The Planning and Zoning Commission of the Town of Avon held a meeting at the Avon Town Hall on Tuesday, December 10, 2019. Present were Linda Keith, Chair, Tom Armstrong, Vice Chair, Joseph Gentile, Lisa Levin, Brian Ladouceur, Jr., Mary Harrop and Alternates Elaine Primeau, 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**

Mrs. Harrop motioned to approve the minutes of the November 19, 2019, meeting as submitted. The motion, seconded by Mr. Armstrong, received unanimous approval.

**PUBLIC HEARING**

App. #4913 Dialysis Clinic Inc. owner, Artfx Signs, applicant, request for Special Exception under Section VII.C.5.of Avon Zoning Regulations to permit park entrance sign 54 West Avon Road, Parcel 4540054, in an OP Zone

Present were Shaddy Kessing, ArtFx Signs; and James Reid, authorized representative for

54 West Avon Road.

In response to Mr. Gentile, Mr. Kessing explained that ground mounted external lighting is proposed.

Mr. Peck indicated that Staff recommends approval noting that the size and location of the sign are acceptable adding that Staff will work with the applicant on external illumination and the size of the address letters.

In response to Mesdames Keith and Levin, James Reid, representing 54 West Avon Road, explained that there was an external sign that was located between the two buildings and another external sign facing Dale Road; he noted that neither sign could be seen very well, as they were not near West Avon Road. The proposed sign is a replacement for the aforementioned signs.

There being no further comments, the public hearing for App. #4913 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. Primeau seconded the motion that received unanimous approval.

Mr. Armstrong motioned to approve App. #4913 subject to the following:

1. Applicant shall work with the Avon Planning Director in connection with ground-mounted lighting and also to finalize dimensions of the address number (54) located on top of the sign. These items shall be reviewed and approved by the Town prior to applying for a building permit to erect the sign.

The motion, seconded by Ms. Levin, received unanimous approval.

**INFORMAL DISCUSSION**

Zoning Regulation Revision RE Café Permits - Sections V, J.4. ,J.5.

Mr. Peck explained that the draft language eliminates the prohibition on café permits and also notes that café permits could only be allowed in the CR and CS zones by special exception approval of the Commission. He confirmed that all the criteria listed in Section VIII of the Regulations would apply to every application. The Commission has broad discretion relative to special exception applications relative to all aspects of a business (e.g. hours of operation/close, noise/live music, etc.).

Ms. Keith said that she generally finds the draft language good but noted her agreement that listing hours for closing times is important to make clear to everyone up front.

Mr. Ladouceur commented that while State permits for taverns and restaurants provide a means for businesses to provide services while also imposing certain restrictions he noted his concern with café permits, which he views as the “wild west” permit because very little is required by the State. A State issued café permit allows a business to stay open until 2am or possibly later should the rules change. He noted his concern that if Avon doesn’t impose at least some minimum restrictions for café permits, which currently are not allowed, that we are opening up the possibility for too many café permit applications. Some restrictions on the hours of operation (9pm closing Sunday through Thursday and 10pm closing Friday and Saturday) and live music should be incorporated.

Ms. Levin noted her support for building in more restrictions rather than fewer while also providing some flexibility. This amendment is being considered to accommodate an existing business but potential future applications need to also be considered. Closing at 10pm Thursday through Sunday could maybe be acceptable and added that acoustic music could be allowed but nothing electric.

Mr. Peck recommended not making the language too specific bur rather require that music/noise cannot be heard beyond the property line/off the premises. He pointed out that café permits would only ever be permitted (by special exception) in the CS and CR zones which automatically imposes limits. He explained that every applicant for a café permit in Avon would also have to get a State permit which outlines what is and isn’t allowed on a property. The Commission has additional ability beyond the State Permit’s requirements to restrict what happens on a property. He confirmed that he also has to sign off on each State Permit, offering one more level of scrutiny.

In response to Mrs. Primeau’s question about imposing a two-year time limit, Mr. Peck explained that under CT law special exception/permit approvals are permanent. The requirements and conditions imposed on an approval are what restrict the use and any violations can be enforced by the Town.

Mr. Armstrong commented that maybe some language should be built in to address entertainment, to avoid the possibility of something like a strip club but added that the closing hours would likely keep that from happening.

Mr. Peck summarized the discussion by noting that closing hours would be 9pm, Sunday through Wednesday, and 10pm, Thursday through Saturday. Music if permitted cannot be heard off the premises/off the property. The Commission agreed. He agreed to forward the language to the Town Attorney for review.

In response to Mr. Gentile’s question, Mr. Peck explained that a café permit would not likely be approved by the Commission close to an existing “work/live” situation, as there are people living there (residential use).

