The Planning and Zoning Commission of the Town of Avon held a meeting at the Avon Town Hall on Tuesday, October 15, 2019. Present were Thomas Armstrong, Vice Chair, Peter Mahoney, Joseph Gentile, Lisa Levin, Brian Ladouceur, Jr., Mary Harrop and Alternates Jill Coppola (sat), Elaine Primeau (not sit), and Linda Preysner (not sit). Absent was the Chair, Linda Keith. Also present was Hiram Peck, Director of Planning and Community Development.

Mr. Armstrong called the meeting to order at 7pm.

**APPROVAL OF MINUTES**

Mr. Mahoney motioned to approve the minutes of the August 13, 2019, meeting. The motion was seconded by Mrs. Harrop. Mr. Ladouceur asked for a change/clarification to Page 122 (*ground-level units a benefit for the elderly).* The motion, as amended, was unanimously approved.

Mrs. Harrop motioned to approve the minutes of the September 10, 2019, meeting. The motion was seconded by Mr. Mahoney. Mr. Ladouceur asked for changes/clarifications to Pages 136 and 137 (*no additional accident risks and traffic mitigation applies only to subject proposal as submitted/represented and reference to 350-unit apartment building is example only).* The motion, as amended, received unanimous approval.

**PUBLIC HEARING**

App. #4903- Paul Grant, owner, Sarah Gage, applicant, request for Special Exception under Section IV.A.4.s.of Avon Zoning Regulations to permit yoga studio, 37 Helena Road, Parcel 2620037, in an R30 Zone

Sarah Gage was present and explained that she is a certified yoga teacher and would like to hold classes in her house. In response to questions from the Commission, she noted that four people at a time is the maximum that the room could hold at one time and all the cars could fit in the driveway; there would be no disruption to the neighborhood. She added that initially she would hold two to five classes per week, Monday through Friday. The morning class would be at about 9am and the afternoon class would end at about 6pm. There will be no weekend classes. She commented that she will inform her neighbors of her plans.

In response to a resident of River Mead, Ms. Gage explained/confirmed that she has professional liability experience adding that if her application is approved she will increase her homeowners insurance to cover liability.

Mr. Peck reported that the Farmington Valley Health District has approved this application.

The public hearing for App. #4903 was closed.

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 Robert M. Meyers, on behalf of the applicant; Tim Lee, applicant; David Whitney, PE, Consulting Engineers; Frank Esposito, designer; Peter Smith, architect; Jennifer Babowicz, traffic engineer, Fuss & O’Neill; and Louis Pfaff.

Attorney Meyers explained that the public hearing for these applications opened on August 13 and was continued to tonight. Any information presented tonight will only be changes in response to comments/questions/concerns made at the last meeting. The applicant accepts all the comments and recommended conditions contained in Mr. Peck’s Staff comments.

Timothy Lee, applicant, explained that he lives in Long Island in a town very similar to Avon. He noted that he is a builder and developer in Long Island, New York City, and Connecticut. He indicated that he specializes in historic restoration work and wants to build something that works both for the residents of Avon Mill as well as the Town. He indicated that he received 12 letters of positive response from residents of Avon Mill, in response to a letter he sent them. The proposal is to renovate the existing three buildings as well as build new apartments and townhomes. He submitted the 12 letters, for the record.

David Whitney displayed maps of the site explaining that the latest plan revision date is September 18, 2019. He explained that in response to comments/requests at the last meeting he revised Sheet #4 (the map of the proposed AHOZ area) to show all three existing buildings along with their appurtenances to remain in the RU2A zone. He referenced Section IX.G. of the Zoning Regulations noting that the AHOZ (Attainable Housing Overlay Zone) intends to create additional housing opportunities in Avon while promoting appropriate development and protection of historic areas in Town and also create the opportunity for mixed-use housing. He referenced the 2016 POCD noting that the subject site is not located in any aquifer protection area; is not located in any bike path or greenway areas; and is not impacted by the Future Circulation Plan (i.e., no roads to be extended). The subject site is noted on Map 7.1 of the POCD, which is entitled “Properties that warrant added study for multi-family and/or cluster development” and therefore the proposed zone change is in compliance with the POCD. The site has access to both public water and public sewer; approvals have been received from the FVHD and the IWC. A demolition plan has been created at the request of the Town Engineer. He explained that the existing three apartment buildings will be renovated (not demolished) and noted that the existing tennis courts, existing pool and pool building and the existing parking located to the rear of 65 Towpath will all be removed. A new building is proposed to be built in this area and the aforementioned amenities will be rebuilt in a different location on the site. A couple of existing parking areas will also be reworked. He explained that the abandoned septic systems have been shown on the demolition plan in the event there are any issues during construction so that the abandoned systems could be addressed/taken care of at that time.

