’t help anybody. He further explained that if the questions involve a schedule of submission, he is going to defer that so as not to setup any additional expectations. He indicated that the goal is to start construction in the spring. A condition of the approval requires that a development schedule be provided by the end of January.

In response to Ms. Keith’s question, Mr. Taglianetti explained that while he wants to avoid discussions on overall scheduling due to the complexities he noted that an estimate could be given with regard to the timing of permits.

In response to Mr. Ladouceur’s questions, Mr. Taglianetti confirmed that the aforementioned process he just described is new within the last couple of months. He further explained that with the passing of Mr. Carpionato (a few months ago) a Board of Trustees is now in place that runs the Carpionato Group. He noted that Mr. Carpionato made decisions about projects, purchasing of land, and stopping of projects explaining that we have a much different fiduciary responsibility to the Board of Trustees than Mr. Carpionato ever had when running his Company. He explained that the Board of Trustees must sign off on every single contract explaining that for the past 50 years The Carpionato Group never operated that way.

Mr. Ladouceur commented/asked if the construction schedule given to the Commission was created without anticipating that the permitting process and financing would take longer than possible and that anchor tenants would not be secured as represented back in the summer. There was a particular anchor tenant that was driving the dates asking if that is no longer in the mix and reduces the urgency on the part of the Carpionato Group.

Mr. Taglianetti indicated that negotiations are still ongoing with the same anchor tenant and have been for the past three or four months. He explained that he cannot speak to the “schedule” given to the Town because it is not his schedule and added that he’s not sure it would do any good moving forward.

Ms. Keith asked Mr. Taglianetti address the questions contained in Mr. Peck’s Staff Comments (dated December 10, 2018).

Mr. Taglianetti began his review of Questions 1-13.

1. Earth Removal - he noted his understanding that there were certain elements of the project that were going to move forward at Mr. Carpionato’s discretion but explained that this is no longer the case. The project will move forward once we get through the process; construction will start as soon as possible.

2) Infrastructure Construction – he noted that the answer is the same as #1. He addressed peer review noting that when construction plans are complete (building and site plans including roadway and infrastructure) these plans will be put out to bid. He indicated that while waiting for bids the Town can peer review the plans but noted that no contracts would be awarded as there could be changes during the peer review. If changes occur, a bid addendum would be issued.

 3) US Army Corps - he noted that this is a non-reporting permit; it’s an application that is submitted to the Army Corps and if there are concerns we will get a response. If everything looks ok we are good to go.

4) FEMA – he noted that his understanding is that this has more to do with the floodway than the floodplain. He explained that we are probably six months away from getting the letter of map revision from FEMA. Ron Bomengen, PE, Fuss & O’Neill confirmed the information. Mr. Taglianetti explained that there is a very wide floodway.

5) DOT/OSTA – he noted that his understanding is that approval from OSTA is expected this month; once that approval is received the design and permitting process can being with the DOT which takes four to six months for the encroachment permit.

Mr. Bomengen concurred and explained that final drawings and final approval should be available from the DOT district office by June. He explained that it’s a lengthy process; once OSTA approval is received there are a few reviews required by the DOT district office during the final design process. This is just for the offsite roadway improvements.

6) Park Property - he noted that his understanding is that the land transfer of the Park to the Town would take place upon completion of the project.

7) Bike Trail Relocation – Mike Cegan, ASLA, explained that there are miscellaneous issues that need to be addressed; the project is fairly complete but the weather prohibited minor things from being finished which will be done in the spring.

In response to Ms. Keith’s question, Mr. Peck confirmed that the outstanding items relating to the relocation of the bike trail are minor.

Mr. Taglianetti explained that if there are items that need to be addressed immediately they will do so, otherwise all outstanding items will be addressed in the spring if that works for the Town.

In response to Ms. Levin’s question about having the work done now, Mr. Peck explained that grass has germinated pretty well but noted that there are areas behind the police station where the soils are not stable and there is erosion. He noted that he has spoken with Mr. Cegan about it and if it starts to get bad it can be addressed now rather than waiting for spring. He indicated that there is a pile of woodchips that needs to be moved at some point.

In response to comments from Mesdames Keith and Levin, Mr. Meyers confirmed that David Chamberland (Carpionato Group) has been in touch with Town Staff to address erosion issues now so they don’t become bigger problems in the spring.