TML Development - Avon Gardens, Avonwood Road RE Application Revisions Discussion

Tim Lee, Lee Land Development, was present, along with David Whitney, PE, Consulting Engineers LLC.

Mr. Lee addressed concerns relating to traffic, school enrollments and revenue, and the number of new units. Additional study has been done relative to traffic; the number of new units could be reduced while still making improvements to the existing units; and adding a buffer between River Mead and Avon Gardens (Avon Mill).

Mr. Whitney presented updated traffic information on behalf of Mark Vertucci (Traffic Engineer, Fuss & O’Neill). He explained that Mr. Vertucci proposes a new right-turn lane at the intersection of River Mead and Waterville Road; an emergency gate to allow one-way access from River Mead to Avonwood Road to access the traffic light; and construction of a new right-turn lane at the intersection of Avonwood Road and Waterville Road. The existing Level of Service at the intersection of River Mead and Waterville Road is LOS “F” but would be improved to LOS “C”. The Level of Service at the intersection of Avonwood Road and Waterville Road is currently LOS “E” and “F” and would be improved to LOS “D”. He explained that these proposed changes would be explained in detail by the traffic engineer.

Mr. Lee explained that he hired an expert to review tax revenue and based on the calculations the additional tax revenue is estimated at $900K; an additional $146K from vehicles and other personal property; and $135K from water usage fees. The total additional tax revenue is estimated at $1.18M. The number of additional students projected for the new 270 units is 32; the cost per student is $11,700.

Ms. Keith said that the cost per student in Avon is almost $18K.

Mr. Lee commented that he would be happy to present the entire study to the Commission adding that he would be glad to check into the cost per student. He noted that the net positive would be $500K in tax revenue plus one-time developer fees would add about $280K of income for the Town. He explained that if he reduces the overall number of new units (by 10 or 15) and also reduce the number of three-bedroom units that also reduces the number of students. He referenced the aforementioned buffer proposed to River Mead noting that that would eliminate four units.

In response to Mr. Armstrong, Mr. Lee explained that his calculations are based on 270 new units. The study came up with 80 additional students of which 48 would come from the existing school system in the community and 32 students from out of town.

Mr. Ladouceur communicated his knowledge from experience that lots of people divorce and one person stays in the house and the other moves into another unit somewhere in Town resulting in no net student gain.

Mesdames Keith and Primeau indicated that they believe there is still a student gain.

Ms. Keith said that from her talks with the Board of Education, $11K per student is not correct; it is $18K+ per student. She commented that the calculations for this project need to be closer to $18K per student, rather than $11K, due to teachers and classroom sizes and supplies.

Mr. Ladouceur commented that when student enrollment drops the budget is never reduced by $18K per student; the cost of $18K per student is not accurate.

Mr. Armstrong commented that the number is accurate if you take the School budget and divide it by the School population but added that the number does not include brick and mortar.

Mr. Lee noted that there is still a net positive revenue gain if you take $1.1M and divide it by $18K x 32 students.

Mesdames Keith and Primeau said that with the number of units proposed that they don’t believe it will only result in 32 additional students.

Mr. Lee explained that he would like to have the expert he hired present the findings to the Commission. He commented that the Commission could also hire their own expert to verify the information, if necessary.

In response to Ms. Levin, Mr. Lee explained that if the number of three-bedroom units were reduced by ten it could reduce the number of students by five or six, changing the aforementioned 32 to 26 or so. He noted that he could provide the exact numbers if needed.

In response to Ms. Keith, Mr. Lee explained that there are 54 students in the existing buildings, which includes all grades. Ms. Keith said that she watched the buses empty and she counted 58 kids.

Ms. Levin noted that while she understands the proposed improvements to the Levels of Service presented earlier she said that she struggles with the credibility of the traffic studies.

Mr. Lee noted his understanding adding the importance of having the traffic engineer present the findings.

Ms. Keith said that she thinks it’s a positive to let the residents of River Mead exit onto Waterville Road utilizing the traffic light at Avonwood Road. Waterville Road is going to have a lot more traffic but it will come from other areas that are growing and not from the subject area. The expert needs to understand that people are drawn to Avon for the schools and if they can’t afford a house they will rent.

Mrs. Primeau commented that Avon has acquired many more students than were ever projected by experts hired by the Board of Education. Temporary classrooms have been needed. She suggested that if you add 15-20 more students to the total presented you may be in the ballpark.

Mr. Armstrong asked for information from the expert, relative to this type of development, about what percentage of the projected student increase already live in the town. He also suggested that the expert try to meet with the Superintendent of Schools to ensure the facts.

