The Planning and Zoning Commission of the Town of Avon held at meeting at the Avon Town Hall on Tuesday, October 16, 2018. Present were Linda Keith, Chair, Peter Mahoney, Alternate Elaine Primeau (sat), and Brian Ladouceur, Jr. Absent were Thomas Armstrong, Vice Chair, Mary Harrop, Joseph Gentile, Lisa Levin, and Alternates Linda Preysner and Jill Coppola. Also present was Hiram Peck, Director of Planning and Community Development.

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

**APPROVAL OF MINUTES**

Mr. Ladouceur motioned to approve the minutes of the September 25, 2018, meeting, as submitted. The motion, seconded by Mr. Mahoney, was unanimously approved.

**PUBLIC HEARING**

App. #4877 MAG, LLC, owner, Dom’s Coffee, LLC, applicant, request for Special Exception under Section V.J.3. of Avon Zoning Regulations to permit sale of beer and wine, 20 West Main Street, Parcel 4540020, in a CS Zone

Present were Attorney Cheryl Rice, on behalf of Dom’s Coffee, and Gitana Plankiene, owner, Dom’s Coffee.

Cheryl Rice explained that Dom’s Coffee is seeking a Tavern Permit from the State Liquor

Commission, which allows only the sale of wine, beer, and hard cider. She clarified that Dom’s Coffee is primarily interested in selling only wine to complement their cheese and sandwich shop. She noted that the building is not large such that there is no room to store a lot of alcohol and there is no intent to create an evening hangout or nightclub atmosphere. The current hours are Monday through Friday from 7am to 5pm and Saturdays and Sundays from 8am to 5pm. Wine, beer, and hard cider would be offered during normal business hours. Ms. Rice explained that there is a request to extend the hours on Fridays and Saturdays to 9pm (from 5pm) noting that there is no expectation that this would have a substantial impact on the area.

In response to Ms. Keith’s questions, Ms. Rice confirmed that the hours presented will be the hours the business will operate. She added that should the business become highly successful that the hours on Thursday evenings may want to be expanded but noted that this is not a possibility at this time. She confirmed that serving wine is the primary focus but noted that while serving beer and hard cider would be permitted with a Tavern Permit the building on the site is not large such that storage of different kinds of beverages would be a problem.

In response to Ms. Keith’s question, Gitana Plankiene, owner of Dom’s Coffee, explained that she has approximately 70-100 patrons per day, with the majority being on the weekends.

In response to Mrs. Primeau’s question, Ms. Rice explained that there is plenty of parking available, as a cross easement exists with the adjacent site (same owner). She explained that there is no expectation that traffic for the business is going to dramatically increase but rather that wine would be provided for existing customers.

Mr. Peck recommended that the applicant return to the Commission with any proposed changes to business hours (i.e. expanding Thursday hours) prior to making those changes. He confirmed that, to his knowledge, there has never been a parking issue on this site. He explained that in accordance with the Regulation, the applicant notified all owners within a certain distance and receipts of the notifications have been provided. No contact to the Town was made as a result of these notifications.

In response to Mr. Ladouceur’s questions, Ms. Rice explained that the Tavern Permit is the lowest step permit available; there is no permit for just wine. She further explained that the business could not decide at some point to offer Irish Coffee (using whiskey) because the next level permit requires a business to serve both hot and cold meals which the business does not have the ability to do. Ms. Rice confirmed that a Tavern Permit does not include or allow BYOB, it is just for the sale of wine, beer, and hard cider. There is no music offered today nor is it contemplated in the future. She explained that currently there is one small table located outside but noted that the owner plans to apply for more outdoor seating at some point and would return to the Commission with an application.

Jim McGarrah, Sylvan Street, noted his support for the subject proposal, adding that the business is very well run with a loyal customer base.

There being no further comments, the public hearing for App. #4877 was closed.

App. #4878 Path LLC, owner, Rotha Contracting Company, Inc., applicant, request for Special Exception under Section VII.C.4.b.(2) of Avon Zoning Regulations to permit low-profile detached sign, 40 Waterville Road, Parcel 4500040, in a CPA Zone

Jack Thavenius, owner, stated that the request is for a detached sign in front of the business, Rotha Contracting, which is a bridge construction company.

