The Planning and Zoning Commission of the Town of Avon held a *Special Meeting* on Tuesday August 13, 2019, at the Avon Town Hall. Present were Linda Keith, Chair, Thomas Armstrong, Vice Chair, Joseph Gentile, Lisa Levin, Mary Harrop, Brian Ladouceur, Jr., and Alternate Elaine Primeau (sat). Absent were Peter Mahoney, Jill Coppola, and Linda Preysner. Also present was Hiram Peck, Director of Planning and Community Development.

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

**PUBLIC HEARING**

App. #4898 - Avon Mill LLC, owner, Lee Land Development, applicant, request for Zone Change from RU2A to AHOZ (with subdistricts MF and Duplex) on 40 acres, 64 Avonwood Road, Parcel 1220064

App. #4899 - Avon Mill LLC, owner, Lee Land Development, applicant, request for Special Exception under Section III.H of Avon Zoning Regulations to permit earth removal, 64 Avonwood Road, Parcel 1220064, in an RU2A Zone

App. #4900 - Avon Mill LLC, owner, Lee Land Development, applicant, request for Special Exception under Sections VIII, IX.G.6., and X of Avon Zoning Regulations to permit modifications to dimensional standards, 64 Avonwood Road, Parcel 1220064, in an RU2A Zone

App. #4901 - Avon Mill LLC, owner, Lee Land Development, applicant, request for Site Plan Approval, pursuant to Section X, to permit 270 residential units, 64 Avonwood Road, Parcel 1220064, in an RU2A Zone

Present were David Whitney, PE, Consulting Engineers; Attorney Robert M. Meyers, on behalf of the applicant; Tim Lee, applicant; Peter Smith, architect; Frank Esposito, landscape architect; Matthew Skelly, traffic engineer, Fuss & O’Neill; and Louis Pfaff.

David Whitney displayed the maps of the site, noting that the latest site plan revision date is July 12, 2019. He explained that the site contains proposal is to renovate three existing apartment buildings located on the 46-acre site and the construction of two new apartments buildings as well as 25 smaller buildings for a total of 270 new residential units. He noted that the ALTA survey is the gold standard with very detailed and accurate information, beyond the required A2 survey. The Vicinity Map shows all properties within 500 feet of the subject site, required for a zone change request. Existing Conditions Map shows the entire site, located in the RU2A zone; the three existing buildings were constructed in the 1970s. There are 189 existing units (63 units per building) consisting of a combination of one, two, and three bedrooms; there is a pool and tennis courts and small clubhouse. The developed portion of the site is about 16 acres, 33% of the total site. Two retention basins exist on the site that, over time, now meet the criteria of wetlands; the wetlands were delineated by Michael Klein (soil scientist) and the flags located by Neriani Surveying. Approval has been granted by the Wetlands Commission for regulated activities proposed on the western boundary but the remainder of the site is non wetlands with very well drained soils. The existing buildings are served by public water and sewer. The proposed buildings are well above the flood elevation. The proposed AHOZ area is comprised of 33 acres. The remaining 13 acres of the site, which contain the three existing buildings, would remain in the RU2A zone. The overall proposal includes renovation of the three existing buildings; construct a network of private roads (Town standards) throughout the site; two, four-story apartment buildings containing 100 units each with a mixture of one, two, and three bedrooms; the construction of 25 smaller buildings along Road “A” (loop road) which goes around the site; and the construction of 15 duplexes (two-unit buildings) and 10 quads (four-unit buildings). He noted that the layout is conceptual such that the locations of some of the duplexes and quads may be changed. The total number of new units proposed is 270. The styles of the duplexes will be varied (some garages in front, some on the side). Twenty percent (20%) of the new proposed 270 units (AHOZ) are required to be affordable (54 units).