In response to Ms. Levin, Mr. Lee indicated that there are currently 54 students in the existing 189 units.

Mr. Lee asked for feedback from the Commission on the number of new units they would find acceptable. He explained that while he would like to stay somewhere near 270 units he wants to work with the Town. If it needs to be 260, 255, or even 250 units to work he can do that. He reiterated that four units (two duplexes - two buildings with two units each) have been lost to the aforementioned buffer area to River Mead. He reiterated that reducing the number of three-bedroom units will reduce the number of students.

Mr. Ladouceur commented that if we kept the same number of buildings and made some of them quads rather than duplexes the number of units would be increased but there would fewer three-bedroom units and more one and two-bedroom units resulting in fewer students.

In response to Mr. Ladouceur, Mr. Lee confirmed that he does not want to change the 100 in each of the new apartment buildings, which have very few three-bedroom units.

In response to Ms. Keith, Mr. Lee explained that the four-story buildings are designed to look like a three-story building with dormers. The four-story buildings are only 48 inches taller than the existing buildings and helps preserve more greenspace. Underground garages are proposed under the two large new buildings.

Mr. Lee explained that he studied the AHOZ Regulation architectural details to produce traditional New England style buildings that work for this area. He explained that he plans to put considerable amount of money into renovating the existing buildings to make them look presentable. A new attractive entrance into the development is also planned. Twenty percent of the new units will be affordable and all located in the new construction. A walking path arboretum is planned around the entire development that will be open to all the residents of Avon. He offered assurances that he would plant Mountain Laurel and create vegetable gardens and a barbeque area with a clubhouse for parties and gatherings. A new swimming pool and two new tennis courts are planned. Focus will be placed on recycling as well as energy and water saving techniques and appliances. Solar panels have also been considered for the large buildings with flat roofs. There will be tax benefits to Avon.

In response to Mr. Gentile, Mr. Whitney explained that in the existing three buildings there are 102 one-bedroom units, 78 two-bedroom units, and nine three-bedroom units.

In response to Ms. Keith, Mr. Lee said that he could certainly put more space between the quads and spread them out.

In response to Mr. Armstrong, Attorney Meyers explained that the applicant has proposed before and will propose again that the project would be done in phases with the first phase being the renovation of the existing buildings. He indicated that the developer cannot get into the second phase unless the first phase is accomplished.

Mr. Lee conveyed his understanding that the Commission wants reassurance that he is going to do what he says he’s going to do. He explained that in order to make the whole project work the existing buildings must be renovated. The exterior of the existing buildings is an embarrassment and doesn’t represent Avon well. He explained that his reason for being present tonight is to find out whether the Commission is open to considering this project moving forward and whether or not he should continue. He commented that he doesn’t want to reapply if no one is interested.

Ms. Keith said that she would like to see some renderings of what the buildings would look like from a street view. She said that she would like to see the materials that would be used for the renovation of the exterior of the existing buildings.

Mrs. Primeau commented that some apartments will have a view into apartments due to the atrium proposed for the center of some of the buildings.

Mr. Lee confirmed that the atrium will create views into apartments in some areas but explained that you have that same situation when coming in and out of the buildings. There will be situations where you may see another window; people inside apartments could also look across the courtyard and see other apartments but hopefully people have some means of creating privacy.

In response to an audience member, Ms. Keith commented that while no questions can be asked tonight during the informal presentation, the public will be allowed to asked questions at a future public hearing to be held if/when the applicant returns with an application.

Ms. Levin asked if the traffic study will address how all the traffic from within Avon Gardens will work and exit the area. There are 189 existing units and 270 new units proposed plus all the traffic that could come through the site from River Mead via the cut through access connection (gate) located to the rear of the site.

Mr. Lee noted his understanding of the traffic concerns adding that not everyone at Avon Gardens will be leaving at the exact same time. The updated traffic study will be presented and if it doesn’t meet the Commission’s needs then another study will be done.

Mr. Ladouceur commented that the connection access gate (River Mead residents heading to traffic light at Avonwood Road) will likely be used mostly during peak times when it would be difficult to get out directly onto Waterville Road.

Mr. Meyers explained that the proposal for the gate is to either have an automatic treadle on one side or provide the residents with a device that opens the gate; either way is fine.

In response to Mr. Gentile, Mr. Lee explained relative to the proposed 270 new units that initially 40% of the units were one bedroom, 40% were two bedroom, and 20% were three bedroom but further explained that the percentages have been adjusted to reduce the number of three bedroom and add more two bedroom. He noted he could provide the exact numbers.