Mr. Peck recommended, if an approval is considered, that a condition be placed requiring that a plan for landscaping and lighting be submitted for review and approval by Town Staff prior to the sign being installed. He noted that the proposed sign conforms to the Regulations and Staff recommends approval.

Mr. Thavenius noted his understanding adding that low glare lighting would be utilized and faced towards the rear of the site.

In response to Mr. Ladouceur’s question, Mr. Peck confirmed that the proposed sign placement is far enough back so as not to obstruct the sightline for the driveways on site.

There being no further comments, the public hearing for App. #4878 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. Mrs. Primeau seconded the motion that received unanimous approval.

App. #4877 MAG, LLC, owner, Dom’s Coffee, LLC, applicant, request for Special Exception under Section V.J.3. of Avon Zoning Regulations to permit sale of beer and wine, 20 West Main Street, Parcel 4540020, in a CS Zone

Mr. Mahoney motioned to approve App. #4877 subject to the following conditions:

1. Approval is granted to sell wine, beer, and hard cider, subject to the issuance of a Tavern License by the State of CT Liquor Commission.
2. Approval is granted to allow the business to remain open until 9pm on Fridays and Saturdays only. Please contact the Planning Department prior to any other changes to business hours.

Mr. Ladouceur seconded the motion that received unanimous approval.

App. #4878 Path LLC, owner, Rotha Contracting Company, Inc., applicant, request for Special Exception under Section VII.C.4.b.(2) of Avon Zoning Regulations to permit low-profile detached sign, 40 Waterville Road, Parcel 4500040, in a CPA Zone

Mr. Ladouceur motioned to approve App. #4878 subject to the following condition:

1. A landscaping and lighting plan shall be prepared and submitted to the Planning Department for review and approval prior to obtaining a building permit for installation of the approved detached sign.

Mr. Mahoney seconded the motion that received unanimous approval.

**NEW APPLICATION**

App. #4879 Town of Avon, owner/applicant request for Site Plan Modification for renovation of athletic facility including new track and synthetic turf field, Avon High School, 510 West Avon Road, Parcel 4520510, in an R40 Zone

Present were Grace Tiezzi, Assistant to the Town Manager, and Jesse Harris, LA, BSC Group.

Jesse Harris displayed a map of the athletic facilities at Avon High School explaining that currently there is a six (6) lane track and a natural grass infield. The proposal is to increase the track to eight (8) lanes to meet modern standards and also so that State track meets/events can be held at this site. The existing bleachers will remain in their current location adjacent to West Avon Road. New security perimeter fencing around the immediate area outside the track to prevent people from crossing the track during events. The infield is proposed to be converted to synthetic turf and striped for football, soccer, lacrosse, and field hockey. Areas for new track events will also be constructed (pole vault, high/long jumps, discus and shot put). He noted that there is no further encroachment closer to the Sudbury Way neighborhood but noted that there is some impact to existing parking (to the northeast) and a short retaining wall is proposed. To reduce the wall height and project costs it is being considered to relocate some of the existing parking spaces to where the existing handicap spaces are located. Three (3) of the parking spaces would be relocated to the back corner of the site to maintain current parking numbers; no reduction in parking is proposed. An aesthetically-pleasing storage shed is proposed in the northwest corner of the track area, visible from West Avon Road.

Ms. Keith asked why everything is being put on one corner of the site, including the shed.

Mr. Harris explained that there is not a lot of room on the other side due to the adjacent baseball field and there is also a big slope near the tree line that would not be a good spot for the shed. The proposed location offers easy access for Town maintenance. He pointed out that the site is tight everywhere.

In response to Mr. Ladouceur’s question, Mr. Harris explained that the Town wants to start controlling events by issuing tickets adding that access will be promoted near the existing concessions stand located next to the existing bleachers.

Mr. Ladouceur commented that currently people come down the sidewalk on West Avon Road and then go through the fence where the paved area is used by the ambulance and then proceed straight. Mr. Harris confirmed that that is generally the same access that will be used, clarifying that it has been moved slightly to comply with ADA.

In response to Ms. Keith’s question, Mr. Harris noted that he is not sure if there will be control from the steps relative to access for everyone but added that there will be pedestrian gates to allow access for student athletes.

Mr. Ladouceur noted that the proposed shed location is right where guests will be entering and exiting the site and questioned the location.