Mr. Taglianetti continued his review of Questions 1-13.

8) Building Construction Plans – this goes along with the roadway infrastructure construction plans noting that these plans would be put out to bid as soon as they are complete. These plans would also be submitted for peer review.

9) LOC – Mr. Meyers explained that in order to set the amount of financial security required we have to get to the stage of plans (noted earlier by Mr. Taglianetti) because we have to give an estimate of cost which will be reviewed by the Town Engineer, who will either agree or not agree.

10) Tenant Signings Phase One – these details won’t be available until tenants are secured.

11) Other Details Building Construction – the answer is the same as for #8.

12) Residential Construction – all site work including road work, infrastructure and the residential units, will all be done/constructed as part of Phase One.

Ms. Levin asked how bonding works in connection with sequencing and asked if earth removal would not start until the bonding has been satisfied.

Mr. Meyers explained that the decision would be at the discretion of Town Staff. Public improvements need to be bonded but the Town often also requires a bond for erosion and sedimentation control in connection with earth removal and restabilizing the area. The number of bonds (one or more) is a discussion between and at the discretion of the Carpionato Group and Town Staff (Planning and Engineering).

Mr. Peck indicated that he had discussions with the Town Engineer and there may be as many as six bonds to cover different aspects of the project.

In response to Mr. Ladouceur’s question, Mr. Taglianetti explained/clarified relative to Item #12 that the residential structures themselves that are located within Phase One will be constructed in Phase One.

Mr. Meyers offered clarification noting that while there is also residential proposed for Phase Two on the north side of the easement, Mr. Taglianetti is referring to the residential to be located over retail in Phase One.

Mr. Ladouceur commented that there is two sets of residential; the residential over the retail buildings (13 to 15 units) and then there are two standalone structures (approximately 300 units) on the other side of what is currently Climax Road. He asked if a bid is going out to one bidder for the anchor tenant, the mainstream buildings, and the residential or will there be different bidders. He asked if there would be only one bid for Phase One or multiple bids (like five) that would become Phase One.

Mr. Taglianetti explained that there will be one site work package but multiple packages put out to bid for construction. There are some commercial builders and some that do residential. He acknowledged that he does not have an answer as to whether the multiple bid packages will have similar start and end dates because this speaks to the phasing of the project but noted that he will get back to the Commission on this point.

Mr. Armstrong commented that the residential units can be built standalone as they don’t require any of the large infrastructure but of course you would have to get me to approve more tree cutting and earth removal which may be a hurdle. He asked if the residential construction was being considered as standalone so it could move forward sooner noting that if you go up Route 10 you’ll see you’re getting behind the eight ball.

Mr. Taglianetti explained that he doesn’t want to speak to individual buildings or uses from a scheduling standpoint because he needs to do more research and consult with his boss. All the site work for all of Phase One which includes the two isolated residential buildings will all be completed at once. The phasing of the building construction will be tenant driven and market drive; he indicated that he would provide better information at a later time. He commented that while he doesn’t see the residential portion going in advance of any of the other development it could go concurrently.

Ms. Keith commented that the infrastructure bids for Phase One that we were told were going out two to three months ago never happened.

Mr. Taglianetti explained that his understanding is that permit drawings were put out to bid but it’s not a very reliable number. We want construction drawings and detail, specifications, and the conditions of approval to be part of the bid package.

Ms. Keith commented that she knows the Town has not received any bids and with the reconfiguration of the Company the bids never went out.

Mr. Meyers confirmed that Mr. Taglianetti was not here two or three months ago and explained that what was sent out were the plans that were submitted to the Town for approval on July 31. He clarified that these are what Mr. Taglianetti is referring to as “permit drawings” and explained that those are not anything that any wise contractor can reliably bid on. It was a bad plan, reiterating that Mr. Taglianetti wasn’t here at that time. Mr. Meyers added that he just learned of this information tonight from Mr. Taglianetti.

Ms. Keith commented that we should have known this information before tonight; this project has gone on for seven years. This group came in very optimistic and upbeat and convincing. I feel someone in that Company needs to stand up and understand where we’re coming from.

Mr. Meyers noted that he understands and that’s why he confessed. A lot was done wrong in the past and unrealistic expectations were created. He asked that the Commission look forward and judge Mr. Taglianetti’s experience, credibility, caution, and dedication and hope it goes well from now on.