Mr. Whitney addressed construction phasing noting that Phase I is the $4M renovation of the existing three buildings to start immediately; Phase II is the construction of the large apartment building (located behind 65 Towpath), the new pool and pool house, and associated parking lot and driveway grading. Phase III is the construction of a portion of the loop road up to the site of the new second large apartment building. Construction of an access drive into Phase IV is also now part of Phase III. Phase IV is still the construction of quads and duplexes; no changes have been made. He explained relative to parking areas for the quads that there are two garages and a 30-foot driveway to serve as a second parking area for the quad units. The additional four parking spaces have been increased from 18 feet to 22 feet. These areas are exclusive of the four-foot sidewalks. There should now be plenty of room to park large vehicles. The duplex units each have a garage and the driveways are all 30 feet. He addressed drainage noting that no changes have been made from the information presented at the last meeting; the basis for the design is to contain the entire 100-year storm on the site. Each unit will be self-sufficient relative to storm water runoff.

Mr. Whitney addressed parking noting that he analyzed parking for each of the buildings; the minimum required parking for the AHOZ is 1.5 spaces/unit. Guest parking has been added. The minimum required parking spaces was 783; the total number of parking spaces on the site is now 941, which allows the overall parking count to be 2 spaces/unit (an excess of the required 1.5 spaces/unit).

Mr. Whitney addressed comments from the Fire Chief and Fire Marshal; the locations for 14 new fire hydrants throughout the site have been identified, approved by the Fire Department, and shown on the plans. New road names will be approved by the Town to ensure that emergency services can get to any location needed. Sprinkler systems will be installed in the two large, four-story apartment buildings; stand pipe systems (an extension of the fire hydrant system) will also be installed. Fire alarms, fire extinguishers, and posted evacuation routes will also be installed per Building and Fire Codes. Knox boxes will be installed at front and rear entrance; all buildings on site will meet all Building and Fire Codes. Both the Fire Marshal and Director of Public Works have indicated in writing that they have no objections to a four-story building and below-grade parking as long as everything is built according to Code; the applicant agrees to all the requests/requirements of the Fire Department.

In response to Mr. Armstrong, Mr. Whitney explained/clarified that there are 10, two-story, four-unit quads proposed. He explained that anywhere a retaining wall is shown behind a unit there will be a fence or a railing but clarified that not all units will have retaining walls.

In response to Mr. Meyers, Mr. Whitney clarified that the land proposed to be changed to AHOZ is 29.49 acres; the previous acreage was 33.05.

In response to Mr. Gentile, Mr. Whitney explained that snow could be stored between the units but noted that snow storage protocols would be at the direction of the property manager. He noted that while designated snow storage areas have not been shown on the plans (but could be) there is plenty of room on the site.

In response to Mr. Ladouceur, Mr. Whitney explained that the majority of the quad buildings are located on the west side of the road but noted that there are a couple of buildings located on the east side. There is room on the east side of the road for snow storage.

Mr. Meyers explained that the applicant would not object to a condition of approval requiring designated snow storage areas subject to Town Staff approval.

In response to Mrs. Harrop, Mr. Whitney explained/confirmed that there are still buildings with four stories.

Mr. Meyers explained that the four-story buildings are 48 inches taller than the three-story buildings.

In response to Mr. Armstrong, Mr. Meyers confirmed that he has received Mr. Armstrong’s information relative to State of CT affordable housing/AHOZ, school population numbers and assessing information for revenue and expenditures. He noted that if you add the tax generation from the new units and the tax generation of the increased values of the renovated units it is in the vicinity of $1M per year.

Mr. Armstrong reviewed the aforementioned information he provided to Mr. Meyers as well as the Commission noting that there are affordable housing numbers provided by the State of CT, allegedly correct as of 2018. The State’s goal is 10% and Avon is almost 4%, which is lower than Farmington, Canton, Simsbury, Bloomfield, and West Hartford. School information (total # of students and students in each class) shows actuals for previous recent years and projections for 2019-2020). He noted that these projections do not take into account the subject applications.

Ms. Levin asked how many students could be added to the schools from the subject proposal.

Mr. Peck explained that actual counts were done and discussions were had with the school bus drivers and the Department of Education. He indicated that the estimate for the proposal on Nod Road was .64 students per unit; the number for the subject proposal is .54 students per unit, which is based on actual numbers from the units on the site. The proposed units, whether duplexes, quads, or apartment buildings would be similar to what’s already on the site.

In response to Mr. Ladouceur, Mr. Peck clarified that .54 students per unit is an actual number from the existing 189 units on the site.

Mr. Peck explained that he talked with the consultant that does the school projections who pointed out that you have to be very careful doing projections because, for example, the subject proposal/project would take place over a number of years. The School hasn’t done a projection in quite a long time such that it’s about time for another study/projection that would take into account what is known about development in Town at this point. The subject proposal was not part of the School’s 2018-2019 projection and the last actual numbers are from 2015; the actual enrollment numbers available right now are accurate. He explained that it depends on the types of units built such that unless we’re going to inquire about how many students are generated from every two, three, and four bedroom house it doesn’t make a lot of difference and there’s nothing to make a comparison to.

Mr. Meyers stated that in addition to the aforementioned approximate $1M in real tax revenue (does not include vehicle tax) there would also be about $675K in revenue from sewer hookup fees. He added that the subject proposal would generate 54 affordable housing units.

