The Planning and Zoning Commission of the Town of Avon held a meeting at the Avon Town Hall on Tuesday, February 18, 2020. Present were Mary Harrop, Lisa Levin, Alternate Elaine Primeau (not sitting), Tom Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Joseph Gentile, Alternate Drew Bloom, and Dean Hamilton. Peter Mahoney was not in attendance. Also present was Hiram Peck, Director of Planning and Community Development.

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

**APPROVAL OF MINUTES**

Mrs. Harrop motioned to approve the minutes of January 28, 2020. The motion seconded by

Mr. Hamilton received unanimous approval.

**PUBLIC HEARING**

App. #4920 Brighenti Enterprises, LLC, owner, Carla Wirta and Yoga Shop of Avon, applicants, request for Special Exception under Section VI.B.3.e.of Avon Zoning Regulations to permit a yoga studio, 300 Country Club Road, Parcel 1940300, in an NB Zone

Present were applicants Annie Simard, Kim Charbonneau, and Carla Wirta.

Annie Simard commented that they have other yoga studios in nearby towns but wanted to come to Avon.

In response to Mr. Gentile, Ms. Simard confirmed that only yoga, not dance, will be done and everyday music of all types will be used.

Carla Wirta commented that yoga would take place in the basement and that there is a space between basement spaces providing a sound buffer.

In response to Mr. Bloom, Ms. Simard said that there will be a changing room and cubbies for shoes, etc., but no other facilities.

There being no further comments the public hearing for App. #4920 was closed.

Mr. Ladouceur motioned to waive Administrative Procedure #6 and consider the public hearing item. Ms. Levin seconded the motion that received unanimous approval.

Mr. Ladouceur motioned to approve App. #4920. The motion was seconded by Mrs. Harrop.

Mr. Gentile noted his concerns for the potential for noise problems for other tenants in the building.

Mr. Armstrong commented that the owner of the building will have to take care of any noise problems that may arise; the applicants are only tenants. He indicated that a vote to approve App. #4920 must find that it meets the special exception criteria in Section VIII as well as the requirements of the NB zone.

Mr. Ladouceur’s motion to approve and seconded by Mrs. Harrop received unanimous approval.

The Commission approved App. #4920 subject to the following conditions:

1. Use is approved in basement space, as represented by applicants.
2. Prior to the issuance of a C/O, applicants shall demonstrate compliance with all requirements of the Building Official, Fire Marshal, and Farmington Valley Health District.

App. #4916 - Avon Mill LLC, owner, Lee Land Development LLC, applicant, request for Zone Change from RU2A to AHOZ (with subdistricts MF and Duplex), 29.39 acres, 64 Avonwood Road, Parcel 1220064

App. #4917 - Avon Mill LLC, owner, Lee Land Development LLC, applicant, request for Special Exception under Section III.H.2 of Avon Zoning Regulations to permit earth removal, 64 Avonwood Road, Parcel 1220064, in an RU2A Zone

App. #4918 - Avon Mill LLC, owner, Lee Land Development LLC, applicant, request for Special Exception under Sections IX.G.6., VIII, and X of Avon Zoning Regulations to permit modifications to dimensional standards, 64 Avonwood Road, Parcel 1220064, in an RU2A Zone

The public hearing was continued from the January 28 meeting.

Also heard at this time but not part of the public hearing.

App. #4919 - Avon Mill LLC, owner, Lee Land Development LLC, applicant, request for Site Plan Approval, pursuant to Section X, to permit 250 new residential units, 64 Avonwood Road, Parcel 1220064, in an RU2A Zone

Present were Rebecca Augur, Planner/AICP, Elizabeth Esposito, Planner, and David Sullivan, PE, Traffic & Transportation, Milone & MacBroom; Robert M. Meyers, representing the applicant; David Whitney, PE, on behalf of the applicant; Tim Lee, Lee Land Development LLC; Mark Vertucci, PTOE, Fuss & O’Neill; Louis Pfaff, Hunts Bridge Companies.

Mr. Peck explained that calculations were done on the petition submitted at the last meeting. The calculation results indicate that 8.8% of the neighbors signed the petition but 20% is required by State Statute. The petition does not qualify to require a 2/3 vote by the Commission.

Mr. Armstrong noted that the peer review consultants, Milone & MacBroom, were retained by the Town and paid for by the applicant to study both school enrollments and traffic.

David Sullivan, PE, displayed a PowerPoint and explained that both the Traffic Impact Study and the site plan were reviewed. He confirmed that for the most part the traffic data (counts and times) that was collected was found to be acceptable; however, the traffic counts for the intersection of Route 44/Route 10 were from 2016. He explained that normally it would be suggested that recounts be done for Route 44/Route 10 but noted that this application will also be reviewed by the Office of State Traffic Administration (OSTA) who would determine whether or not 2016 volumes are acceptable. He noted that since the intersection currently has failing Levels of Service (LOS) he added his doubts that his findings would be significantly different and there would be minimal impact from the proposed development. The growth factor of 1¼% per year was found acceptable. Traffic generation and distribution (trips generated by the new development) numbers are found to be acceptable. The conclusions made from crash data and the intersection sight distances (Route 10/Avonwood Rd) are also found to be acceptable and safe. He noted that the vegetatation should be cleared from the corners (visibility) and also noted on the plans. He pointed out that the capacity analysis and procedures done used one standard for unsignalized intersections and a different and slightly older standard for the signalized intersections. Mr. Sullivan indicated his suggestion is to do all intersections using the most current models available but noted, however, that the complexity of the Route 10/Route 44 intersection may not allow for using the most current model. He clarified that while there is not a significant difference in the two model results they are slightly different and consistency is best. He explained that there are different ways to determine peak hour factors such that it could be applied to every approach, every movement, or to the intersection as a whole. The latest guidance from the Highway Capacity Manual says to apply it to the entire intersection and

Mr. Sullivan suggested that this methodology by used for any reanalysis to be done. The intersection of Route 10/Route 44 has a failing LOS both with and without the new site traffic for both the morning and afternoon peak hours. The traffic report indicated a de minimis traffic increase of just over 1% but he noted that the State DOT will look harder at the eastbound left turn (Route 44 onto Nod Road) to lengthen the turn lane. It may not impact the letters and numbers associated with the LOS but may have a real impact in the field. State DOT has the final say on State Highways.