Mr. Harris explained that maintenance equipment for the turf will be stored in the proposed shed, as well as all the non-fixed athletic equipment. This location makes it easier for students to access the shed to get the items they need.

Mrs. Primeau noted her agreement that the maintenance shed is not proposed in the right location; it’s taking up a lot of space where everyone will have to walk by it.

In response to Ms. Keith’s question, Mr. Harris explained that the protective four-foot fencing is proposed immediately outside of the track. There is a gate that allows entrance for athletes only.

Mr. Peck stated that the proposed plan is very preliminary in nature explaining that if the site plan is approved and the associated 8-24 Referral approved, the proposal will go to referendum in December. He explained that if the referendum passes that he can continue to pass along suggestions by the Commission if/when final plans are prepared.

Mr. Ladouceur noted his understanding that the proposed shed location is near the pavement for ease of access for the users. He asked that if the project gets approved that we not go cheap with the shed as it’s prominent.

Ms. Keith commented that is ok with the plan but asked that the shed be large enough to ensure that everything that needs to be stored in it can fit.

Mrs. Primeau noted her agreement that the shed needs to be substantial.

In response to Mrs. Primeau’s question, Mr. Peck explained that the public has had questions and noted that the Town Council will decide on the infill needed under the turf before the project goes to referendum. Detailed plans will be reviewed by Town Staff prior to the start of any construction. Approximately 3K CYs of material will need to come off to prepare the subbase for the new turf; the material will be retained by the Town. He explained that no field lights are part of the proposal.

There were no comments from the public.

Mr. Ladouceur motioned to approve App. #4879 subject to the following conditions:

1. Approval is granted only for submitted preliminary plans; detailed final plans shall be submitted and reviewed by Town Staff prior to beginning any construction activities.
2. Information relative to turf infill shall be discussed and decided by the Town Council prior to the Town holding a referendum.
3. Earth material that needs to be removed in connection with this project shall remain under the control of the Town of Avon and be used in locations deemed appropriate. The amount of earth material is expected to be approximately 3,000 CYs.
4. No field lights are approved at this time.

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

8-24 Referral – Avon High School Synthetic Turf Field and Track Improvement Project

Mr. Ladouceur motioned to approve the 8-24 Referral for the Avon High School project (App. #4879). The motion, seconded by Mrs. Primeau, received unanimous approval.

The Commission finds that this proposal is not in conflict with the 2016 Plan of Conservation and Development.

**OTHER BUSINESS**

8-24 Referral – Town and Public Safety Communication System Replacement Project

Present were Police Chief Mark Rinaldo, Lt. Kelly Walsh, and Grace Tiezzi, Assistant to the Town Manager.

Mr. Peck explained that this proposal is for an existing tower that is located in Canton and used for emergency services communications. Town Staff will be working with the Town of Canton in preparation of a site plan.

Mark Rinaldo explained that the radio system currently being used is 25 years old and an upgrade is needed very soon to ensure public safety. He noted that the current radio system is setup in the 400 MHz range; the proposal is to upgrade to a 700 MHz safety system which would allow the police to have their own bandwidth and be able to more effectively communicate with dispatch. He noted that communication on the west end of Avon is most problematic; the system is outdated and cumbersome.

Kelly Walsh and Grace Tiezzi played audio recordings (from a laptop) between dispatch and police officers. Ms. Walsh explained that the proposed system upgrade would also be used by the fire department, EMS, and the schools.

In response to Ms. Keith’s questions, Mr. Rinaldo confirmed that coverage would also be increased with the proposed system upgrade. He explained that the fire department would remain on the 400 MHz system but would have access to the 700 MHz system such that they could share the network.

In response to Mr. Mahoney’s questions, Mr. Rinaldo explained that the proposed system is a P25 which is the national public safety standard. Avon would be able to add other towns (Canton, Simsbury) if they wanted to join Avon’s network. He noted that he believes Avon would be the first Town in this area with a 700 MHz system.

In response to Mrs. Primeau’s questions, Mr. Rinaldo explained that the 800 MHz system is not up to national public safety standards. He explained that the new tower proposed in Canton would cover all of Avon and all the towers would talk to each other such that police officers would no longer have to change their radios depending on where they are. He indicated that the company they will use is Motorola which is required, by contract, to provide 95% coverage, which is the best as no one gets 100%.