Mr. Whitney addressed grading noting that there will be considerable cuts and fills due to the varied topography of the site. The proposed development would require site disturbance for 16 acres of the site, which is a third of the total site. As much of the existing vegetation as possible will be preserved. Construction phasing is as follows. Phase One is the renovation of the existing buildings, which would begin in the fall of 2019 and take a couple of years to complete. Renovations would include repairs to both the interior and exterior of the existing buildings (see Project Narrative, dated August 5, 2019, for details). Phase Two is the construction of Apartment Building #1, as well a new pool and new clubhouse; this phase is comprised of 5 acres. Phase Two would start in the spring 2020 and take about one and a half to two years to complete with estimated completion in spring 2022. Phase Three will begin in spring 2021 (as Phase Two is nearing completion) and consist of Apartment Building #2, new roads, and the construction of 14 duplexes and quads; this phase consists of 7 acres and is estimated to take two years to complete (spring 2023). The most earth work will take place in Phase Three. Phase Four, consisting of 3 acres, will begin in spring 2022 and is the construction of a couple thousand feet of road and the construction of 11 duplexes and quads; the estimated completion date is fall 2023. He explained that all dates are estimations at this point but noted that the entire project would begin in fall 2019 and end in fall 2023.

In response to Mr. Armstrong’s question, Mr. Whitney reiterated that the new pool and clubhouse would be part of Phase Two. The existing pool and clubhouse are located where proposed Apartment Building #1 will be built.

Mr. Whitney addressed soil removal noting that Phase One does not require any earthwork and only involves renovations to the existing buildings. Landscaped berms are proposed and will likely be installed at the end of Phase One and at the beginning of Phase Two. Phase Two will involve removing 21.5K CYs from the site (25K CYs with fluff factor). The estimate is 55 days to truck material offsite (5 day work week, about 11 weeks, roughly three months). Earth removal for Phase Three is 55.6K CYs (63.9K CYs with fluff factor). The estimate is 142 days (5 day work week, about 28 weeks, about seven months). Earth removal for Phase Four is 12.6K CYs; the estimate is 6.5 weeks, or 1.5 months. He clarified that earth removal would happen in intervals over a period of four years. He indicated that the recent earth removal (17K CYs) for Rotha Contracting (located across the street from subject site) took place without any problems, adding there were no complaints to his knowledge.

In response to Mr. Ladouceur, Mr. Whitney explained that the total earth removal for Avon Mill is 89.6K CYs; the total removal for Rotha was 17K CYs over a two to three month time period. He reiterated that the subject earth removal would occur in phases.

In response to Ms. Keith, Mr. Whitney explained that earth removal for Phase Two is projected to start in the spring 2020.

In response to Mrs. Harrop, Mr. Whitney acknowledged the CREC School nearby explaining that earth removal trucks would not be run when students are arriving and leaving School.

In response to Ms. Levin, Attorney Meyers explained that earth removal for the Avon Center project will leave the site via Route 44; Route 10 and Route 167 will not be used at all. He acknowledged the possibility of a problem on Route 44 (Route 10 bridge project and earth removal for Avon Mill).

Mr. Ladouceur asked if any units in Phase Three will receive C/Os before the secondary access road is completed, as part of Phase Four because otherwise there is only one way in and one way out for units in Phase Three.

Mr. Peck explained that Town Staff has discussed this issue and it can be discussed further when we get to that point. Town Staff will ensure safe access to the site from a couple of different locations. He explained that emergency access can be accomplished (without the road being completely finished) to the satisfaction of the emergency personnel and this can be discussed further when the time comes.

Ms. Levin commented that the number of units is being tripled and noted her concern for entering and exiting emergency vehicles accessing the rear of the site (circle in Phase Three and loop road).

Mr. Whitney noted his understanding and indicated the possibility of combing Phase Three with the road construction part of Phase Four.

Mr. Lee explained that a temporary road can certainly be constructed.

Mr. Whitney addressed drainage and explained that catch basins will be installed where the leakoffs currently exist and infiltration systems installed for the existing parking lots. He explained that the goal for all the impervious surfaces for all of the new construction is to put 100% of the 100-year storm into the ground, adding no additional water to the wetlands or to the existing storm drainage system. He addressed utilities noting that all existing buildings are served by public sewer and so will the new buildings; the existing sewer connection from River Mead will be extended. All approvals have been received by the AWPCA; the Town’s system can handle the additional flow from the proposed Avon Gardens.

In response to Ms. Levin, Mr. Whitney explained, relative to sewer capacity, that both Avon Center and Nod Road were already included in the queue before the subject proposal was presented to AWPCA.

Mrs. Primeau commented that the parking for Phases Two, Three, and Four is right on the road but Phase One has parking lots. There will be a lot of cars backing up right onto the drives because you don’t have parking lots for Phases Two, Three, and Four. She commented that she doesn’t know if you want to call it a road because there will be a lot of people pulling out onto this so-called road, which is not a safe condition for large amounts of vehicles; parking lots seem safer.