The hearing was opened for public comment.

In response to Karen Cianci, 21 Volovski Road, Mr. Armstrong explained that Apps. #4898-4901 have been under discussion for several months; there are 189 existing units and 270 new units are proposed. He furtherer explained that public notices were published in the Hartford Courant.

Mr. Peck explained that legal notices were published in the Hartford Courant, in accordance with State law; notices were published twice before the public hearing. The applicant has been before the Commission twice previously with informal discussions before the public hearing process began. Informal discussions are listed on the agendas which are all posted on the Town’s website and available for everyone to see. In addition, anyone is welcome to come into the Town Hall or call the Planning Department to review application information.

Laura Vasselle, 37 River View, noted her concerns for the proposed project for Avon Gardens being so close to the Farmington River because an ongoing discussion just ended regarding proposed high-density housing on Nod Road and its potential negative impacts to the River, which has a Wild and Scenic designation. She also noted her concerns about increased traffic and noise, tree cutting, use of River Mead’s access road, potential renters of new units, and existing site looks like a prison camp. The proposed 270 units would aesthetically destroy an established neighborhood and drive down property values. Affordable housing in Avon is ok but this is the wrong place and asked that the applications be denied.

Attorney Meyers explained that the subject application has nothing to do with Nod Road; the subject proposal is visible from almost nowhere. The traffic concerns have been answered in a professional report prepared by Fuss & O’Neill, Inc., and revised in response to the questions the Commission’s posed at the last meeting (i.e., seconds of intersection delays). The traffic report got better when the Nod Road application was turned down because the traffic generated by the Nod Road project is contained in the subject report. He explained that the access road for River Mead would not be used at all for the proposed construction. He further explained, however, that if an approval is granted the applicant anticipates that a condition of such approval would require the construction of an emergency gate to serve both Avon Gardens and River Mead in the event of an emergency should the access road for either development be blocked. He referenced Mr. Peck’s memo adding that a gate was a condition of approval for River Mead in the 1980s; the gate was built as directed and was observed and remembered by long-time Town Staff members (McCahill and DiPace). At one point, (exact time and people involved is unknown) the gate was removed and arborvitae was planted such that the area is not passable now by emergency vehicles as it should be due to public safety issues. The filing of the subject applications brought to light the fact that the gate has been removed and it is anticipated that the Town will take whatever action is needed to ensure that River Mead puts the gate back together on their side. He explained that the applicant has offered, at their own expense, to help River Mead with the gate but it doesn’t appear that River Mead is in agreement. He indicated that potential renters is not a concern for Planning and Zoning and noted that the applicant plans to put $4M into renovating the existing buildings (prison camp) explaining that the $4M comes from the proposed 270 new units.

Rich Charbonneau, 24 River Mead, noted that he is a 15-year resident and on the Board of Directors; he submitted signed petitions to the Commission noting that over 40 petitions have been submitted to date. The proposal would have a real impact on the residents of River Mead in terms of light and sound. He noted that River Mead tried to cooperate with the developer and submitted a long list that needs to be worked on together relative to the access road but the developer has declined everything on the list leaving River Mead with many concerns. The developer indicated that they would follow the Town’s requirements. Mr. Charbonneau commented that River Mead is present tonight so that the Town can become aware of their quality of life concerns. The headlights from cars utilizing the access road (proposed as part of Phase IV) will shine directly into houses located at River Mead whose owners would have no idea this could happen. He indicated that none of the people on the Board of Directors at River Mead are aware of how the access road got blocked, as referenced earlier by Attorney Meyers. He commented that Avon Mill has placed their dumpsters in front of the access road blocking it. He added that everyone agrees that the access needs to be reopened and also noted that detailed requests were provided to Mr. Lee from River Mead’s attorney (e.g. a light-blocking fence for River Mead residents) but all requests have been denied. The applicant has indicated that they will follow what the Town tells them to do; he concluded by asking the Town to support River Mead.

Attorney Jonathan Chappell, Feldman, Perlstein & Greene, LLC, stated that he represents the homeowners of River Mead. He referenced definitions in the Zoning Regulations noting that multiple dwelling developments subject to the provisions in Section IX.A relates to special exceptions which allows variations in height and density in residential uses. He explained that he has case law from the CT Appellate Court that says this is an issue with this Commission’s power vs. the Zoning Board of Appeals’ power and specifically relative to the proposed four-story buildings. In that zone a maximum of three stories is permitted. He noted that the case is MacKenzie vs. Planning and Zoning Commission and noted he would give a copy to Attorney Meyers. He explained that the issue involves a special exception and a zone change which allowed the zoning commission under special permit criteria to essentially change regulations; it didn’t go any higher than the Appellate Court. He noted his belief that currently the law says that any power of a zoning commission should not be used to permit a variance, such as allowing four stories when only three stories are permitted.