Mr. Ladouceur commented that a large stack of plans were provided in July showing a lot of details for infrastructure, roadways, layout and setup, etc. It was our understanding that these drawings were going out to bid but now what we’re hearing is that wasn’t the case. The drawings went out but they went out knowing that we’ll just throw something out there and not give all the details to the bidders. A bidder won’t be picked based on this because we won’t get the best bid without the full details. Now what I’m hearing is this is not going to go out to the infrastructure people to bid until six months from now when the approvals come back from the DOT and others. He asked if this is correct.

Mr. Meyers said that he doesn’t think the aforementioned plans were just thrown out there knowing they were inadequate. He noted that he thinks they thought there were adequate and only learned otherwise when the people looking at them said I can’t bid off these things. He commented that he is not sure that having plans to submit for bids requires waiting on State agency approvals.

Mr. Taglianetti reiterated that he doesn’t want to talk about schedules and when the plans will go out to bid. He noted that he wants to focus on the process adding that we will continue moving forward with permits, approvals, and securing tenants, as well as site plans, roadway plans, and infrastructure plans. Bids will be put out as soon as the plans can be prepared.

In response to Mr. Ladouceur’s question, Mr. Taglianetti explained that it’s possible that not all necessary approvals and permits will need to be in place before bids are sent out. He explained that he is not prepared tonight to review every permit because he wants to first sit down with Fuss & O’Neill to review everything. If there are approval conditions that will impact pricing then bids may have to wait but approvals/permits without conditions affecting pricing may move forward. He noted that the process is fluid such that an addendum is also possible as a result of changes from the Commission, peer review process, or DOT.

Mr. Ladouceur commented that it’s not necessarily fluid because it’s going out to bid as one infrastructure package; the permit that impacts financials is going to be the critical path item for the bids. If there are two permits that have conditions that may have financial impact, it won’t go out to bid until those two items are resolved because it’s going out as one package.

Mr. Taglianetti offered clarification explaining that there will be two packages; the site plan package for all the onsite roads and infrastructure and then there’s an offsite improvement package. The offsite package has potential to be impacted by the State DOT’s plan review.

Mr. Ladouceur commented that if the State DOT asks for changes to the offsite plans it changes things on the onsite plans.

Mr. Taglianetti noted his total agreement adding that that is the point; there is great difficulty in trying to predict a project schedule.

Mr. Ladouceur commented that both bid packages are sent out at the same time which could drive the critical path item into the spring. Bids go out maybe in the summer and maybe some answers come back in the fall and then the trustees have to make a decision and then the financing has to be secured and then financing can’t be obtained unless the anchor tenants are secured so we’re not looking at construction until 2020.

Mr. Taglianetti explained that onsite construction can advance before the offsite construction, adding that’s he’s worked on projects for many years. The onsite construction schedule will be significantly longer than the offsite schedule. He noted that he would be willing to say that the onsite construction could begin in advance of securing all the offsite permits and bids.

In response to Ms. Keith’s questions, Mr. Taglianetti explained/clarified that approvals from OSTA will be received in December 2018, not June 2019.

Mrs. Harrop commented that she assumes that the Carpionato Group has done projects like this many times before and noted her frustration that it seems like we’re getting nowhere and starting all over again, even with all the time and effort that has been put in. They’re building a lot of apartments and condos on Route 10 and getting ahead of you guys.

Mr. Taglianetti noted his understanding and added that his boss stirs the pot very well especially in connection with this project.

Ms. Keith noted her agreement with the level of frustration.

Ms. Levin commented that her only concern is Avon and asked what Mr. Taglianetti’s other responsibilities are; the developer’s group must have a lot of competing priorities.

Mr. Taglianetti assured everyone that bandwidth is not the issue with the schedule for Avon noting that there are 10 people at the Carpionato Group working on this project on any given day; there is not a lack of resources but rather is the process. He noted his understanding of the frustration without seeing any physical advancement of the site but explained that in the last four weeks great strides have been made internally at the Carpionato Group regarding the aforementioned process. It will take some time to see the physical changes on the site.

In response to Mr. Ladouceur’s question, Mr. Taglianetti explained that the Board of Trustees meets every single week.

Mr. Armstrong asked that Fuss & O’Neill write down all the information that has been presented tonight and provide the information to Mr. Peck.