Ms. Keith commented that the parking is setback from the road. There are separate smaller parking areas/lots near the units to allow for guest parking; these lots are not connected to the larger buildings.

Mr. Whitney explained that the existing parking on the site is being mimicked for the new parking for the new buildings. There are some areas that look light roads because there is no parking on either side but there are other locations where there is parking on both sides of the road; an aisle through a parking lot.

In response to Mr. Armstrong, Mr. Whitney confirmed that there are two parking spaces for every unit in the existing buildings (per the original project approval) and there are one and a half parking spaces for every unit in the new buildings (allowed per the AHOZ Regulations).

Mr. Whitney displayed the Overall Plan of Development map showing all the onsite parking. He noted that the parking lots on this site are never full. There are 128 spaces provided for the first existing building; 126 spaces is the requirement for 63 units, 2 spaces each. There are 140 spaces provided for the second existing building. There are 126 spaces provided for the third existing building; this building and proposed new Building #1 may share parking due to their proximity to each other. There are 121 parking spaces provided for new Building #1, which contains 100 units. Parking (60 spaces) is also proposed in the basement of new Building #1 (121+60=181 total spaces). There are 123 parking spaces provided for new Building #2 plus 60 spaces in the basement (123 + 60=183 total spaces).

In response to Mrs. Primeau, Mr. Whitney explained that basements have always been planned for the new buildings. Parking in the basements came about when it was determined that more parking was needed around the buildings.

Mr. Lee stated that storage areas will also be provided.

In response to Ms. Keith, Mr. Meyers addressed the proposed quad buildings. At the second informal meeting concern was noted that there were too many three-bedroom units. The quads allow the number of three-bedroom units to be cut by more than half. Ms. Keith commented that she doesn’t understand how you can create four apartments in a place that was only going to have two or maybe three; where is the parking going to be because the area is on a slope. She noted that we were blindsided by the quad concept tonight. Mr. Meyers explained that the footprint for the quads is not larger than the footprint for the original buildings. Ms. Keith commented that parking is the issue.

Mr. Whitney displayed the parking for the quads and duplexes. There are six spaces provided for each quad and two of the quads will have garages; eight spaces for four units (2 spaces per unit). There will be a driveway space and garage space for each duplex unit for a total of eight spaces (two spaces per unit). This number of spaces exceeds the requirement.

In response to Mrs. Primeau’s concern that there are no turn around areas for vehicles backing out onto the road, Mr. Meyers pointed out that this exact scenario exists all over Town. The proposed roads will be 22-feet wide and built to Town standards. He noted that everyone in Avon backs out of their driveways onto a road; there is no difference. Mrs. Primeau commented that there will be a lot more apartments in a concentrated area than on a typical road.

Ms. Keith commented that the applicant has likely gotten the message regarding concerns that the units are tight together with tight parking spaces. She commented about possible sightline problems for cars trying to back out of driveways onto the road for the quads; the center spots are doomed to be rear ended. The Commission had no clue they were going to see this tonight.

Mr. Lee explained that his intention was not to surprise anyone but rather to come up with a creative way to address the concerns about having too many three bedroom units. The change not only reduces the number of three bedrooms but it also gives affordable units in those areas for one, two, and three bedrooms.

Mr. Ladouceur commented that for the quads there would be two apartments upstairs and two on the ground level; the ground level units would provide an added benefit for the elderly. The proposed four-story apartments will have elevators. Mr. Lee concurred and confirmed that there will be handicap accessible bathrooms and ramps.

Ms. Keith commented that when the informal discussion was presented the Commission told the applicant that they did not want four levels; there are no four-level residences in Avon. She noted that the applicant said “no problem” because it’s only going to be the roof line that makes it look like four levels. She said she doesn’t want to see four levels. These units will have kids in them. Avon has a shortage at one of its Schools and trailers are being put in. We will probably need five houses to pay for one student to go to school here. There was nothing in this application regarding impacts to education; she asked that the applicant come back with that information.

In response to Ms. Levin, Mr. Lee confirmed that there will be residential living on four levels.

Ms. Keith said that we don’t want four level units with living space on four floors. We were told it would only be the appearance of four floors/levels.