In response to Mr. Ladouceur’s questions, Mr. Rinaldo explained that the proposal is to raise the height of the existing tower in Canton by 80 feet (total of 160 feet) and clarified that the aforementioned upgrade is for the equipment on the towers; the bandwidth is being upgraded. All the towers would still handle the 400 MHz but Avon would be on the 700 MHz system which is the minimum public safety standard just for police and fire (i.e., Verizon Wireless is not allowed on the 700 MHz). He also noted that a new generator is proposed for the west tower.

Mr. Rinaldo explained that with the proposed upgrade police officers from Simsbury and Canton could talk directly to Avon police officers without having to go through dispatch or switch radios. The school resource officer for the Board of Education currently has to carry two radios; one for the police department and one for the Board of Ed. If there’s an incident at a school that isn’t dialed in from 911, they have to get the resource officer on the radio and then the resource officer has use his other radio to call Avon Police Department for help from other officers. The proposed system would eliminate the need for two radios as there would be only one talk group.

In response to Ms. Keith’s question, Mr. Rinaldo explained that he doesn’t think any “dish” equipment is part of the proposed equipment; dipole antennas would be used.

Mr. Ladouceur motioned to approve the 8-24 Referral for the Town and Public Safety Communication System Replacement Project. The motion, seconded by Mr. Mahoney, received unanimous approval.

The Commission finds that this proposal is not in conflict with the 2016 Plan of Conservation and Development.

Request for 90-day extension to file mylars – Apps. #4872-73-74 – Bailey Road

Mr. Peck explained that some clearing has taken place and the project is moving forward. However, because there is a hold up with details involving the banks and the closing the applicant requests an extension to file the mylars. Staff recommends approval.

Mrs. Primeau motioned to grant a 90-day extension to file mylars in connection with Apps. #4872-73-74. The motion, seconded by Mr. Ladouceur, received unanimous approval.

Avon Village Center – project status update

Robert M. Meyers was present.

Attorney Meyers reported that no appeals were filed as a result of the July 31 approval. The next step is to get completed construction drawings from the applicant’s engineers and submit to Town Staff for review and approval before they go out to bid; the bidding process takes several weeks. He explained that it is anticipated that the bids for site work (roads and utilities, not buildings) will come in somewhere north of $20M. The final and third step of OSTA approvals is well under way as is the final storm water permit from DEEP. Financing for the site work is also needed. Final plans are expected to be prepared within 60 to 90 days; the approvals for both OSTA and DEEP are expected within the same 60-90 day period. The same bank that financed the purchase of the property is ready to make a loan for the site work. The bank requires proof of receipt of all State and local permits as well as proof that all plans and bids be in place and a contract awarded or at least a contractor be identified. He explained that, depending on the weather, we will see site work (utilities and roads) sometime before March 1 and May 1, 2019, as not much is going to move in January and February.

Mr. Ladouceur asked how this information/time line fits into the overall plan and dates of five stages of road construction and further asked how many months this schedule would be pushed out.

Mr. Meyers explained that they are not going to be separate anymore adding that all the plans for Phase One, including all sub phases, will be submitted in the aforementioned 60-90 day time period. He clarified that all this information was provided to him by the applicant and added that he cleared his entire report with the people in Rhode Island. He noted that the owner of the Carpionato Group passed away recently, resulting in decisions now taking longer.

In response to Mr. Ladouceur’s question, Mr. Meyers explained that he does not have an answer tonight regarding the timeframe/date for construction of the first structure (target dates relating to contractual promises) but noted that he would find out and give the information to Mr. Peck.

Ms. Keith commented that she’s having a hard time with the dates because she thought the bids were supposed to go out in September.

Mr. Meyers explained/clarified that bids for earth removal were to go out in September, not bids for roads and utilities. He indicated that it didn’t make sense to the developer to spend a lot of money moving dirt this year when that’s all they could achieve.

Ms. Keith commented that this is not what we were expecting and not the way we thought this was going to go. She noted her understanding that things change when the leader is no longer there but expects that the chosen committee would carry on with at least some of the pertinent desires of the deceased leader. She noted her disappointment that no earth removal occurred this year.

Mr. Ladouceur noted his agreement with Ms. Keith along with the promises that were made as part of the application approval. The dates and timeframe for the five phases was important to the Commission for the flow of the project for the timing of the road closures ensuring they were small and as concentrated as possible. The applicant agreed that this would be a key consideration.