Mr. Bomengen (PE, Fuss & O’Neill) confirmed that he would get information to Mr. Peck. He reported/explained that we are on schedule with everything that was outlined and presented earlier with the application. All permits are on schedule and all deadlines and submission requirements have been met. We heard back from DEEP today and got the construction storm water general permit. Comments were received from FEMA a few weeks ago and a resubmission will be sent to FEMA next week. OSTA approval is expected on December 21; once approval is received coordination with State DOT regarding construction drawings.

In response to Mr. Armstrong’s question, Mr. Taglianetti explained that he is going to get back to the Commission on the phasing of building construction in Phase One. He explained that over his career and given the current market it is hard to build a retail building and/or commercial building on spec. Every tenant is going to have their own demands relative to the shape of the building and therefore we will focus on the commercial buildings where we have tenants.

Mr. Armstrong commented that Mr. Taglianetti is pretty strong on saying that he doesn’t want to go forward on the residential side but noted that from his view you wouldn’t have to do any of the infrastructure for the residential; maybe some electricity or whatever. He noted that if you book your anchor tenant and come before the Commission asking for permission to build that building that you might not get that from me because that building alone is not going to do it for me for Town Center. He noted that he might ask for all the front buildings between the anchor and Route 44 to be built; he added that he doesn’t know what the other members will say. He said that he may have a problem with a request for just the anchor alone.

Mr. Taglianetti explained that this is good information to understand.

Ms. Keith commented that a lot of expensive infrastructure is needed for the anchor and noted that you may want to come to us with that but you’re going to dig yourself deeper in a hole if you don’t have other backup tenants to go along with the anchor. She said that she gets a lot of questions from the public about road construction/road change and sidewalk construction noting that it’s all part of Phase One.

Mr. Armstrong said that when you were talking about doing this all at once I was looking at you trying to build New York City in six months as opposed to stretching some things out, which is what we thought you would do. Like timing the earth removal so that it’s convenient for Town residents and widening a road here and there. He commented that maybe you need to think about what you’re going to do a little bit more noting that he would not want you to build one commercial building and say aha we’ve started.

Mr. Bomengen explained that the project still has to be phased in the way that was presented because roadway access must be maintained throughout all the construction. He indicated that Phase One has to be done in phases exactly the way it has been presented before.

Mr. Meyers pointed out that the sewer connection has to come in starting on the Route 10 side. He explained/clarified for Phase One that all of the infrastructure would be done at the same time but not all the buildings would be constructed at the same time.

Mr. Armstrong commented that one building does not make a Town Center; you have to do something that is credible.

Mr. Taglianetti noted his understanding that the phasing of building construction has been asked several times in several different ways and reiterated that while he does not have a good answer tonight he will provide answers at a later time. He noted that part of the lease agreement being negotiated with an anchor tenant requires that buildings around it be built and leased. He concluded by confirming that he has been learning a lot about this project in the short time he has been onboard and will come back with better information.

Mr. Meyers explained that there are significant penalties in the lease for the anchor tenant if the nearby buildings are not built, leased, and occupied to some degree. He pointed out that it’s not a wise choice to hire a crew to build only one building if there are other buildings that are approved and ready to go.

Ms. Keith addressed Mr. Pierik and noted that we’re not going to approve an anchor tenant that requires an outrageous design.

Mr. Meyers noted his understanding adding that no building permits will be issued until approvals for actual buildings are granted by the Commission.

Mr. Gentile asked if negotiations with tenants is holding up the process.

Mr. Taglianetti explained that they are still securing permits, advancing plans, and negotiating with tenants, which is not holding things up but is part of the process.

Mr. Gentile noted his concerns with the permits that went out to bid. He said that if you thought you were going to get bids from contractors even though there wasn’t enough information it makes no sense if you’ve done this before. He said that if you’re a competent group you’re not presenting it that way. He noted that he doesn’t mind going over on time because it’s a complicated project but asked for more transparency as to what is going on because we have concerns.

Ms. Levin said we’re looking for integrity.

Ms. Keith said they want to hear everything even if they don’t like it they will have an idea.

Mr. Taglianetti concluded by noting that he lives in Cranston Rhode Island, where Carpionato’s signature project is located (Chapel View). He noted that this project is always referred to when traveling to different communities for mixed-use projects but explained that the hope is that Avon Center will become their signature project. He thanked everyone for their time.