Mr. Lee explained that the design is such that there is not a full four story building with a roof. Gables have been used to create a three-story building with a roof with gables but there will be living on four floors.

In response to Mr. Gentile, Mr. Meyers explained that the subject proposal does not include the entire site as AHOZ, providing for more affordable units, because it does not work economically.

Mr. Whitney noted his understanding of the AHOZ Regulation is that it allows for creativity for things not done before. The Regulation was designed for higher density with affordable units provided. He noted his recollection of the informal meetings with the Commission and the Commission’s indication that the subject site was a perfect spot for AHOZ. There was no talk about limits to the number of stories in a building when AHOZ was adopted.

Mr. Armstrong noted his support for affordable units on the subject site but commented that the Commission wants something that is going to be good for Avon and also work for the existing residents of Avon Mill. He noted that while the issue of the quads won’t be solved tonight, more feedback from the applicant and discussions with Town Staff are needed.

Mr. Lee explained that he took careful notes at the first meeting and spent lots of time with his architect producing something that will work for Avon. He clarified that while he certainly wants to work with the Town he confirmed that he did not get that message that four stories are absolutely not allowed because if he had he would not have produced the design as it exists. He further explained that his understanding was that the buildings cannot look towering, per se.

The proposed buildings are only 48 inches higher than the existing buildings on the site. He asked that it be kept in mind that reducing the height would be chopping off about 50 units, which eliminates 10 affordable units. He explained that the money that comes out of building the aforementioned 50 units is very helpful to be able to do all the work needed to renovate the existing buildings ($4M cost).

Ms. Keith commented that the original number given to the Commission was 250 units, not 270 as now proposed. She said that better communication was needed with Town Staff and Commission before producing the plans because this is not what we talked about.

Mr. Lee communicated his disagreement noting that tonight is the third time he’s been before this Commission and each time he has displayed his renderings and each time the renderings showed the fourth story.

Ms. Keith agreed on the renderings but clarified that Mr. Lee said that the fourth floor is not living space it just looks that way. Mrs. Primeau noted her agreement.

Mr. Lee apologized but noted that he did not say that.

Mrs. Harrop said that her thought was that a lot of work has gone into making the buildings look like four stories, adding her naivety that she really thought the top floors were all dummies.

Mr. Lee stated that from the first day he made his presentation to the Commission there have been 25 units per floor. He reiterated his careful note taking at the first meeting and was never told that the fourth floor was to be eliminated. He explained that he now understands what is wanted and is happy to try to work it out.

Mr. Armstrong and Ms. Keith confirmed that they like the design of the drawings aesthetically.

Mr. Ladouceur asked why some of the parking spaces for the first, second, and third buildings are shown in the overlay zone, when those buildings are located in the RU2A zone and not part of the overlay zone.

Mr. Whitney explained that he has never made this type of drawing before and drew the line 30 feet from all parts of the existing buildings because 30 feet is both the side yard and rear yard setback. He clarified that while the line could be changed to include the parking areas it would not matter because the proposed 270 units are well below the maximum number of units permitted in the AHOZ and still satisfy the Regulation. He clarified that parking has nothing to do with density.

Peter Smith, architect, noted that he has known Mr. Lee for years, is from Boston, and is very familiar with New England styles. He stated that he has reviewed the AHOZ Regulations adding that he was under the same impression such that some unprecedented things could be done. He conveyed his understanding of the “glass ceiling” feeling regarding the fourth floor adding that sensitivity to the mass of the buildings was considered; addressing the roof by adding dormers and stepping the massing can make buildings not feel so tall. The existing buildings are three-story and 40-feet high. Step massing was used on the flanks that really are three stories; not every structure is inhabiting the fourth floor but on the buildings with habitable fourth floors some elements (e.g. Porte Cochere) have been used as personalization and not make it feel like a super block. He explained that the first floor footprint is larger with 26 units, double 25 for the mid floors, and 24 smaller units on the top floor. It’s not cookie cutter on each floor; there is stepping in the massing with smaller units on the fourth floor. He agreed, for example, that if 100 units per building was the request a building could be designed with 33 units per floor with three stories in total, as long as the site could accommodate larger footprints. He displayed drawings of the buildings but noted he doesn’t have any drawings of the quads.