Mr. Hamilton noted his concerns that the Route 10/Route 44 intersection is already at or above capacity and asked how the State DOT can fix the problem.

Mr. Sullivan explained that the State DOT’s number one priority is safety. For example, one safety concern could be left-turn lanes that are sticking out into the through lanes. He clarified that the State DOT is not going to turn Route 10/Route 44 into a LOS C or even a D. The State will look at the existing conditions of the intersection and if those conditions are being exacerbated or created by the proposed development. He explained that an application to OSTA can be done at the same time as the local application (an application to the State could have already been started) but the State will take no action until local approvals are in place. The State requirements and guidelines are very specific as to what is needed for an intersection to be included; he confirmed that the Route 10/Route 44 intersection would certainly fall within the State’s purview.

In response to Mr. Armstrong, Mr. Sullivan confirmed that the existing problem turning left onto Nod Road from Route 44 is an existing problem that has nothing to do with the proposed development. Because you can’t always mitigate the exact movement that traffic is being added to you look for other ways to increase capacity in other areas of an intersection to allow more time to be allotted to where traffic is being added. The proposed development is adding a relatively small amount of traffic so this is not a great example. He confirmed that the Commission could request, as part of an approval, that the State look at this specific turn lane (left turn onto Nod Road from Route 44) and explained that the best way to work with the State is through the local Traffic Authority.

Mr. Sullivan addressed Route 10 at River Mead and noted that the proposed connection from River Mead to allow access to the traffic light on Avonwood Road is not shown on the plans but should be. He said that the location of the connection is needed before any projection can be made as to what percentage of motorists would travel to Avonwood to the light. If the intention is to have all left turns out of River Mead take place only at Avonwood Road then left turns directly out of River Mead should be physically restricted. The driveway could be tailored/modified to encourage right turns.

Mr. Bloom asked if changing the angle of the driveway would increase traffic to the few homes in the immediate area and be a disruption. Mr. Sullivan confirmed that yes traffic would be increased to those homes; anyone who currently takes a left turn (out of River Mead) would travel through the east side of the development to reach the traffic signal at Avonwood Road. He explained that it would depend on where the driveway connection is made; the changes would have to create enough of a convenience without too much of a disruption.

Mr. Ladouceur commented that it comes down to a personal choice for people as to whether they want to take a left directly out of River Mead or travel through the subject site to reach the traffic light at Avonwood Road. If the connection to the traffic light is offered a certain amount of people will take it and if the wait time exiting River Mead directly is getting worse then it seems a greater number of people would travel to reach the traffic light especially during peak hours.

Mr. Sullivan noted his full agreement adding that the connection would be referred to by the State as an “access of convenience” and maybe done in combination with a restriping for two lanes out could possibly reduce delays at the unsignalized intersection as well.

Mr. Hamilton commented that at Avonwood Road and Waterville Road (Route 10) heading northbound toward Route 44, a left lane at the traffic light, there is no through lane and you can only continue northbound if you drive on the shoulder. He noted that it has been represented that traffic can continue northbound unimpeded which is not always true.

Mr. Sullivan explained that you need about 19-20 feet (from the centerline to the curb) to form a bypass lane. The alternative is a dedicated left-turn lane, 22-24 feet wide.

Mr. Sullivan addressed the site plan reiterating that the connection (River Mead) should be shown. A design plan was provided for Avonwood Road but not for River Mead and one should be provided for River Mead. A signing (stop signs/bars) and striping and marking plan should be provided including crosswalk locations for pedestrian access and clarity for the sidewalk system.

In response to Ms. Levin, Mr. Vertucci reviewed the updated traffic report, dated February 14, 2020, explaining that the primary change was the peak hour factors that the peer review consultant recommended be analyzed by intersection as a whole as opposed to by approach movements, which is a more conservative method. He explained that the intersections were recalculated based on one peak hour factor for the entire intersection and all the results got better (more favorable) and some LOS went up and delays went down. A statement was also added for the clearing of vegetation and a concept plan for the River Mead restriping. The River Mead approach operates at LOS E in the weekday morning peak hour; it’s LOS F in the background condition in the afternoon peak hour. These LOS remain unchanged with the addition of site traffic from the proposed development. The connection to Avonwood Road has the potential to increase the LOS to C for both peak hours of the River Mead approach. The LOS C would assume that all left turns are redistributed to the traffic signal at Avonwood. If not all but some left turns use the connection the improvement to the LOS would be between C and E in the morning and somewhere between LOS C and F in the afternoon. The left-turn out movements would get better with the connection but he clarified that we’re talking about a very small volume of traffic here. River Mead chooses not to have the connection at this time so the existing LOS would remain but if that changes in the future the LOS would improve. Northbound left-hand turns from Route 10 into River Mead is a LOS A and remains unchanged between the background and the combined condition. Both the morning peak and afternoon peak are a LOS B and remains unchanged.

Mr. Ladouceur commented that the level of delay for this approach (using the new methodology) goes from 14.5 seconds to 15.2 seconds, which is less than a second and a bit better but quite similar to what was reported in the January 21st report (14.6 seconds to 15.3 seconds), which used a more conservative approach Mr. Vertucci agreed

Mr. Vertucci continued and reviewed results for Route 44/Route 10 and Route 10/Avonwood Road. Route 44/Route 10 remains a LOS F in both peak hours but noted that the overall intersection delay during the morning peak hour increases by only five seconds and only by 8/10th of a second in the afternoon peak when the site traffic is added in; a very De Minimis increase as noted at the last meeting. A 1% overall increase in traffic at this intersection which is less than the inherent background growth rate of traffic at the intersection. If nothing happened on the subject site the traffic increase at the intersection would occur in a year or two anyway; it’s a very small increase.