Request for one-year extension – PZC App #4395 – 221 West Main (Fred Bauer)

Mr. Peck explained that since the approval of the oil change center (App. #4395) an approval was granted for a Class III restaurant that is now under appeal.

Mr. Meyers explained that Fred Bauer wants to keep his approval active while the appeal for the Class III restaurant is ongoing.

Mr. Ladouceur motioned to grant a one-year extension for App. #4395. The motion was seconded by Mrs. Primeau and received unanimous approval.

Raymour & Flanigan – 15 Waterville Road - Request revisions to approved site plan regarding signage and site landscaping

Present were Michael Marinis, VP, Barrett Bonacci & Van Weele, PC; Chris Lloyd, Raymour & Flanigan; and Dian Barnes, ASLA.

Michael Marinis explained that he is the engineer for this project, noting that final items are being reviewed with Town Staff in order to obtain a Certificate of Occupancy to open as soon as possible. There are minor modifications to the retaining wall that exists in the northwest corner of the site and some minor landscaping changes in that same area. He clarified that while the retaining wall was always there the original design was for a poured concrete and now is proposed as block because it’s easier to build. The face of the retaining wall will be brick veneer to match the building; the wall is also a bit shorter and less prominent. The landscaping proposes to screen that corner of the building. He also explained that the monument sign proposed for the Route 44 elevation has been eliminated. A $120K bond will be posted with the Town for the aforementioned wall and landscaping.

Ms. Keith commented that the trees proposed for the west side will eventually block the sign on the west elevation.

Dian Barnes, ASLA, explained that the trees proposed for that area max out at 25 feet and the grade is much lower in that area. She further explained that the trees can be trimmed if needed and easily maintained so they don’t extend higher than 25 feet and block the sign.

In response to Mrs. Primeau’s questions about the retaining wall, Mr. Marinis explained that the design of the blocks is to have them battered such that the top row of blocks will be set behind the bottom row; he added/clarified that the brick facing will be vertical so that you won’t see the block. He noted that he has spoken with the contractor and instructed them to ensure that the top row of blocks is set back two inches from the bottom row. Mr. Marinis explained that the driveway entrance in front of the building is for fire/emergency access only; this area will be grass pavers.

In response to Ms. Keith’s question, Mr. Marinis explained that the retaining wall is needed because the area is close to the floodplain and they did not want to put fill in the floodplain.

In response to Mr. Gentile’s question, Mr. Marinis confirmed that the landscaping is to block/screen the retaining wall.

Ms. Barnes explained that the trees are really to screen the rear parking from people driving down Route 44. The retaining wall is not very high, approximately three feet high.

In response to Mr. Gentile’s comment about deciduous trees, Ms. Barnes explained that four large evergreens are also proposed; they won’t be completely in front of the wall but rather will intersect with it. She noted that there will be heavy deciduous trees there to also screen the parking; the branches also provide screening.

Ms. Keith commented that the trees will be located too close to the building to screen the parking lot.

Ms. Barnes explained that the proposed location is the only place she could put trees in the front of the property for screening.

Mr. Marinis explained that the property owner does not own the property further to the west.

Mesdames Harrop and Levin asked how the evergreen trees will screen the parking lot.

Ms. Barnes explained that the trees will screen the parking from a certain angle and reiterated that the property owner does not own the land further to the west.

Ms. Keith commented that the trees in the location proposed will not screen the parking lot.

In response to Mr. Ladouceur’s question, Chris Lloyd addressed the window on the west side of the building and explained that while he doesn’t know for sure he doesn’t think it would be the intention to create a Macy’s type display that people would walk up to and view. The window would function more as a light source for the interior of the building than to create a view from the exterior.

Mr. Marinis explained that the Town has requested trees on the west corner for screening.

Mr. Peck explained that the original intention was to soften that corner of the building for people traveling east on Route 44; it’s a very large building. He further explained that the floodplain line is right there and noted that the retaining wall probably came into the plan when the Fire Marshal asked for a grassed emergency entrance in front of the building. The property directly to the west of the subject site is Town-owned open space and about six trees are proposed to be planted in this area along Route 44, either now or in the spring. The floodplain line cuts right in front of the retaining wall.

In response to Ms. Levin’s question, Mr. Peck explained that larger trees were originally proposed for the west corner of the site but explained that the applicant pointed out that while large trees are great, if the trees are too large you won’t even be able to see the building. The compromise reached was to provide green but shorter trees so as to not block the building.