Mr. Whitney provided the breakdown for the 270 new units as follows: 130 one bedrooms, 98 two bedrooms, and 42 three bedrooms.

Mr. Lee confirmed that four of the 42 three bedrooms have been lost due to the buffer proposed to River Mead, discussed earlier; he noted that he is willing to lose more.

In response to Mrs. Primeau, Mr. Lee and Mr. Whitney both confirmed that Avon Place was included in the traffic study.

Ms. Keith asked how many units the project can be reduced to and also said she would like to get rid of as many three bedrooms as possible.

Mr. Lee noted his understanding but explained that there needs to be some three bedrooms and added that he could probably make the project work at 250 units in total.

Ms. Keith said 250 units would be wonderful.

In response to Mr. Armstrong, Mr. Whitney explained that in each of the two new large apartment buildings there are 110 one bedrooms, 78 two bedrooms, and 12 three bedrooms.

Ms. Levin commented that between this proposal and the residential units proposed for the Avon Town Center (400) there could be 600 new units in Avon in the next few years, which is a lot of housing.

Mr. Peck explained that the subject proposal will be phased out over three to four years, which will impact both the number of units available and the number of school students. There are two residential buildings proposed for the Town Center project but there are no details to date about the type of units proposed (i.e., single family, duplexes, etc.) or when they would be constructed. The units proposed for Avon Gardens are a totally different product than those to be built in the Town Center.

Mr. Ladouceur voiced his support for resubmittal of an application, noting that he voted in favor of the original application that was denied for items such as traffic, density/units, and student enrollment. He commented that traffic, density/units, and school enrollment has been addressed; he asked if school kids can even be a consideration for an application.

Ms. Keith commented that she’s looking for ballpark numbers for student enrollment which have been provided. She noted that she likes what she has seen and heard tonight and is more comfortable with the proposal now and would not mind if an application was submitted.

Mr. Meyers said that even with the differences discussed relative to the number of students and cost per student, the project would result in net positive revenue to the Town.

Mr. Gentile commented that he still has trouble with the school numbers and gives no credence to the study that was done; if the published number is $18K how can you come up with your own number of $11K. He said that the projected number of 32 new students is way out of line given that there are currently 58 students in the existing buildings. He noted he needs to see some credible numbers.

Mr. Lee stated that he would be happy to provide the numbers.

Ms. Levin commented that she thinks it is worth the applicant’s time to submit a new application.

Mr. Meyers pointed out that the law is very clear such that the Commission cannot be held to whatever indications are voiced tonight should an application be submitted.

Mr. Armstrong commented that he would like to get the information in advance of the application being submitted to allow time for review and to ensure a good chance for the applicant. He added that he hopes the application can wait until the February meeting.

Mrs. Primeau commented that the numbers are holding her up adding that if the number of units are reduced then the number of students will be reduced. This proposal places a lot of people in that area; she noted that a lot of people will downsize to come to Avon for the education services.

Mrs. Harrop noted her concern with the numbers adding that she too is aware that people move into Avon for the schools and many people cannot afford houses. She commented that she thinks the number of new students would be closer to 80, for 250 new units, which is a lot for Avon. She noted that she doesn’t look favorably on the student numbers and added that it has to be Mr. Lee’s decision as to whether or not he wants to reapply.

In response to Ms. Levin, Mr. Meyers explained that the Commission could hire their own expert for both traffic and school information if it was deemed necessary.

Ms. Keith said that she thinks the applicant should apply if they feel they can.

Mr. Lee noted his understanding of all the comments adding that he would ask his expert to work towards 250 units to see how that impacts the school numbers. He will also reduce the number of three bedroom units. He also offered assurances that he would contact the Board of Education to ensure that everyone is working with the same correct numbers. He indicated that he would send the student info to the Commission as soon as possible. He concluded by noting that he believes this project would be a positive to help the Town and wants it to work for everyone.

**OTHER BUSINESS**

221 West Main Street – Fred Bauer – Request for one-year extension App. #4395

Mr. Peck explained that the planning for Mr. Bauer’s oil change center (approved in 2009) is essentially complete and the building construction could take place but some time is needed to get all the details needed for permitting in order and that is the reason for the extension request (current extension expires in January 2020). He noted that this project is now ready to move forward adding that the building design and details are very nice.

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

Staff Updates - AVC

Mr. Peck reported that the foundation only permits for Whole Foods have been issued. The bonds and master agreement are now in place. The temporary roads (Climax and Bickford) should be operational very soon, hopefully in the next day or so, and are expected to be in use for about one year.

There being no further business the meeting adjourned at 9pm.

Linda Sadlon

Planning and Community Development