Peter Hayes, 38 River Mead, commented that he got hit by a car at the Route 44 intersection while riding his bicycle; the driver said she never saw Mr. Hayes due to the traffic. He also rides on Nod Road which needs repair. He said to Mr. Lee that Avon is not Long Island; we have a River and varied communities. He noted concerns for the late notifications received on tonight’s meeting. There are severe flooding problems at the end of River Mead during rainstorms with mud over the road and the sewers are already a problem. He commented that the place needs an overhaul but added that he doesn’t want hundreds more neighbors. Affordable housing is great but this is the wrong location because the traffic volumes are already bad; the road is sometimes backed up to Reverknolls.

Rebecca Salerni, 23 River View, noted her support for renovations to the existing buildings but added that the management does not handle garage well; it blows all over and lands in River Mead. More units will mean worse garage problems; the Town has been notified of this problem. She asked what Town benefit would be provided when so many residents are against the proposal. She noted traffic onto Route 10 is already very bad.

Richard, 26 River Mead, commented that the chemicals and salt in the snow, when it’s plowed, will end up in the Farmington River. Snow cannot be deposited into rivers and streams in CT any longer.

Nancy MacColl noted that she is a renter at Avon Mill and is not opposed to Mr. Lee’s proposal, as he has been sensitive to her concerns. She noted that she sent two letters to the Commission and has not heard back; she added her traffic concerns on Avonwood Road, which is a small road. The proposal, although good in concept, is unreasonable given all the trucks and everything that is going to be coming into the site with monumental traffic issues. She noted her concerns for the large amount of children in the apartment buildings.

Maurice St. Laurent, 38 River View, noted he opposes the proposal agreeing with all his neighbors’ comments. Until trees started coming down he didn’t realize how close Avon Mill is to where he lives. The proposal will destroy his neighborhood area and reduce property values to nothing.

Renata Vickrey, 11 River Mead, noted that the 270 proposed units will add a lot of children and cars and traffic and the land will have to be excavated turning the area into a big parking lot and creating a city effect. Real estate values will drop as well as the quality of life. The River will also be negatively impacted.

Nancy McCauley, 1 River Mead, commented that she is the first unit in the complex and gets the most traffic. She asked what affiliation a Long Island developer has with the Town and Board; she asked about operating income for the project, how it’s funded, and what is vacancy rate of existing complex. What are the other sites in Avon for affordable housing? The truck traffic will be a nightmare and the traffic is already terrible. Is a traffic light being considered and what is school enrollment capacity? She asked that the applications be denied.

Jim McGarrah, Sylvan Street, said the AHOZ regulations are weak in structure; in each prior application we heard about health and safety and also threats about State level affordable housing 8-30g which isn’t mentioned here maybe because it won’t work on the site so the owner is trying to get more than would otherwise be eligible for at the price of the Town. There have been a lot of concerns for traffic, emergency access, and safety that haven’t been adequately answered to allow the proposal as presented. The Town is supposed to consider how the project fits in; the current proposal is overwhelming and it’s premature to approve.

Mr. Meyers noted that we were told at least twice that River Mead asked for some things and the applicant categorically refused all requests. He noted he received an email from Attorney Chappell asking for things River Mead wanted such as 1) construct, repair, replace, maintain at applicant’s sole cost the ROW relative to the gate and the fence; 2) fix drainage in gate area; 3) move dumpsters to different location due to poor maintenance attracting noise and animals, piled up mattresses, etc. - he said that none of that would happen on their watch; and. 4) add landscaping and a 14-foot-wide connection through the gate. He explained that the applicant responded in writing by 1) agreeing to install the emergency gate in the location specified by the Town and construct the gate as required by the Town (for size, height, materials, locking); 2) relocate dumpsters to a location approved by the Town; 3) design and install gate related drainage as required by the Town; install landscaping required by the Town; 4) install gate approaches in Town required locations and Town required widths utilizing Town required materials. Mr. Meyers indicated that they agreed to do everything. He explained that it is anticipated that an approval would contain a condition delegating the aforementioned issues to Town Staff and that the applicant would comply with whatever the Town requires. He added that if the Town asks for something that is not possible the applicant has the right to return to the Commission. He concluded by noting that their demand that some of their attorney’s fees also be paid was also agreed to by the applicant.

In response to Mr. Armstrong, Mr. Whitney stated that none of the water from the new development would go into the Farmington River; low impact development (LID) measures are proposed because the soil on the entire site is very well drained. He reiterated that each unit will have an infiltration system for driveways, rooftops, and yards. A large infiltration system will be located underneath the parking lot for the large apartment buildings. Everything is designed for the 100-year storm. He explained that none of the runoff from the new development would be connected to the existing drainage system on the site. He indicated that there is about 170 feet of land along the River but noted that the site itself is not really that close to the River and explained that no water would discharge to the River. He agreed with Mr. Armstrong that the Commission could impose restrictions on the use of salt and sand relative to snow getting into the River. Mr. Whitney concluded by noting that the existing line of vegetation will remain such that the concern raised about headlights should not be an issue at all.

Mr. Meyers stated that protecting wetlands and watercourses is under the jurisdiction of the Inland Wetlands Commission, which has already been discussed and approved.

