The Planning and Zoning Commission of the Town of Avon held a meeting at the Avon Town Hall on Tuesday, November 13, 2018. Present were Linda Keith, Chair, Thomas Armstrong, Vice Chair, Mary Harrop, Peter Mahoney, Joseph Gentile, Brian Ladouceur, Jr., and Alternates Jill Coppola (sat) and Linda Preysner (did not sit). Absent were Lisa Levin and Alternate Elaine Primeau. Also present was Hiram Peck, Director of Planning and Community Development.

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

**APPROVAL OF MINUTES**

Mr. Mahoney motioned to approve the minutes of the October 16, 2018, meeting, as submitted.

The motion seconded by Mr. Armstrong received unanimous approval.

**PUBLIC HEARING**

App. #4881 Carolyn Miller Stevens and Sandra Trudeau and Three Hundred Eight Arch Road LLC, owners; Three Hundred Eight Arch Road, LLC, applicant, request for zone change from R40 to RI, 6.319 acres, 294 and 308 Arch Road, Parcels 1090294 and 1090308

Present were Attorney Robert M. Meyers, Capri Frank, owner, and David Whitney, PE, Consulting Engineers, LLC.

Mr. Meyers explained that the request is for a change to a new zone RI (Restricted Industrial) adding that this new zone probably best applies to the subject site. A change to the RI zone would bring the zoning of the subject property into compliance with what has been ongoing for a very long time. He explained that granting of the requested zone change does not authorize any of the future uses noted in a memo dated November 13, 2018, from Miller Foods. Any future requested uses would have to come before the Commission for approval.

David Whitney submitted hard copies of the aforementioned memo from Miller Foods (dated November 13) as well as the language for the Restricted Industrial zone. He displayed a vicinity map noting that the subject application involves both 294 Arch Road, which is 0.3 acres and contains one small house, and 308 Arch Road, which is 5.9 acres. He explained that the requested zone change is for a total of 6.318 acres. (He pointed out that the correct acreage for 294 Arch Road is 0.3 acres (not 0.03 acres) and has been corrected on the surveyor’s map.) He explained that the original farm house was built in 1890 and the Miller family has run Miller Foods for many generations. Currently on site are two (2) single-family houses, a commercial building that has retail with light industrial (food products for both people and pets) on the first floor and office on the second floor. There is a garage on the east side of the site currently used primarily for storage and a barn in the middle of site also currently used for storage. He explained that the two (2) existing residential houses on the site are grandfathered but confirmed that new residential construction is not permitted in the RI Zone. The small building located at 294 Arch Road could possibly someday become office, retail, or a small catering business in the future. He indicated that the family would like to consider the possibility of expanding the existing business use (located in the largest building on 308 Arch Road) as their business grows to be allowed under the RI zone. The family is also considering the possibility of constructing a new building at some point in the future should their business outgrow current facilities; the intent of the zone change is to provide flexibility for the future. The garage located to the rear of the site will most likely be continued to be used for storage (warehouse) but could possibly be converted to office use in the future. The existing open land could be continued to be used for crops or animals or new office space could be constructed or any other uses permitted under the RI zone. Mr. Whitney explained that the purpose of the subject application is to bring the zone of both properties into compliance with what is actually taking place currently while also providing flexibility for the future of this 4th generation business. He concluded by noting that a new A2 perimeter survey was prepared recently by Neriani Surveying, showing all existing improvements and the location of all the trees.

Ms. Keith commented that she doesn’t want to see the site become a banquet area due to the traffic problems that it may cause on West Avon Road.

Mr. Meyers noted that Miller Foods would have to be careful of traffic and parking. He noted that St. Ann’s Church can use Miller Food’s parking and that is why the staircase was built down onto Arch Road.

In response to Ms. Keith’s comments, Mr. Meyers noted that the applicant could ask for things and the Commission could always say no or impose limits.

Capri Frank explained/clarified that Miller Foods does not do catering at the subject site. The current uses are small retail, manufacturing, and shipping. She confirmed that while the intent is to keep the business as close to what it is today, as possible, but noted that it’s good to have opportunities for potential expansion that works for both Miller Foods and the Town. She noted that Miller Foods wants to continue in Avon because they have been here since the 1950s, and love being here. She noted her appreciation for the creation of the new zone (RI) to bring the site into compliance with what is currently taking place.

Mrs. Harrop thanked the Miller family noting that they’ve been very giving and a great asset to the community.

There being no further comments, the public hearing for App. #4881 was closed, as well as the entire public hearing portion of the meeting.

**PLANNING AND ZONING COMMISSION MEETING**

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

App. #4881 Carolyn Miller Stevens and Sandra Trudeau and Three Hundred Eight Arch Road LLC, owners; Three Hundred Eight Arch Road, LLC, applicant, request for zone change from R40 to RI, 6.319 acres, 294 and 308 Arch Road, Parcels 1090294 and 1090308

Mr. Mahoney motioned to approve App. #4881. The motion, seconded by Mr. Ladouceur, received approval from Messrs. Mahoney, Ladouceur, and Gentile and Mesdames Harrop, Coppola, and Keith. Mr. Armstrong abstained. The effective date of the zone change is December 13, 2018.

**OTHER BUSINESS**

Request one-year extension for App. #4839 – 205 Old Farms Road – Cornerstone Landing LLC

Mr. Peck explained that the brewery business that was approved for 205 Old Farms Road is in progress but more time is needed; Staff recommends approval. He noted that parking on site is currently being studied to allow for multiple tenants in the building.

Mr. Armstrong motioned to approve a one-year extension for Site Plan App. #4839. The motion, seconded by Ms. Coppola, received unanimous approval.

General discussion regarding Zoning Regulations - creation and possible adoption of a Bed and Breakfast regulation

Mr. Peck explained that his recommendation is to hold off on this regulation for now because Airbnb is currently suing the City of Boston. He added that he will inform/direct the people who inquired about Bed and Breakfast regulations about Avon’s Accessory Apartment Regulations.

**Non-printed Agenda Item**

252 Lovely Street – 3-lot Subdivision Grunewald – PZC Apps. #4239-40

Mr. Peck provided background information explaining that final subdivision approval was granted in 2016 and the owners are now selling the land and want to ensure the approval is still valid. At the time of the original wetlands approval, there were no activities proposed within the 40-foot regulated setback area but explained that today the regulated setback is 100 feet. He indicated that he has been speaking with both the Town Attorney and the attorney for the property owner and noted that before a building permit can be issued approval will be needed from the Inland Wetlands Commission (not this Commission) for the change in setback. He confirmed that while the subdivision approval goes with the land sale the proposed approved house locations cannot be changed without prior approval from the Town (IWC).

There being no further business, the meeting adjourned at 7:45pm.

Linda Sadlon

Planning and Community Development