Mr. Vertucci addressed the eastbound left-hand turn movement (left onto Nod Road from Route 44) and clarified that the proposed development on the subject site is not adding cars to that movement. The queue at this eastbound left-hand turn in the afternoon peak is 255 feet and the available storage is 180 feet, over spilling its storage by two to three vehicle lengths. The combined condition including the development traffic there is no increase in the queue. If the proposed development did not happen the queue is going to remain as it does today; no change. OSTA will review this condition and noted that if the State DOT determined it’s a problem a little more time could be added to the left-turn movement. He noted that this is an afternoon peak hour condition and is not a problem in the morning peak or during off peak hours.

Mr. Vertucci addressed Route 10/Avonwood Road noting that the morning peak is LOS B and remain LOS B in the morning peak with traffic from the development. The afternoon peak hour is LOS C but deteriorates to LOS E in the combined condition such that signal timing optimization is recommended along with an additional turn lane on the Avonwood approach to the traffic light. The LOS C in the afternoon peak hour is restored when these improvements are made.

In response to Mr. Armstrong, Mr. Sullivan confirmed that he is in general agreement with

Mr. Vertucci’s findings.

Rebecca Augur and Liz Esposito reviewed a PowerPoint entitled “*Avon Gardens Housing Development Proposal, dated February 18, 2020, Milone & MacBroom”.*  Ms. Augur explained that they were asked to review a previously prepared fiscal impact analysis including an estimate for school enrollment generation (“Avon Mills”, prepared by Donald Poland). Ms. Esposito commented that the report projects 54 students enrolled from the existing development and another 69 students with the addition of new buildings but only 28 (40%) students would be new to the district. The total enrollment for the whole site is 123. Population has gone up in recent years but the number of school-age children has gone down, resulting in a changing demographic in Avon. House sales have plateaued in recent years. Actual enrollments are relatively in line with what was projected and since 2009 there has been a 12% decrease in enrollment overall. In recent years there has been a small increase (3%) in elementary enrollment. The Pre-K students could be driving enrollments higher than projections. There are currently 80 students at Avon Mills. Some comparable units from both Simsbury and Avon (including Avon Mills) were used to create a multiplier by number of bedrooms rather than by unit; three-bedroom units drive up the multiplier. Using this average more accurately reflects the unit mix expected at Avon Gardens should this project move forward.

Mr. Hamilton asked how the number of students per bedroom was calculated.

Ms. Augur noted her understanding and explained that some of the calculations in the chart will have to be reviewed and clarified.

Ms. Levin commented that the peer review report starts with 80 students while the applicant’s report starts with 54 students, aside from the multiplier.

Ms. Augur explained that the applicant’s report was using the multipliers to estimate current enrollments from existing units but we contacted the School to obtain enrollment information for the existing units. Due to this discrepancy we thought it would be better to work with a customized multiplier rather than using national data sets.

In response to Mr. Bloom, Ms. Esposito explained that 285 existing bedrooms at Avon Mills represent the aforementioned 80 students.

Mesdames Augur and Esposito apologized noting that the enrollment column is incorrect.

Ms. Esposito continued the PowerPoint explaining that total enrollment for this development is estimated to be 193 students; an additional 113 students. We are conservatively estimating that all 113 will be new to the district but developments like this will draw from within the Town and students already in the district will likely move in, but this can vary widely. An exact percentage of students new to district has not been shown because we wanted to show the maximum fiscal impact that could be realized from this development.

Ms. Levin asked for information to back up the projection that 40% of students that would be new to the district.

Ms. Esposito explained that previous work like this that has been done (especially in Simsbury which is similar to Avon), shows year to year fluctuations in “new to district students” between 20-50%. A four-year average expects to show 30% will be new to district but there are a number of factors that contribute so it was hard to put a number on it.

Ms. Augur explained that the results can also vary by type of development. In other Towns like South Windsor and others outside of Simsbury it can vary by development and the type of families that are attracted. She clarified that there have been developments that actually do attract a significant number of students that are already within the district (e.g. divorce). She explained that in their experience because it varies so significantly development to development that they didn’t want to assign an average but rather provide the maximum assumption as to the number of students that would be new to the district, realizing that not all students will be new.

Mr. Ladouceur commented that the number of bedrooms are a driving force but asked if the type of building (four story apartment building vs. freestanding house) is also part of the equation.

Ms. Esposito explained that there tends to be more students generated from free-standing buildings, duplexes, and quads vs. a five+-unit building.

Ms. Esposito continued and explained that the project phasing would be stretched out over three years such that the expectation is that half of the students projected to enroll would occur in the first year of development with the latter half of enrollment to occur in 2023-2024. She further explained that adding 113 new to district students to the projections for 2023-2024 is still comparable to enrollments that have already existed recently, namely 2014-2015. It is understood that these students would not be distributed all over the district and that there are currently capacity pressures at Pine Grove School. Some students from these developments are already being diverted to Roaring Brook so this would have to be addressed.

Ms. Esposito addressed fiscal impacts noting that the applicant’s report used $11K for per pupil expenses (a traditional method of calculation was used). She noted that they contacted the School for numbers anticipated for 113 new students which got us to around $900K, including new staffing and busing that may be required. She noted, however, that the School District has an RFP right now looking at enrollment and the possibility of reorganizing districts such that the number of teachers and locations could change. The applicant’s fiscal report shows 28 new students with a net positive fiscal impact. Using the applicant’s allocated expenditures relative to 113 new students we have a negative impact but with staffing and transportation of about $8K per student we have a low but positive fiscal impact. If the number of new to district students goes down the positive impact will go up. Ms. Esposito concluded by noting that the anticipated number of additional students from Avon Gardens will be much greater than has been projected by the applicant’s report and while the cost of teaching and busing will be the primary drivers of the impact the costs may change as a result of the RFP and specifically for this development.

Ms. Augur stated that they are in general agreement with the standard methodology used for the applicant’s fiscal impact but we are projecting a larger student impact and generation of students. We wanted to get a finer sense of what the actual impacts to staffing and busing would be, especially given that the School is already looking at reorganizing to address existing space issues. Although it is unlikely that all projected 113 students would be new to the district, we wanted to get a reasonable assumption on additional costs and therefore it is our opinion that the proposal would have a neutral impact to the Town adding that it sounds like the School District is looking to reorganize anyway because currently students are already being moved around.

Mr. Ladouceur commented that the neutral impact relates to how many of the proposed 113 students will come from within.