In response to Mr. Armstrong regarding breaking up the duplex styles, Louis Pfaff explained that from an economic standpoint, increasing variety/styles presents underwriting challenges (e.g. one-bedroom units and two-bedroom units that each have their own roof) and this is why you see more three-bedrooms in townhouse developments. He explained that a significant amount of time has been spent trying to give the Commission what they’ve asked for (fewer three-bedroom units) while still maintaining the economic viability for the phase. Profits actually went down when the number of duplexes was reduced and the quads added in but the applicant wants to give the Town the variety they want. He explained that he talked with local companies (that manage lots of apartments in this area) to understand what the best mix of units (duplexes, quads, etc) is for the community, as these units will be here long after we are gone. The presented plans contain the diversity as a result of the input received.

Ms. Keith asked if the building placement could be broken up such that not all the duplexes are in one location or all the quads in one location; for example, locate some duplexes but then put a quad next to it, etc.

Mr. Lee stated that building locations can be broken up and also noted that there are different models with different colors; colors can be approved by the Town.

Mr. Smith explained that there is variety in the building types; each building has its own unique character. Porches add an element of classic New England style and also create a nice community-building feature; he noted that some of the porches could have railings.

Mrs. Primeau commented that there won’t be much light for the units that only have one window noting that it doesn’t cut it for her.

Mr. Ladouceur asked how far back the units will be from both the sidewalk and the road. He said that if there is a car in the garage and also a car in the driveway, there isn’t always room to walk on the sidewalk because the car in the driveway extends into the middle of the sidewalk. There needs to be enough room on the driveway, between the garage door and the sidewalk, to hold a full-sized vehicle without having it encroach onto the sidewalk itself.

Mr. Lee confirmed that there will definitely be enough room on the driveway for a vehicle to pull in completely leaving a clear path for the sidewalk. He confirmed that there will be a sidewalk in front of each unit and further explained that a walking/running path will be created around the entire property to be part of an arboretum concept.

Frank Esposito, landscape architect, referenced a colored rendering (L2) that is part of

Mr. Whitney’s map set that shows a sidewalk throughout the entire development. He explained that the “pink” line is the walking path; he further explained that most of the pink line is depicted on the sidewalks, which are off the road. The “blue” line is for light hiking through a wooded area, an arboretum effect. He explained that there will be walkways from the front doors to get to the driveways noting that some light plantings are shown (e.g., boxwood and dogwood).

Mr. Esposito explained that there are many beautiful plants already existing on the site that will be protected as much as possible. He confirmed that a good mix of evergreen, deciduous, and flowering plants would be added and also confirmed his knowledge that beautiful Mountain Laurel is Connecticut’s official State flower. He indicated that an entrance area is proposed to be made out of brick to create a sense of arrival for Avon Gardens.

Mr. Lee addressed the walking path explaining that it could be used by people walking their dogs or anyone wishing to walk/run the path, which also goes down to the River. There is a separate path that is wheelchair accessible. He added that people from outside the development would be welcome to access the path. He addressed the basement parking explaining that it runs around the perimeter of the building with wheelchair parking, storage, and also utility rooms.

In response to Mr. Pfaff, Mr. Peck explained that the AHOZ is only valid on the site where it has been approved by the Commission; there is no precedent set and the zone change benefit would not apply to any other nearby properties. He referenced an earlier conversation relative to the correctness of the lines drawn for the parking lots on the subject site and explained/confirmed that the proposed density is significantly less than would be permitted under AHOZ.

In response to Ms. Keith, Mr. Smith explained that the trash chutes will travel the full height of the building as one continuous vented tube that travels to a compactor located in the basement; trash chutes are self cleaning. Garage will be picked up on a ramp, located on the building perimeter. Recycling will be handled by building management on a floor to floor basis using bins. He explained that he is familiar with three different vendors and has seen trash chute operations work well in other locations. A trash chute is an expensive option that has been given a lot of thought for this project.

In response to Mr. Armstrong, Mr. Lee explained that trash chutes are vented to address odors.