Mr. Armstrong commented that the traffic study has addressed Avonwood Road and the traffic light (onto Route 10); traffic heading towards Farmington on Route 10 (exiting from Avonwood Road); and the intersections of Nod Road and Routes 44,and 10. He noted that he doesn’t think the traffic study has taken into account River Mead road and there is no current plan for a traffic light at River Mead. All reports and studies are part of the record. He pointed out for clarification that the subject traffic report from Fuss & O’Neill includes/assumes the buildout of 95 units on Nod Road and the buildout of the Town Center.

Ms. Levin asked if it is correct that almost all of the subject traffic study starts out with background information, which doesn’t include the subject proposal, and is already at Level of Service (LOS) F, which means you can’t go anywhere below that; the traffic is already horrible. She noted that she is learning how traffic studies are done and there seems to be a lot of integrity issues. If you’re saying, in written form, that the proposed project would not have any impact it doesn’t make any sense when we’re starting out at LOS F and adding in the delays in seconds making things even worse. Just because the grid doesn’t allow for an F minus or the next letter, we all know as a matter of common sense that the problem is going to get worse.

Jennifer Babowicz, traffic engineer, explained that the report didn’t say that were would be no impact, it said that there would not be a significant impact. The intersection of Routes 10 and 44 has about 3,000 vehicles traveling through it every day. The type of development proposed would add about 70 vehicles into the peak hour.

Ms. Levin commented that she doesn’t understand why the protocol for traffic studies hasn’t been changed to reflect real conditions because it would help the engineers. The additional 70 vehicles only relates to the study’s peak hours of 4pm to 5pm, making it hard to take the study seriously because the true peak hour goes beyond 5pm.

Ms. Babowicz explained that the industry standard for traffic reports is to look at the peak hour which is the worst case scenario in the area. In this case, we looked at existing traffic counts and determined that between 7:15am and 8:15am is the morning peak hour and between 4pm and 5pm is the afternoon peak hour.

Mr. Ladouceur commented that the delay in the evening peak hour would be an additional 10 seconds at the traffic light at Avonwood Road and Route 10. He asked if it would be safe to say that the hour or two after that peak hour that the delay would be less than 10 seconds. He commented that the traffic study was done during the school year so all the school traffic is included.

Ms. Babowicz said, yes, that’s what the numbers tell us. She explained that it can fluctuate on different days such that you could be there on a particular day where it is heavier from 5pm to 6pm but we have to look at a snapshot in time that shows us what the data says is the worst case scenario.

In response to Mr. Ladouceur, Ms. Babowicz addressed existing volume traffic exiting from Avonwood Road onto Waterville Road (Route 10) explained that it is assumed that about 70% would go north (towards Route 44/Avon Mountain Road) and 30% would go south (towards Route 4/Farmington). She commented while she doesn’t know for certain she indicated that she can’t imagine that the traffic counts were not done while the bridge was closed on Old Farms Road. At the intersection of Route 44/Avon Mountain/Nod Road the vast majority of vehicles are going straight (north) with about 10% turning left (west) and 5% turning right (east).

Mr. Armstrong commented that current conditions are such that leaving Avonwood Road, turning left onto Route 10 heading towards Route 44 it takes 116 seconds during the morning hours to get through the traffic light; with the proposed development it will take 8 more seconds. During peak evening hours it takes 147 seconds and 148.5 seconds.

Jan Martinek, 32 River Mead, commented that all the numbers are based on 70 cars for 270 units and noted that many households have two cars.

Mr. Ladouceur asked Ms. Babowicz what the formula is for how you determine the numbers of cars for 270 units and how many vehicles would there be at peak hours as well as non-peak hours.

Ms. Babowicz explained that the national standard, which is the Institute of Transportation Engineers (ITE), is reviewed as it provides studies for data for developments such as the subject proposal. A database exists containing studies from across the country as well as regionally. All people with vehicles are not leaving at the same time and coming back at the same time; it’s spread out over the day. The studies will tell us, for the peak hour, how many trips are to be expected based on the number of units.

Mr. Ladouceur noted his understanding that the number of trips are measured per hour during the peak hour, which is the worst case. It would be irresponsible to assume that all vehicles would be leaving at the same time (i.e., the number of vehicles would increase by 100% or more). The cars leaving at certain times of day are looked at which will be a number that is less than that in terms of the percentage of cars that are going to the intersection Avonwood to Waterville Road.

Ms. Babowicz confirmed that that is correct. Mr. Ladouceur said that in the course of 70% or so that would take a left heading to Avon Mountain it’s the additional cars going into that intersection from this development and it pales in comparison to the volume of cars going through this intersection currently from elsewhere in the region. Ms. Babowicz explained that it’s about a 2% increase.

Nancy McCauley, 1 River Mead, asked that the distance (about 1/8 of a mile) between Route 44 and Avonwood Road be considered. There will be at least 270 cars and traffic will backup and block cars coming out of River Mead trying to make a left, a significant health and safety concern if emergency vehicles cannot access areas where needed.