Ms. Augur agreed how many will come from within and also looking at staffing and busing impacts.

Mr. Ladouceur asked if the revenue number provided is just for revenue from the new structures or it is for both the new structures as well as the $4M in enhancements to renovate the existing buildings.

Mr. Meyers explained that as far as they can tell the increase in assessment of the existing buildings, once renovated, is not taken into account in the revenue number. He added that it is understood that all the assumptions for both revenue and students are worst case maximum impact; an honest conservative analysis. The reality will be better we just don’t know how much better. He indicated that they are also ok with the peer review traffic report.

Mr. Whitney displayed revised maps of the site. A privacy barrier has been agreed to by Avon Mill and River Mead; a concrete wall, fencing, and vegetation are shown on the plans (northern property line). The location of the connection (15-foot wide paved connection) is also now shown on the plans in the location where it used to exist, as well as being in the same location assumed by the peer review consultants. A gate is also shown on the plans. The extra 14 spaces shown for Building #75 (126 are required) have been eliminated, per comments at the last meeting. The sidewalk system now runs throughout the entire development. Notes have been added to the maps relative to an onsite signage and pavement markings plan, per request by the peer review consultants. The community gardens, dumpsters, and barbeque pits have also been shown on the maps.

In response to Mrs. Harrop, Mr. Meyers explained that the aforementioned gate is for emergency personnel only but the applicant has indicated they would give owners of River Mead a fob or some other means of opening the gate to travel to the traffic light at Avonwood Road. He clarified that none of the residents of Avon Mill/Gardens would be given a fob to access River Mead property.

Mr. Armstrong commented that all the sidewalks near the gym and pool should be moved to the southerly side of the road, as it is flatter.

Mr. Whitney said that is fine.

Mr. Meyers indicated that there have been comments that the site is over parked. He noted his agreement adding that they would be fine with a condition such that certain parking spaces be identified on the plans to be held in reserve to be built at a future date should there be a need.

Mr. Armstrong made the following suggestions/changes to the plans:

* Save the two 50-year old maple trees near the proposed new tennis courts
* Keep existing trees that provide shelter to River Mead in area of proposed berms near the easement
* He pointed out one area for enclosed bulky waste storage; another area needs to be agreed to by Town Staff and applicant.
* Dumpster locations is up to Town Staff.
* Keep the white pines that exist in location where new pool is proposed; move the pool to the parking lot and away from residential units; also move parking into grassed areas. Safety concerns with turnaround in pool area (children).
* Cook out space is needed along with bike rack.
* Consider vegetation for retaining walls near units to provide visual buffer.
* Backs of units should be brown or green colors.
* Playground location should be identified.
* Cut trees could be used as chips on walking trails.

Mr. Meyers commented that they would work with Town Staff on all items noted.

The hearing was opened for public comment.

Laura Vasselle, 34 River View, noted her concerns with the proposed duplexes to be perched on top of a cliff that has been leveled to accommodate them. She displayed a map (part of map set provided to Town) showing topo noting that the cliff side is going to be leveled and destroyed to hold the duplexes. The area will have to be clear cut – about 1,600 feet. She noted that a Wild and Scenic designation was given to the Farmington River (by the National Park Service) recently and must be taken into account; this land must be saved. She read aloud the Wild and Scenic Act.

Mr. Armstrong said that the closest building will be about 240 feet from the River.

Mr. Meyers indicated that Mr. Peck has reviewed the Wild and Scenic Act such that this proposal is not affecting the free flow of the River or its immediate environment.

Mr. Whitney displayed a map showing what the view will be from the River noting that the proposed duplexes and retaining wall will never be visible.

Mr. Armstrong communicated his understanding that the Wild and Scenic designation is an important attribute for the Town as well as the entire Valley. Mr. Whitney has confirmed that the buildings would not be visible. He indicated that should an approval be considered that he will recommend two conditions as follows: 1) the area between the clearing for the house down to the water line will not be disturbed, except for trail maintenance; and 2) before any clear cutting takes place the area must be marked/flagged and walked by Town Staff.

Mr. Whitney stated that there is a note on the plan regarding Town Staff review of proposed clearing prior to any activity.

Mr. Lee explained that he is very sensitive to nature and the environment and saving trees. He noted that he lives on a lake and raised his children to be conscious of nature. He noted that he will not cut down any trees that don’t need to come down and no soil will enter the River. We are nowhere near the River and there will be no impact to the River. He commented that he is looking at ways to develop the site with as little impact as is possible. He confirmed that he made a very conscious decision to remove the units that were proposed closest to River Mead (near Vasselle) and also taken out parking close to River Mead. He further explained that there is no intention to build anything on the River.

Ms. Vasselle noted her appreciation to Mr. Lee but commented that he concerns go far beyond the area near her house.

In response to Mr. Bloom, Mr. Whitney indicated that there is 275 feet between the River and the closest units. He added that it is a very steep slope straight up such that if you are canoeing in the River you will not see anything at Avon Gardens. Most of the land between the River and the proposed development is owned by the Town.

Peter Hayes, 38 River Mead, submitted a spreadsheet to the Commission noting that he has counted cars on Avonwood Road; the results were pretty much the same every day. He also counted all the cars at Avon Mill Apartments at night (average of 420 cars). There were 95 cars exiting the site that went left; adding 250 units will add 400 more cars will double the number of cars (186) turning left towards Route 44. The traffic report said there would be no change coming out of Avonwood, which doesn’t make sense given the number of units to be added.

In response to Mr. Armstrong and Ms. Levin, Mr. Hayes noted his counts were taken from 7:15 to 8:15 which doesn’t capture the entire rush hour. Mr. Armstrong commented that he doesn’t think Fuss & O’Neill’s information includes traffic from Avon Place.