Matthew Skelly, traffic operations engineer, referenced the traffic study and in response to

Mr. Armstrong’s questions confirmed that other developments in Town (Nod Road, Avon Center) were taken into consideration as background. He also confirmed that a 1.25% yearly traffic increase has been considered. He explained that the proposed 270 units would generate 97 trips (25 entering, 72 exiting) during the morning peak hour and 119 trips (72 entering, 47 exiting) in the afternoon peak hour. He further explained that these results are based on the ITE trip generation rates, which are national averages from across the country for similar existing developments. Seventy percent (70%) of the traffic is expected to travel north towards Route 44 and 30% to the south. The directional split that exists today is a bit more even, so the estimate is conservative. The intersection of Avonwood Road and Waterville Road operates acceptably (Level of Service) in all conditions; LOS B and C in the morning and LOS D in the afternoon. The average amount of delay is 35-50 seconds during the peak hour. The intersection of Waterville Road (Route 10) and Route 44 experiences significant delays in both the morning and afternoon peak hours. He explained that the proposed development, given the 70% that head towards the intersection of Routes 10 and 44, increases the peak hour traffic by 1% of the existing traffic volumes.

In response to Ms. Levin, Mr. Skelly explained/clarified that the information he provided about traffic increases addresses only the peak hours. He indicated that counts were done on May 21, 2019, and traffic was analyzed during the peak hours of 7:15am to 8:15am and 4:00pm to 5:00pm. He clarified that this is not to say that these hours are the only time there is bad traffic. Ms. Levin asked why traffic after 5pm is not factored in because traffic is terrible after 5pm.

Mr. Skelly clarified that the counts done are per standard methodology used and required by the State DOT. He explained that traffic engineers design for the peak hour.

In response to Ms. Levin, Mr. Peck confirmed that the Commission’s decision is based on the result of the peak hour.

In response to Mr. Ladouceur, Mr. Skelly explained that traffic counts are not done when school is not in session adding that his results include buses and vehicles from the CREC School. He explained that the aforementioned 70/30 traffic split takes into consideration the existing traffic patterns for a site and then adding in the new trips plus factoring in some engineering judgment. The existing traffic is a mix, some is residential and some is from the School. Mr. Skelly explained that if the traffic study’s estimation/prediction that more of the traffic will head north (70% towards Route 44) than heads south (30% towards Route 84) actually turns out to be reversed that is probably a good thing. He noted that they do their best with traffic estimations.

In response to Ms. Keith, Mr. Skelly explained that Mondays and Fridays are more difficult to predict traffic conditions; Tuesday, Wednesday, and Thursday are considered the design days. He further explained that the traffic proposed to be generated by the subject development would easily be concealed by the daily fluctuation in traffic.

Mr. Armstrong asked what the existing LOS is at the intersection of Avonwood Road and Route 10 and whether it changes during the peak hours with the additional traffic from the proposed development and if it changes by how many seconds. He noted that he wants the same information for Route 44; are we going from LOS E to LOS F and, if so, is it two seconds or 15 seconds.

Mr. Skelly confirmed that he would get back to the Commission with the information (chart) and comparisons requested by the Commission.

Mr. Skelly explained/clarified that the intersection of Routes 10 and 44 already currently operates with a significant delay such that while adding the aforementioned 1% traffic increase doesn’t make the condition better it’s not the type of change that you would notice.

Mrs. Primeau commented that under current conditions there is a lot of traffic for the CREC School such that the capacity from Route 10 to Route 44 between 3pm and 5pm is going to be really high because a lot of people cannot utilize the bus and have to drive to the School to pick up their children. There are a lot of apartments and condos off of Avonwood Road.

Mr. Skelly explained that while he understands the Commission’s feeling that 4pm to 5pm is not the only congested hour, the data tells us that 4pm to 5pm is the most congested hour and that is what the design is based on.

Mr. Ladouceur commented that the traffic information done in conjunction with the CREC School application might add some clarification on school-related traffic.

Mr. Skelly reported that commuter traffic is the number one thing that drives peak hour traffic in this area, definitely outweighing school traffic. He concluded by stating that he would get back to the Commission with the requested information and comparisons.

Ms. Keith and Mr. Armstrong asked for the number of school-age children estimated to live in the proposed development and what is the breakdown of ages and schools to be impacted. What is the current makeup of students in the existing buildings at Avon Mill and would the makeup be the same for the new development.

Mr. Meyers indicated that while they would try to gather the information requested relative to school students he noted that they have not been successful in the past asking for data/numbers when contacting either the Schools or the bus company. He suggested that the Town may have better luck asking for the information.

The hearing was opened for public comment; there was no response.