Diane Cooke, 12 River View, commented that the hours for the elementary school in the area are different and outside the aforementioned peak hours; school bus times would be after the peak and before the peak adding traffic and tremendous frustration.

Ms. Babowicz explained that the rest of the volume isn’t as high because generally school peak hours do not coincide with commuting peak hours; the commuters are significantly more traffic than a school.

Mr. Armstrong referenced the traffic report and noted that during the morning peak hour and the evening peak hour the time goes up marginally (8 seconds in the morning and 2 seconds in the evening) relative to getting to the traffic light at Avonwood Road. The report also says that the traffic going into Avonwood Road is going to go up both at the peak am hour and the peak pm hour. The traffic at Avonwood Road and Route 10 is going to go up. There is nothing in the report that discusses River Mead.

Ms. Levin noted her understanding of Mr. Armstrong’s comments but pointed out that on the east bound approach of Avonwood Road it doubles and the problem goes from LOS D to LOS F, which is not marginal.

Mr. Ladouceur asked why the roads to the north and south of Avonwood Road are not part of the traffic study.

Ms. Babowicz explained that generally the traffic reports are based on the major intersections that will have at least 30 to 50 new vehicles during the peak hours running through them. The scope of the subject study did not go further than the intersection where people are getting in and out of the development and the major intersection in the area, Route 10 at Route 44. If you go much further away from the development for a project of this size the number of cars gets spread out further and further such that the further away you get means less of an impact.

Marge Brown, 12 River Mead, noted difficulties getting out of River Mead due to the timing of the lights at both Avonwood Road and Route 44/Route 10.

In response to a question from the audience, Mr. Armstrong clarified that the access road from River Mead to Avon Mill is only for fire and emergency vehicles and is not a cut through.

Mr. Meyers addressed traffic and explained that no one present aside from Ms. Babowicz is a traffic expert and traffic experts relative to State highways are located at the State DOT in Newington. Route 10 is a State highway and therefore if approval is received by this Commission the applicant must then contact OSTA (Office of the State Traffic Administration) to get a Certificate that indicates that all standards have been met (e.g. need to add turning lanes and/or traffic lights, and/or stop signs). He explained that local approval doesn’t address the aforementioned issues controlled by the State.

Tim Lee stated that he has been in construction for 42 years and has done projects such as the subject proposal on Long Island. He noted that his partner has done many projects in Manhattan. He confirmed that he has done affordable housing projects in the past but noted that this is his first project in Connecticut.

Mr. Meyers stated that the Town did not give any tax incentives for this project. He addressed the concerns raised about the CREC School and buses and explained that Mr. Peck’s memo to the Commission a requirement that the applicant work with the CREC School, under the supervision of Town Staff, to minimize any conflicts.

Rebecca Salerni, 23 River View, commented that she doesn’t see how the Commission can even consider this project when there is a roomful of tax paying Avon residents who are against it and complaining about traffic.

Mr. Armstrong indicated that State law requires the Commission to consider applications that come before them.

Ms. Levin noted that the Commission must consider the Town’s Regulations in connection with any proposal; there are standards relative to public health and safety. All the evidence and facts must be reviewed and while public comment is important it isn’t just public opinion that the Commission has to consider.

Mr. Ladouceur commented that this proposal has been before the Commission on several occasions. The applicant came before the Commission with an informal presentation some time ago looking for input and tonight is the second formal public hearing. Tonight’s discussions build on previous meetings and the applicant has addressed requested corrections by Town Staff, the Commission, and the public. He indicated that the Commission has a responsibility to consider everything that has been presented.

In response to comments about public notice, Mr. Peck explained that each agenda for this Commission is posted on the Town’s website (avonct.gov) prior to the meeting. State law requires a legal public notice to be published two times in advance of a public hearing (notices are in Hartford Courant).

Mr. Meyers addressed complaints from the audience about lack of notice and explained that the applicant has been trying for months to open a dialogue with River Mead. Letters have been sent to individuals as well as the management company which eventually resulted in good communication with Attorney Chappell. He reiterated that the applicant wasn’t trying to hide anything and tried continuously to reach out to the residents. He concluded by indicating his belief that everything is now in the record and there is nothing to add.

Ms. Levin commented that the proposal would result in roughly 140 additional students.

In response to Mr. Gentile, Mr. Whitney explained that the existing site is just under 16 acres; the proposed development is slightly over 16 acres and the remaining 14.5 acres would not be disturbed. Presently there is about 30 acres which could be deemed open space and the proposed development would occupy approximately half.

Mr. Meyers explained that the applicant would consider a conservation easement over the land near the River but noted that the plan calls for walking trails and the applicant would reserve that right in any easement agreement.

Mr. Ladouceur asked if/how this zone change for AHOZ is different than the proposed zone change on Nod Road.

Mr. Meyers stated that he was not involved in any way with Nod Road and explained that his understanding of the Nod Road proposal is that it was a requested zone change from A to RU2A; there was no overlay zone involved. The subject application is for an overlay zone for approximately 30 acres and the process involving an overlay zone can be thought of as “landing a zone in a particular location”; he explained/clarified that the underlying zone remains the same and unchanged with an overlay zone.