Mr. Vertucci explained that a turning movement count was conducted at the intersection of Route 10/Avonwood Road during both the morning and afternoon peak hours. The traffic counts were grown to the 2021 background year with a 1.5% growth factor. The volumes are shown in Appendix B, Figure 2 of the traffic study. A camera was installed at the intersection counting all movements for two hours, the morning peak hour (7:15-8:15am) and the afternoon peak hour (4-5pm). He clarified that counts are done from 7-9am and then again from 4-6pm to get volumes for a full two hours to then determine the one highest peak hour for the morning and afternoon. Future trips are shown in Figure 4; we’re adding 47 lefts and 20 rights in the morning peak hour and 30 lefts and 13 rights in the afternoon peak hour. He explained/clarified that the volumes coming out of Avonwood Road are not just the existing trips from Avon Mill apartments. There are multiple developments that make up the volumes including traffic/trips from the CREC School, Avon Place Condos, and the small shopping center located right near the end of Avonwood Road. Mr. Vertucci further clarified that background traffic volumes include the full 1M square feet of growth from the Avon Center project, as presented at the last meeting. The additional trips for the proposed 250 new units is based on the ITE Trip Generation Manual. If you look at the number of units that are there today and the trips being generated, that rate is less than what the ITE Manual would project. There are already 300+ units on the site that are included in the volumes. The information is highly conservative on all fronts; background volumes are conservative and the trip generation is higher than what its currently generating based on existing volumes. The build condition is that much more conservative.

Jim McGarrah, Sylvan Street, commented that the AHOZ Regulation is the reason we are here and this Regulation has a problem. We don’t know yet what the traffic implications will be and the State has not started their review. Once a zone change is granted it cannot be undone and there hasn’t been enough information presented to approve a zone change.

John Mason, 31 River View, commented that it’s sometimes difficult to get out of River Mead due to line of sight, noting that adding a lane won’t really help because there is no coordination between cars coming in and going out. He commented that if access through the gate could be guaranteed to work consistently well he supports going to the traffic light.

Mr. Meyers confirmed that it will be on the applicant to maintain the gate and access and Town Staff will enforce it.

Nancy MacColl, Avon Mill, noted her concerns and objections to construction starting at 6am and ending at 8pm; she suggested the hours should be 8am to 5pm. Avon Mill Road cannot handle all the truck traffic for this construction project along with all the other trucks for mail delivery and emergency vehicles. Avon Mill Road needs to be widened. She noted that she never received a letter from the applicant; the only thing she received was a rolled up flyer saying that everything will be in writing for the existing tenants.

Mr. Meyers explained that a Town Ordinance governs the hours of operation for construction projects and the Ordinance is enforced by the local Traffic Authority. The construction hours will be further restricted to coordinate timing with buses for both the CREC School and Avon Public Schools. No one will be on the site at 6am.

Richard Weinstein, 26 River Mead, asked what percentage of trees will be coming for this project.

Mr. Whitney explained that the entire proposed new development area is 16.5 acres but noted that the development is proposed in phases such that all the acreage would not be cleared at one time. He further explained that he estimates that between 12 and 14 acres would be cleared (currently wooded) for development; he noted that not all of the 16.5 acres is currently wooded. He clarified that 2 acres of trees will be saved/remain in the center of the development.

Mr. Lee stated that an arboretum trail with flowering trees will be constructed. He reiterated that he will save as many trees as he can.

Matt Guyer, Woodford Hills, noted general concerns with increasing traffic and congestion with the road networks in Town, as well as the Farmington Valley and beyond. He noted concerns with starting with a 2015 traffic study as the basis for the subject project and that the traffic on Route 44 coming from Avon Center not being treated as significant. He noted his local experience does not match the traffic results presented. He noted that he has video recordings taken from all over town at all the intersections; his average is 2.5 minutes at a light (way beyond LOS F). He said that we are already at unacceptable levels at many intersections in Town, both signalized and unsignalized, and we have decisions to make as to how much more we want to build out the Town while the traffic continues to build. Some thought needs to be given to future generations.

In response to concerns from Mr. McGarrah, Mr. Armstrong clarified that should the subject applications be approved, there will be communications from Avon’s Traffic Authority to the State DOT/OSTA regarding traffic. The State cannot have input until local approvals are in place.

In response to Mr. McGarrah’s concerns with the zone change and traffic lights, Mr. Ladouceur commented that four applications in total are being discussed. Not a single car from the proposed development will be taking a left-hand turn onto Nod Road from Route 44. That light/movement already experiences a delay without considering the subject proposal. Potential changes at that traffic light have nothing to do with the subject applications. The intersections already experience delays currently and the traffic report (Fuss) also notes a 1¼% increase in traffic every year organically and the numbers for the Avon Center are also built in. Whether the subject proposal gets built here or somewhere else the same 1¼ % increase is being generated from somewhere else (another town). The Commission has received a traffic study that has been corroborated by the Town’s independent peer review consultant.

In response to Mr. McGarrah, Mr. Meyers explained, for the record, that any zone change approved by the Commission can also be reversed by the Commission if they so choose for whatever reason (e.g. if a developer did not act or follow through). He clarified that the Commission acts in a legislative capacity relative to zone changes while the Commission acts in an administrative capacity relative to site plans and special exceptions. There is no vested right to a zone of any kind and the Commission is entitled change a zone.

Ernesto Jaramillo, 33 River View, commented that strong lights have been installed by his neighbors on top of buildings and asked that the lights be lowered.

Mr. Meyers explained that the lights will be taken down and new light poles with sensitive lighting will be installed.

Mr. Lee noted that all the existing lighting and all building maintenance will be reviewed as part of new management taking over the site.

John Brighenti, owner of Avon Old Farms Hotel and Avonwood Plaza, noted his family’s support for the proposed development, as it will provide needed housing and added Town revenue from people moving in who will patron area shops and restaurants.

Rinaldo Tedeschi, Woodford Hills, commented that his biggest concern is the Route 10/Route 44 intersection, as it should be for everyone. He asked that before a decision is made that everyone think about the traffic that is already in existence today; all the stuff that is being factored in has not happened yet. He said that he has no problem with the subject proposal – it looks great but the Commission really needs to see where the Town is heading; he said that he thinks we’ve already exceeded the Berlin Turnpike. It’s really awful here and adding more units won’t make it better it will make it worse.