Mr. Gentile motioned to continue the public hearing for Apps. #4898, 4899, and 4901 to the next meeting. The motion was seconded by Mrs. Primeau and received unanimous approval.

App. #4902 - Fifty Tower LLC, owner, BodyRoc 2 LLC, applicant, request for Special Exception under Section VI.G.3.e.of Avon Zoning Regulations to permit school for small group fitness classes, 50 Tower Lane, Parcel 4370050, in an IP Zone

Present were Jared Alfin and Stephanie Ma, Hassett & George, PC, on behalf of BodyRoc 2 LLC, and Shaun Chambers, applicant.

In response to Mr. Armstrong, Attorney Ma explained that the applicant is acceptable to the conditions outlined in Mr. Peck’s comments, should an approval be granted.

Attorney Alfin confirmed that he has been in contact with Mr. Peck as well as the Building Official and Fire Marshal and offered assurances that there will be compliance and conformance with all Town Regulations.

In response to Mr. Gentile, Attorney Ma explained that tenant “B” is a storage area such that there would be no impact from BodyRoc (noise) being located next door in this building because there will be no loud music.

There being no further comments, the public hearing for App. #4902 was closed. The entire public hearing portion of the meeting was closed.

**PLANNING AND ZONING COMMISSION MEETING**

Mr. Armstrong motioned to waive Administrative Procedure #6 and consider App. #4902.

Mrs. Primeau seconded the motion that received unanimous approval.

App. #4902 - Fifty Tower LLC, owner, BodyRoc 2 LLC, applicant, request for Special Exception under Section VI.G.3.e.of Avon Zoning Regulations to permit school for small group fitness classes, 50 Tower Lane, Parcel 4370050, in an IP Zone

Mr. Armstrong motioned to approve App. #4902 subject to the following conditions:

1. A maximum of 20 students, at any given time, and 2 instructors is approved.
2. Prior to beginning any site work, applicant shall prepare and submit complete and final fit out plans to Town Staff (Planning, Building, Fire, and Zoning) for review and approval as well as obtain approved building permits.
3. No sign is approved at this time. Applicant should contact the Planning Department regarding any future signage for this business.

The motion seconded by Mrs. Harrop received unanimous approval.

**STAFF COMMENTS**

Avon Village Center Update

Attorney Meyers explained that the building for Whole Foods is scheduled to begin construction in early December 2019. The erosion and sedimentation controls must be in place and the area staked out before any dirt is moved and the bonding LOC must be in place before any dirt is moved. The bonding amount is being discussed and will be determined by Town Staff; the bonding is estimated to be secured by the end of next week.

Roy David, Farmington Valley Arts Center, indicated that the schedules for Avon Center will greatly impact their business and noted his concerns with earth removal, road detours and closures, and building construction.

Ms. Keith indicated that the Commission is just tonight getting updated information regarding Avon Center. She acknowledged Mr. David’s concerns and recommended that he contact the Town Hall Planning Department if he has questions that are not answered tonight.

Mr. Meyers offered assurances that the developer will comply with all approvals and direction received from Town Staff regarding temporary road closures, detours, etc. Sufficient public notice will be given for road detours, closures. He explained that all earth removal trucks will leave Avon via Route 44.

In response to Ms. Levin, Mr. Peck confirmed that he has information for the Commission relative to public notices for upcoming work in Avon Center that he can provide anytime.

In response to Ms. Keith, David Chamberland (Greene Construction) explained that in this phase 200K CYs of earth will be removed. He further explained that he doesn’t yet know the date removal will start or how long the removal will take.

In response to Mr. Ladouceur, Mr. Meyers explained/clarified that when we refer to “this phase” we are talking about Phase 1A. He handed out an updated one-page construction schedule to the Commission.

Kelly Coates (President, Carpionato Group) explained that the LOC should be issued very soon and clarified that there are three separate bonds required by the Town; one for sewers, one for road work, and one for erosion and sedimentation controls (E&S). Each bond contains a detailed listing of what is included in the bond.