In response to Mr. Ladouceur’s question, Ms. Barnes explained that the area near the parking lot that is not near the floodplain is very steep and drops right down and that’s why the evergreens are not proposed there. She clarified that the evergreen trees have been on the plan since the beginning and are not part of the changes being discussed tonight.

Ms. Barnes summarized the changes noting that nine trees were added on the northwest corner; a double row of deciduous trees will now be located along the property line; and two large trees were added on the east end near the grassy area on Waterville Road. She noted that a larger quantity of trees overall is proposed now than originally.

In response to Ms. Levin’s question, Ms. Barnes referenced the landscape zoning chart and explained it shows exactly what the changes are. Twelve trees are now proposed; nine trees were originally proposed. On the west side, originally there were seven new trees with one existing tree and now there are 12 new trees. On the east side, there are now 10 new trees, including the two oversized trees. The south yard planting is the same, three new trees and the rest of the site is the same. She explained that there are 10 additional new trees now that we did not have before. She explained/clarified that these numbers do not include the six trees to be planted offsite.

Ms. Keith commented that the evergreens are too close together and asked if they should be spaced out more towards Waterville Road; it seems cluttered in this area.

Ms. Barnes explained that she’s trying to provide screening without blocking the signage on Waterville Road. Evergreen trees are also very prunable.

Mr. Peck explained that the trees proposed on Waterville Road screen the adjacent buildings and the parking in the area.

Ms. Keith asked that the four evergreens not be identified as screening the parking lot because they’re not.

Ms. Barnes said ok sure.

In response to Ms. Levin’s question, Ms. Barnes stated that eight of the aforementioned 10 additional trees are located on the west side of the building.

Mr. Armstrong said that the west corner is not aesthetically pleasing from the design. He said he understands what is trying to be done by limiting the height but commented that adding color sometimes softens things.

Mr. Marinis explained that one landscape plan has already been reviewed and approved and while we do not mind revising the plan, we want to please the entire Commission. He explained that a bond will be posted to ensure that the Town gets the landscape plan they want. He noted that he would be happy to meet with one person designated by the Town who has compiled the opinions of all 7 members. He offered to meet with Mr. Peck tomorrow if need be to work on final locations for trees satisfactory to all.

In response to a discussion regarding trees that are already on site, Ms. Barnes explained that the only trees that will not be planted this fall are two large six-inch caliper trees and possibly the four evergreens on the east side. All of the western side and the north and the parking lot trees are supposedly already on site. She explained that the contractor is guaranteeing the trees/materials. She further explained that the bond that will be posted is for the entire planting budget, and not just for items that are not there now.

Mr. Armstrong asked what the trees have going for them besides texture, noting he’s interested in color and aesthetics.

Ms. Barnes explained that the trees are native and multi stem, which provides a lot of fullness. They bloom first thing in the spring with white flowers, very colorful, with a smooth gray bark in the winter. They have berries that birds and wildlife love. The tree color in the fall is orange and yellow; the trees have a multi-season appeal and are not just green.

In response to Ms. Levin’s question, Ms. Barnes and Mr. Marinis explained that if plants die and are replaced and die again the replacements would be guaranteed and have a new warranty through the contractor.

Mr. Armstrong motioned to approve the revised landscape plan, as presented, for Raymour & Flanigan, located at 15 Waterville Road, subject to the following:

* Landscape revisions are approved in accordance with the drawings/plans dated 11/28/18, provided to the Commission tonight.
* A bond in the amount of $120,000 shall be posted with the Town. This bond shall not be used to fund replacement plantings should they die.
* The monument sign proposed for the Route 44 elevation shall be eliminated.
* All trees and plant material shall be guaranteed such that any tree or plant material that dies shall be replaced and covered by warranty by the contractor. The approved landscape plan for the site shall be maintained at all times.

The motion was seconded by Mr. Ladouceur and received unanimous approval.

Old Farms Road Bridge Project

Mr. Peck reported that the State DOT bridge project at the intersection of Old Farms Road and Waterville Road (Route 10) is about ready to start; it’s a two-year project. There will be significant tree clearing near the aforementioned intersection; the new bridge will be located in that area. There will be a construction trailer parked there. He explained that this is a big project and therefore the construction area will be large.

There being no further business, the meeting adjourned at 8:45pm.

Linda Sadlon, Planning and Community Development