Mr. Armstrong commented that he is very familiar with the Berlin Turnpike adding that he feels it has gotten better over time. He noted his appreciation for everyone’s comments and concerns and offered assurances that Route 44 is never going to be a Berlin Turnpike. The Commission over the years has worked hard to reduce traffic congestion in the commercial corridor on Route 44 by requiring shared driveways and internal shared access between adjacent sites (e.g., to allow motorists to exit at a traffic light) wherever possible. In addition, sidewalks have been installed where possible to increase pedestrian access.

In response to Mr. Gentile, Mr. Meyers explained that the area that gets converted to AHOZ translates into the number of units that need to be attainable. The project is not financeable with the additional number. He added that it was a push to get financing when the number of units dropped from 270 to 250 and it is not possible to get any more.

Mr. Pfaff explained that if an affordability component was forced on the existing 189 unit development for 30 years the market value of those 189 units would drop substantially to the point where it would throw off the economics for the entire development proposal. The occupancy rate for the existing 189 units is about 93%.

In response to Mr. Bloom, Mr. Lee indicated that a sidewalk along Avonwood Road could be considered.

Mr. Meyers noted that if a sidewalk became a condition of an approval it would be built.

In response to Mr. Gentile, Mr. Lee explained that renovations to the interiors of the existing units will include new kitchens with stainless steel appliances, add a breakfast bar, new bathrooms, new entryways, new paint, new A/C, new hardware, moldings, and lighting. The exteriors will also be painted and cleaned up. Also a Porte-cochere will be added to the exteriors of the existing buildings as well as to the new buildings.

Mr. Meyers confirmed that existing residents of the existing buildings are not required to undergo renovations if they don’t want to and if they choose to stay their rent will not increase more than a CPI.

Mr. Gentile commented that the existing 189 units are currently affordable but once renovated will likely become not affordable to the average consumer. We are trading 189 affordable units for 50 units that fit the State’s definition of affordability.

Mr. Lee noted his understanding and reiterated that anyone that currently lives there and doesn’t want their unit renovated doesn’t have to and they don’t have to move so the unit remains affordable. No residents will be forced to move.

Mr. Meyers acknowledged that the driving force of the AHOZ Regulation is to bring Avon into compliance with the State mandate.

There being no further comments, the public hearing for Apps. #4916, #4917, and #4918 was closed, as well as the entire public hearing portion of the meeting.

**PLANNING AND ZONING COMMISSION MEETING**

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

App. #4916 - Avon Mill LLC, owner, Lee Land Development LLC, applicant, request for Zone Change from RU2A to AHOZ (with subdistricts MF and Duplex), 29.39 acres, 64 Avonwood Road, Parcel 1220064

Mr. Ladouceur motioned to approve App. #4916. The motion was seconded by Mrs. Harrop.

Mr. Gentile asked if we can assume that any traffic safety issues will be addressed by the State DOT.

Mr. Peck explained that the State (OSTA) is required to review the proposed project due to the size but confirmed that the State cannot make any formal discussions until a local decision is made by the Commission.

Ms. Levin indicated her struggle with adding 250 cars to an intersection that we already know is failing; it seems irresponsible. The Commission must act before it is known how the State will respond or act.

Mr. Ladouceur noted that the subject vote is only for App. #4916, the zone change. The number of units relates to Apps. #4917-18-19. He noted his remembrance that when the AHOZ Regulation was first being discussed, the subject site was noted as being a perfect location (set back from the road with existing apartment buildings already connected to water and sewer). The subject applications are much improved from the original submission. The Commission has control over the next step which involves the site plan for the AHOZ; the alternative is an application for an 8-30g where the Commission has little to no control. The safety concerns for the intersection of Route 10 and Route 44 have been there and will continue to be there regardless of whether or not the proposed development is built.

Ms. Levin noted her agreement that the concerns at Route 10/Route 44 are already existing but noted that she doesn’t accept the argument that the conditions won’t be made worse; it defies logic.

Mr. Ladouceur commented that they don’t say the conditions won’t be made worse; they say the delay is going to go from 62.5 seconds to 63.5 seconds, a one second difference. He added that if the AHOZ is approved and Mr. Lee changes his mind the Commission can always remove the AHOZ designation.

In response to Ms. Levin, Mr. Peck explained that the Commission has the right to make an application to itself at any time to remove or change any zone anywhere in Town.

In response to Mr. Armstrong, Mr. Peck confirmed that if someone else bought the site and wanted to modify an approved site plan they would have to come back before the Commission for approval to make any changes.

Mr. Armstrong commented that should an approval be considered the Commission can require that the local Traffic Authority work with the State DOT/OSTA on traffic concerns. The peer review consultant agrees for the most part with the findings of Fuss & O’Neill regarding traffic; the only area of disagreement relates to what the future would project. He noted that the numbers he has run are close to the worst case scenario presented by the peer review consultant.

Ms. Levin asked if Mr. Armstrong was ok with the dollars. Mr. Armstrong commented that he doesn’t think the dollars don’t take into consideration any brick and mortar if additional housing has to be brought in for the elementary school but noted that the school increases are two years away (which gives the BOE time to review things) and conservative numbers were used.

Mr. Gentile commented that the informal conceptual presentations for this project were much smaller in scale and noted that he thinks it influenced himself and the Commission when the AHOZ Regulation was drafted. The density is not the same scale but is out of our hands because the State Statute has something to do with it. It fits the zone and will improve the adjacent neighborhood; he noted that his concerns relative to school impacts have been alleviated by both reports and traffic per both reports will get a little worse. Safety issues for traffic are in the hands of the State. He noted his struggle with losing 189 affordable units to gain 50 but commented that the proposal fits the Regulation.

Ms. Levin noted her ongoing concerns and struggle with the impacts to schools, even if it’s two years out. Even with conservative projections she noted that she sees an adverse fiscal impact to the Town.

Mr. Armstrong commented that his focus is on the BOE which has two years to figure out the numbers; the BOE currently has an RFP going out, which is good because the last RFP was 2015. Elementary Schools shows a 3% increase but school enrollments are generally declining. He added that he has read the 2016 POCD which indicates that all Town schools had higher populations 10 years ago than today. He noted his hesitancy and uncomfortableness equating all projects with whether or not it’s a financial impact to the Town.