Mr. Ladouceur addressed three and four story buildings and asked if/how there is a difference with an overlay zone versus the existing zone of the site.

Mr. Meyers explained that four stories are needed to generate $4M to renovate the existing buildings and to build the 270 units as presented. He further explained, in response to comments from the Chair about concerns with four stories, that if you build three stories you still need a certain number of units to generate the money needed for construction as well as the renovation. Larger footprints would be needed for three stories which means more building and higher construction costs resulting in the number of new units increasing from 270 to 300, which the applicant does not want. If limited to three stories the earth disturbance would be huge increasing the number of truck trips and length of time to accomplish, as well as adding more impervious surface and drainage concerns. Four-story buildings are 48 inches higher than the three-story buildings and the approval from the AWPCA is for 270 units.

Mr. Peck referenced the aforementioned discussion regarding the MacKenzie case and explained that building heights and setbacks cannot be changed under the existing zoning in this instance but further explained that the AHOZ Regulation specifically allows increases in height and changes to density. The MacKenzie case does not apply to the AHOZ Regulation.

In response to Ms. Levin, Mr. Peck explained that while, technically, the Commission could approve the request for AHOZ but not approve the 270 units he pointed out that the applicant has told us that 270 units is the number that works for them. He further explained that while there are four separate applications to be considered (i.e., some could be approved and others not approved) but clarified from his conversations with everyone involved with this project, including Town financial people, this proposal is in a package that works if kept together and doesn’t work if the site plan (number of units 270) isn’t approved.

Mr. Ladouceur commented that the subject application is for an AHOZ and the number of affordable units is 20% (54 units) One of the reasons that the AHOZ Regulation was adopted was to try to discourage 8-30g applications, which severely limits the Commission’s control over the site plan and other details and would also be 30% of units rather than 20%. We have an AHOZ application before us but there is nothing that would prevent an 8-30g application if the subject application were not approved.

Mr. Meyers agreed but explained that the subject application has been submitted on its merits and the applicant has not said they would return with an 8-30g application.

There being no further comments the public hearing for Apps. #4898, #4899, #4900, and #4901, 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. Mr. Ladouceur seconded the motion that received unanimous approval.

App. #4903- Paul Grant, owner, Sarah Gage, applicant, request for Special Exception under Section IV.A.4.s.of Avon Zoning Regulations to permit yoga studio, 37 Helena Road, Parcel 2620037, in an R30 Zone

Mr. Mahoney motioned to approve App. #4903, as submitted and presented by the applicant. The motion seconded by Ms. Coppola received unanimous approval.

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

Mr. Ladouceur motioned to approve Apps. #4898, #4899, #4900, and #4901 as presented and in accordance with the recommendations contained Mr. Peck’s Staff Comments, dated October 10, 2019.

There was not a second to Mr. Ladouceur’s motion.

Mr. Mahoney motioned to deny Apps. #4898, #4899, #4900, and #4901. The motion was seconded by Ms. Levin.

Mr. Armstrong indicated that reasons for denial must be stated on the record.

Mr. Mahoney said that his biggest issue is traffic and adding to a Level of Service (LOS) F.

Ms. Levin said that traffic is also an issue for her. There are problematic protocol issues on how traffic studies are being done such that the actual traffic study itself is flawed but not the implementation of the study. She said that she would not support this project because of the traffic which would make a LOS F worse. In some areas the traffic problems are being increased by two-fold (e.g. 42 seconds to 82 seconds). The timing of the project is problematic as well because the Avon Town Center project is going to be starting soon adding a lot of truck traffic on Route 44.

Mr. Gentile said that when the project was initially discussed two years ago it was much smaller in scope and seemed fine but the current scope of the project will have an impact on traffic and possibly safety and welfare. The Town has already made a commitment to the Town Center and residents and impacts to schools. He said he’s not inclined to approve this project in its current scope but noted that he would possibly be in favor of changing the zone for the future because we still need site plan approval but not if it’s a package like this.

Mr. Armstrong addressed Section VIII, A-I, of the Zoning Regulations; one of them is that the proposed use will not have any detrimental effect on public health, safety, welfare, and property values and that the proposed use would not conflict with the purposes of the Regulations. He noted that he agrees that education is a significant issue right here; the elementary schools are at capacity and the school system has already implemented a revision of the use of certain music and art classes to regular classrooms to accommodate the size. He said he agrees that while over the long term school populations will be down he noted that in the short term with this projects and others like the Town Center there’s going to be a lot of stress relative to Avon’s public schools. Some of the students living at Avon Mill are already being sent Roaring Brook School while many of the students go to Pine Grove School. Some of the public purposes that may come into play here are 1) guiding the growth of the Town of Avon in accordance with the POCD; 2) facilitating adequate transportation to schools, parks and other public requirements; 3) preventing overcrowding of land and avoiding undue concentration of the population. He said that one of his concerns relative to the POCD is that this site is called out on Page 75 (Table 7-8) and we say that the list of properties may be appropriate for either cluster or multi-family development and along the notation/comments it states that there may be opportunities to make modest increases in density without adversely impacting adjoining properties due to the addition of sewer and water utilities and surrounding uses. In 2016 when the POCD was being updated, growth in the subject area was considered but modest growth.