Mr. Meyers indicated that he doesn’t think the timing for road closures has changed.

Mr. Ladouceur commented that if the project is delayed by four to five months and they try to make up for time by condensing earth removal there is going to be greater volumes of truck traffic per day than what was originally presented.

Mr. Meyers addressed earth removal noting that there is a destination in West Hartford that indicate that they would like to take all the dirt we can move. If this were to be the cases it would mean the trucks would travel on Route 44 all the way to their destination eliminating the need to travel on Route 167. He pointed out, however, that Town Staff does have the right to dictate the destination and route(s) of the earth removal.

Mr. Ladouceur commented that he wants an update to be presented at the January 2019 meeting to include the five phases, new dates, and volume of earth removal. He commented that he wants to see what was originally presented and what the new information is. If the plan is going to deviate from the original five phases we deserve to know how the new plan is better. He commented that he wants to make sure that whatever is now proposed is not worse in terms of impacts to neighbors than what was originally approved.

Mr. Meyers explained that he knows of only one deviation and that relates to earth removal such that very little earth was to be removed during step one (Phase One) with more concentrated earth removal in the other four steps (Phases Two through Four). The plan has been changed to put a proportionate amount of earth removal in Phase One to spread it out.

Ms. Keith noted her agreement that the Commission needs to see an update of the original five phase schedule, showing both original dates and new dates.

In response to Mr. Ladouceur’s question about current ongoing improvements to Route 44,

Mr. Meyers explained that he doesn’t know the degree to which lanes on Route 44 might be added or changed in connection with the Avon Center project, further explaining that this information is part three of the OSTA permit such that no one knows the answer at this point.

Mr. Peck stated that the approval give the Commission the ability to ask for updates on a quarterly basis. Town Staff has worked very hard to get Fuss and O’Neill to coordinate with OSTA relative to the improvements being done to Route 44. He added that the State is aware of the subject project and anything they tear up they will have to repair and make new.

Mr. Meyers conveyed his understanding of all comments and suggestions.

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

Mr. Peck explained that some towns have both a minor and major category for Bed & Breakfasts; the minor category is by right. He noted that the proposed regulation for Avon would require a special exception for any proposed B & B. The owner would have to live onsite. He clarified that while the name distinctions are not important (Airbnb, VRBO) he explained that from his discussions with a number of other towns he found out that people are doing this anyway and therefore having some type of standard and/or regulation in place is helpful to promote/ensure some compliance rather than not having a regulation and have people doing it anyway. He referenced his revisions to the proposed B & B Regulation, dated October 12, asking the Commission to review Items a. through k and provide feedback. He noted that the length of stay cannot exceed 30 days and homeowners’ associations would have to approve it before an application came before the Town.

In response to Mr. Ladouceur’s questions, Mr. Peck explained that the Town knows where homeowners associations exist in Town and which ones are active (e.g. Secret Lake is not very active). He noted that if a homeowners association is not active, a person seeking this use would have to contact the association and get them to make a decision before the Town would grant any type of approval. He addressed notice to abutters/neighbors explaining that generally 500 feet has been used and works quite well but the distance could be increased.

Mr. Mahoney commented that whether a homeowner’s association is active or not the Town would push back until a decision is made by the association. Mr. Peck concurred.

In response to Mrs. Primeau’s questions, Mr. Peck explained that if someone has a permit for a

B & B they are automatically on notice and subject to whatever taxes are required. If people are doing it now without any permit the Town has no idea if taxes are being collected. He clarified that while it’s really the State’s responsibility to collect the taxes, the permit provides a mechanism to allow the people who are responsible to collect taxes to be able to do so. Mr. Peck explained that any Avon residents that are already engaging in this type of use without a permit would be notified by the Town via a letter alerting them to the Regulation and the need to apply for a permit.

Ms. Keith noted her preference for having this regulation, as it would allow for better control by the Town and added that she likes that we have feedback from other towns as guidance.

Mr. Peck concluded by noting that he would also get the Town Attorney’s input on the proposed Regulation. He explained that a public hearing would need to be held to adopt such a Regulation and there would likely be public input at that time.

There being no further business, the meeting adjourned at 8:30pm.

Linda Sadlon

Planning and Community Development