Mr. Peck indicated his agreement with Mr. Armstrong relative to school enrollments. For example, the projection for 2021 for Pine Grove School is below what they currently have now. He confirmed that the BOE knows they need to follow through with the RFP adding that the BOE is already right now sending some of the K through Grade 4 to Roaring Brook School, meaning some of the transition is already occurring to create the needed balance. He clarified that class size is controlled by teacher contracts and has nothing to do with building square footage. Extra room that exists at Schools that is not being used properly is something to be addressed by the Fire Marshal and not the BOE or the Commission.

There were no further comments.

Mr. Ladouceur’s motion to approve App. #4916, seconded by Mrs. Harrop, received approval from Messrs. Ladouceur, Bloom, Hamilton, Gentile, and Armstrong, and Mrs. Harrop.

Ms. Levin voted in opposition of approval.

App. #4917 - Avon Mill LLC, owner, Lee Land Development LLC, applicant, request for Special Exception under Section III.H.2 of Avon Zoning Regulations to permit earth removal,

64 Avonwood Road, Parcel 1220064, in an RU2A Zone

App. #4918 - Avon Mill LLC, owner, Lee Land Development LLC, applicant, request for Special Exception under Sections IX.G.6., VIII, and X of Avon Zoning Regulations to permit modifications to dimensional standards, 64 Avonwood Road, Parcel 1220064, in an RU2A Zone

App. #4919 - Avon Mill LLC, owner, Lee Land Development LLC, applicant, request for Site Plan Approval, pursuant to Section X, to permit 250 new residential units, 64 Avonwood Road, Parcel 1220064, in an RU2A Zone

Mrs. Harrop motioned to approve Apps. #4917, #4918, and #4919; the motion was seconded by Mr. Ladouceur.

Mr. Peck referenced his Staff Comments, dated February 13, 2020, and pointed out modifications to the site plan that were voiced earlier in the meeting such as sidewalk relocation, possible tennis court relocation, saving existing trees, drainage, screening of first floor units relative to recreational facilities, relocation of bulky waste transfer areas and screening, possible pool relocation to the west to save trees, pool fencing per Building Code, possible move of turn around area near the pool, screening for rear of first floor units to also provide storage, making the retaining walls as palatable/screened as possible, use natural colors for exterior of units facing the River, all non-disturbed areas are to be marked and walked prior to any excavation, cutting, earth movement, and any conservation easements shall be reviewed by Town Staff and Town Attorney.

Mr. Armstrong noted that the location of the playground shall also be agreed to by Town Staff prior to construction and wood chips will be used on trails. He suggested an overlapping of the conservation easement required by the Wetlands Commission such that there should be a conservation easement between the duplexes and quads and the Farmington River, to the extent the land is owned by Mr. Lee. The existing trail to the water can be maintained. If a new trail is to be constructed requiring cutting it should be reviewed and approved in advance with Town Staff.

Mr. Ladouceur commented that the applicant is to abandon the easement that it currently has into River Mead while providing for a new easement for River Mead residents to access the applicant’s site to use the walking trail system. This is in addition to the easement for the cut through for River Mead residents to reach the traffic light at Avonwood Road. He noted that he thinks the peer review for both school and traffic was very helpful and should be done more often for other projects. He noted the importance of the makeup of the bedroom units and the influence it has on other factors that must be considered. He noted his hope that road improvements (Route 10 at Avonwood, River Mead, and Route 10 at Route 44) by both the applicant and the State would help to improve existing conditions.

Mr. Armstrong commented that Avon Gardens (Mill) would be required to maintain the gate which would be part of the easement agreement between Avon Gardens and River Mead.

In response to Mr. Ladouceur, Mr. Peck confirmed that the lighting plan for both the existing and new buildings would be reviewed during the building permit phase.

Mr. Armstrong noted that Apps. #4917 and #4918 meet the special exception requirements contained in Section VIII and App. #4919 meets the requirements of Section X.

Mrs. Harrop amended her motion to include the information just discussed; Mr. Ladouceur seconded the amended motion that received approval from Mrs. Harrop and Messrs. Ladouceur, Bloom, Gentile, and Armstrong. Voting in opposition of approval were Ms. Levin and

Mr. Hamilton.

The Commission approved Apps. #4917, #4918, #4919 subject to the following:

Lee land Development LLC will repair and improve the existing 189 unit buildings and to construct up to an additional 250 units, including 50 units of attainable housing, subject to the conditions and recommendations of Town Staff, Farmington Valley Health District and Hiram Peck, as contained in his memorandum to the Commission dated February 13, 2020, and further subject to the presentations and agreements of the applicant, including but not limited to its offer to construct a wall and fence to and from River Mead to allow for emergency access and for River Mead residents to access the traffic light at Avonwood and Route 10.

**General**:

The proposed development has received Avon Wetlands Commission approval for the proposed development. This approval considered all aspects of the development under the legal authority of the Wetlands Agency including impacts on wetlands, storm drainage impacts to wetlands and considered any potential stormwater impacts to the Farmington River.

The referenced PZC applications as shown on submitted plan set received approval for the development in the following phases:

1. The renovation of the existing apartment buildings as discussed with the Commission as phase I of the proposed development. Estimated time to complete 2.5 years to begin in 2020 and estimated to conclude in 2022.
2. Phase II: Construct applicable infrastructure and new apartment building #1, clubhouse and pool complex. To begin in 2020 and estimated to conclude in 2022.
3. Phase III: Construct applicable infrastructure for apartment building #2 and 12 duplexes/quads. Estimated to begin in 2021 and to conclude in 2024.
4. Phase IV: Construct applicable infrastructure and 8 duplexes/quads. 1.5 years, estimated to begin in 2022 and to conclude in 2024.

The total number of new dwelling units is a maximum of 250 units.