Mr. Ladouceur noted his understanding of people’s interpretation of the traffic study but noted that the traffic study submitted was the only information presented by an expert and there was no rebuttal report provided by an expert. He said that while we can make our own observations and opinions based on that he also said that he thinks the traffic study is very sound in articulating and documenting the increase that this development would provide in terms of traffic. We can differ whether we think that is significant or not, whether we think 10 or 20 or 30 seconds is detrimental to health or safety. Out of an entire day how many seconds do we have; we will have varying opinions as to whether 20 or 30 seconds is detrimental. He said that he wished that the applicant or any future applicant for this property will consider as part of a traffic study and traffic calming techniques (light timing changes and/or additional turn lane changes), although not standard, the intersection that is not lit for River Mead, to the north, and Reverknolls, to the south. This may help with an application approval by helping with a reduction of wait time at intersections. He said that he takes issue with any comments specifically attacking the traffic study because we don’t have a study from an expert on the other side that contradicts it.

There were no further comments.

Voting in favor of Mr. Mahoney’s motion, seconded by Ms. Levin, to deny Apps. #4898, #4899, #4900, and #4901 were Messrs. Mahoney, Gentile, and Armstrong, and Mesdames Levin, Harrop, and Coppola. Voting in opposition was Mr. Ladouceur.

**INFORMAL DISCUSSION**

Planned Elderly Residential Housing – Dinsmore & Shohl LLP

This item will be discussed at the October 29 meeting.

Parking matter at 353 West Main Street – Allan Borghesi

Mr. Borghesi displayed photos and maps for the Commission and addressed the buildings that house Friendly’s and Sherwin Williams noting that the parking setback is 75 feet from Route 44 while the other nearby properties have a 60-foot setback. He explained that he has applied to the State of CT for a boundary line revision (the 75-foot setback was due to a former railway line stop in this area). Currently there is no parking along the front of the Friendly’s building. He explained that his request is to widen the parking area about 18 feet towards/closer to Route 44, which would provide more acceptable conditions for a medical use for both of the buildings. Another row of parking would be added and be located in the front of the buildings. He noted that he would install a sidewalk across the frontage of the properties, along Route 44, with landscaping.

Mr. Peck explained that if the Commission is in agreement with the proposal to widen the parking area, Mr. Borghesi’s next step would be to apply for a variance of the parking setback. He added that the parking would line up with the existing parking areas on either side of the subject site, a sidewalk would be built and maintained by the property owner, and landscaping planted to hide the parking.

The Commission unanimously agreed with Mr. Borghesi’s proposal as presented.

**OTHER BUSINESS**

Staff Updates

Mr. Peck provided an update on the Avon Village Center project noting that some earth material is starting to leave the site. Language for the master agreement for the entire development is still being reviewed by the Town Attorney. Final plans (site, building, architectural) are expected to be submitted to the Town within the next couple of weeks. The pad for the Whole Foods buildings is currently being prepared. Excavation for the temporary roads and road detours (Route 44 to Bickford Drive and Climax Road) will be done soon. The temporary roads will be built to Town standards and open before any roads are closed; he added that the temporary roads will likely be open before winter begins. Electronic signs will be installed alerting motorists as to detours; the sign locations (six) will be dictated by the Police. He explained that updated information has been posted on the Town website and an article written for the Town newsletter. He explained that the aforementioned master agreement will make everything crystal clear as to the Town’s expectations and requirements relative to the implementation and timing of the final plans to ensure that everything for the project is built as expected. A special inspector, hired at the expense of the developer, will soon be onsite daily working at the direction of the Town Engineer. Town Staff also will be doing frequent inspections such as ensuring that the erosion and sedimentation control measures are in place and working as needed. The target date for Whole Foods to open is still December 2020. He noted that there are two buildings to be located behind Whole Foods, as well as two buildings on the other side of Climax Road, that are all to be constructed at the same time as Whole Foods. He explained that no other commercial buildings will be approved until construction of some of the residential buildings; two residential buildings are proposed near Forest Mews. Mr. Peck reported that the Assessor has renamed Main Street to Market Street. In addition, the Assessor has requested that the road proposed as North Main Street also be changed and suggestions are welcome. As soon as any solid information about where the “very large” boulder that exists on the site will be permanently relocated to is available it will be shared with the Commission.

In response to Mr. Armstrong’s question about Planned Elderly Residential Housing, Mr. Peck explained that none of the existing Regulations fit and that is what part of the discussion will be about (at the October 29 meeting).

Mr. Peck explained that the site is about 7 acres with some wetlands and currently zoned agricultural adding that the question will be what zone would it be changed to, noting possibly CPA zone. He further explained that he doesn’t know any details and that was going to be part of the discussion tonight.

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

Linda Sadlon

Planning and Community Development