Mr. Peck provided an update to the Commission noting that last week the storm water plans have been given to the peer review engineer (Weston & Sampson) by the Town Engineer. The Town Engineer is right now working on a date for the storm water review so that work can get started soon. The bonds will be secured soon and the Town Engineer will be provided with the most updated schedule (received tonight). He explained that the developer is here tonight looking to move forward as soon as the plan approvals are in place and the bonds secured. He confirmed that some of the building plans have been submitted to the Town Building Department but we are still waiting for the big building plans. He confirmed that Town Staff has the order of everything laid out in accordance with the applicant’s request. Mr. Peck concluded by noting that Town Staff wants the Commission to know that they would like the work to proceed once all the aforementioned items are in place. He confirmed that the brownstone boulders are part of the landscape architect’s plan that will be used somewhere on the site but the location has not yet determined.

Mr. Meyers clarified that the soil removal can begin once the LOC for E&S is in place; the road and utility (sewer) bonds are not needed for soil removal. Mr. Peck concurred.

Mr. Peck explained/clarified that signs (electronic traffic signs) will be placed where the State DOT instructs us to place them. Signs will be posted well in advance of any road work, temporary roads, and road detours taking place but reiterated that the bonds need to be in place first. All road construction will be done in accordance with the Town Engineer’s requirements.

Mr. Coates explained that soil and erosion control measures are the first thing to do; next is placement of the job trailer on the site for the project manager; complete all the bonding and LOCs with Town Staff; and get the final plans. He confirmed that all signage on Route 44 will be at the direction of the State DOT, as well as the Town Departments of Police and Public Works.

In response to Ms. Keith, Mr. Meyers confirmed that a berm will be constructed with landscaping on top of the berm such that vehicles parked at Whole foods will not be visible from Route 44.

Mr. Coates confirmed that every detail contained in the plans will be adhered to.

In response to Mr. Ladouceur, Mr. Pecks offered assurances that as soon as there is concrete information as to when things will be starting for Phase 1A we will put information/scheduling on the Town’s website page dedicated to Avon Village Center.

Mr. Armstrong suggested that the Valley Press be provided information about Whole Foods and the Climax Road bypass to alert people about upcoming construction. He also suggested contacting the Chamber of Commerce.

In response to Mr. Armstrong, Mr. Meyers explained that there may be some cutting into the MDC ridge for the temporary road construction. He further explained that Town Staff can walk the site before any tree cutting is done. He confirmed that no topsoil will be exported off the site.

In response to Mr. Armstrong, Mr. Coates explained that he will have to talk to the general site contractor on the timing of the stone wall construction on Route 44 at Climax Road.

In response to Ms. Keith, Mr. Coates confirmed that information will be put out there that there will be an alternate route to Climax Road but stress that Climax Road will not be closed. He added that he could try to get some ads in the Valley Press announcing the project.

Mr. Ladouceur commented that Buildings R1, R2, R5, and R8 have to be built/completed at the same time as R4, Whole Foods.

Mr. Coates explained that the design plans for Buildings R1 and R2 are getting very close to being finished without waiting for confirmed tenants.

Mr. Meyers confirmed that the commitment to Whole Foods requires that Buildings R1 and R2 be done at the same time as WF (Building R4).

In response to Ms. Levin, Mr. Coates clarified that there are lots of prospective tenants but they are holding out for one specifically.

Café Permit Regulation

Mr. Peck reported that Dom’s Coffee (21 West Main) cannot move forward with their plans (sell beer and wine) with the existing language pertaining to Café permits in Avon’s Zoning Regulations and asked the Commission their thoughts on removing the café language. He added that Dom’s Coffee wants to sell beer and wine to make their business more economically viable.

Mrs. Primeau noted that Avon got rid of café permits because of what it brought to Town.

Mr. Peck explained that the State Liquor Commission will not approve the requested activity at Dom’s Coffee for anything other than utilizing a café permit. He clarified that if the Regulations require a special exception for all types of permits the Commission has significant discretion when applications are received.

In response to Mr. Ladouceur, Mr. Peck confirmed that Dom’s Coffee does not have the equipment needed (a commercial kitchen) to satisfy the requirement for hot meals.

Mr. Ladouceur commented that Dom’s has not exhausted all the available appeals.

Mr. Peck indicated that if they lost the appeal it would cause them to wait a whole year before reapplying and the permit would cost in excess of $2,000. He explained that he talked with the State Liquor Commission to no avail reiterating that it is up to the Commission as to whether or not they want to amend the Regulations.

Ms. Levin suggested that this conversation be revisited at the October meeting.

There being no further business, the meeting adjourned at 10:30pm.

Linda Sadlon

Avon Planning and Community Development