The developer shall construct all improvements as shown on the submitted plans and all proposed road and access improvements in coordination with the Connecticut DOT/OSTA and all Town staff as applicable and as noted in the following specific modifications

**Approval Modifications**:

1. A safety measure requested by the Fire marshal and which the applicant has agreed to is to allow the installation of modern communication devices to improve in-building emergency communications in the existing and proposed apartment buildings.
2. The rezoning to Attainable Housing Overlay Zone (AHOZ) for 29.3 acres of the site requires that 50 of the new units be made available to be rented or leased to those qualified individuals or families making no more than 80% of the Avon area median income (AMI). This will aid Avon substantially in its effort to provide a minimum of 10% of its housing to qualified individuals. Currently Avon has just slightly over 3.94% of its housing stock in this category. At this time the HUD information shows the West Hartford area which includes Avon to have a median family annual income level of $97,900. (80% then equals approx. $78,320). This figure will actually be set when the attainable units are actually constructed and ready for certificate of occupancy. The deed restricted period for each attainable unit begins when the dwelling unit is first occupied.
3. All attainable/affordable unit residents shall be qualified by an independent third party professional person or firm who is qualified to evaluate the qualifications of potential residents for renting or leasing the attainable units. After the initial qualification, the attainable unit resident’s qualification to continue in these units shall be reported to the Town Planning Department annually no later than January 31 of each year.
4. Earth Excavation: The site will also be excavated and graded as shown on the submitted plans as part of the development. The site excavation will be completed in phases as well. The excavation necessary for the construction of the new buildings and the new community room, pool and recreation complex.
5. Each new apartment building will contain 98 apartment units. Parking garages beneath the new buildings will hold 58 parking spaces and 55 storage spaces for residents as shown on the submitted plans. Surface parking spaces will be provided for the residents on site near individual units or across the driveway. Excess guest parking for various times of the year are also provided on site as shown on the submitted plans.
6. An extensive walking path is also shown on the submitted plans. In addition a hiking trail is also planned as shown on plan sheet L-2. The maintenance of these paths will be the responsibility of the developer or an association created to perform these maintenance tasks. It is logical for the developer to delegate these maintenance tasks to a qualified group responsible for the upkeep of the community center, pool and recreation complex once they are created.
7. Site improvements. The applications include specific site improvements which involve abutting properties and are noted as to the specifics of installation. The Commission also noted the potential for a future connection with the Avon Place development to the south of the Avon Mill/Avon Gardens site. Such an emergency exit may come in to play in the future with regard to access to the property. At this time only one access point exists to this abutting development.
8. The comments provided by the Town Engineer must be complied with for these applications. These requirements include engineering details and compliance with WPCA requirements regarding sewerage connection items. The developer shall follow up with the Avon Water Pollution Control Authority and provide information as necessary so as to comply with the requirements of the previous WPCA determination to approve the development of the subject number of units. The developer shall meet all adopted Town of Avon Engineering Department requirements and standards.
9. The comments from the Farmington Valley Health District (FVHD) are to be met including:
   1. Before a new pool is constructed, the plans must be submitted to the CT Dept of Health for review and approval.
   2. Adequate accommodations must be shown for garbage/trash receptacles/compactors. Multiple areas are needed as explained above in order not to block the emergency access through to River Mead.
   3. Any existing on site wells or septic systems must be properly abandoned in accordance with the requirements of the FVHD.
10. The comments from the Fire Marshal and Building Official must be complied with including:
    1. The emergency access connection to River Mead shall be reestablished. This connection was eliminated by unknown persons when River Mead was established. It is to be reestablished as required by the Avon Fire marshal.
    2. Consider the possible creation of an easement to Avon Place in case a future connection is needed for emergency access purposes
    3. Fire hydrant locations shall be approved by the Fire Marshal before any new construction begins.
    4. Plans for construction shall meet all applicable fire and building codes.
    5. All previous applicable conditions from Avon Mill, now Avon Gardens, development project are required to be met.
11. The applicant’s development team shall meet with Avon Town staff prior to any construction to discuss final details of the construction process and adjustments to the site plan as discussed and explained at the public hearing.
12. The applicant/developer shall coordinate any road improvement plans to the CT DOT as may be required and is to inform staff of the status of these discussions and requirements.
13. All necessary improvements to the private portion of Avonwood Road are required to be completed in a timely fashion as required by Connecticut law.
14. The applicant/developer is to state what routes are to be used for excavated materials. The routes for these materials shall be considered and require approval by the Planning Director, Town Engineer and Police Chief/Police Administrator.
15. The developer is to retain a qualified professional person or firm, experienced in providing review of eligibility requirements for residents of attainable dwelling units. These units shall be properly deed restricted as required by the requirements of the Avon Attainable Housing Overlay Zone regulations.
16. The developer/owner of Avon Gardens is to provide the Planning Director with a report on an annual basis by the end of January, of the qualification status of the residents in the “attainable” dwelling units. The failure of residents to continue to qualify for the attainable units shall require the set aside of the next available unit or units to be rented or leased at the attainable level. Failure to follow this process will result in a zoning enforcement action.
17. During any phase of development the developer, and any of his agents or workers are to be informed and shall consider the timing of the school bus vehicle activity both on the site and off the site at the CREC school on Avonwood Road and shall to the extent possible arrange construction traffic so that interference is minimized to the extent possible. Caution shall be exercised at all times with regard to the location of students at dropoff and pickup points as well as school bus traffic on Avonwood Road.
18. The number of surface parking spaces which are in excess of those spaces required are permitted to be held in reserve and not constructed at this time. The Commission finds that the number of spaces which may be held in reserve is 100 spaces. These spaces may be required to be constructed as shown on the submitted plans if it is determined by Town Staff that these spaces are needed to be constructed in the future. If there is any dispute as to the parking space allocation or the need for the additional spaces, the all spaces shall be considered required as part of this approval.
19. Maps, properly prepared, showing the proposed development shall be delivered to the Planning office for signature and proper filing on the Avon Land Records and Planning Department files as required.
20. Properly signed and sealed as-built mylar maps shall be provided to the Town upon the completion of any structure as shown on the submitted plans and as approved by the Commission.

**OTHER BUSINESS**

Request for a one-year extension – App. #4890 – new track, artificial turf, and lighting – AHS

Mr. Peck explained that the fundraising for the lighting is still ongoing and the Town Manager has asked for a one-year extension for the entire approval.

Mr. Bloom motioned to approve a one-year extension for App. #4890. Mr. Hamilton seconded the motion that received unanimous approval.

There being no further business the meeting adjourned at 10:50pm.

Linda Sadlon

Avon Planning and Community Development