The Planning and Zoning Commission of the Town of Avon held a meeting at the Avon Town Hall on Tuesday, January 14, 2020. Present were Tom Armstrong, Vice Chair, Joseph Gentile, Lisa Levin, Brian Ladouceur, Jr., Dean Hamilton, and Alternate Elaine Primeau (not sitting). Absent were Peter Mahoney, Mary Harrop, and Alternate Drew Bloom. Also present was Hiram Peck, Director of Planning and Community Development.

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

**APPROVAL OF MINUTES**

Mr. Ladouceur motioned to approve the minutes of the December 10, 2019, meeting. The motion seconded by Ms. Levin received approval from Messrs. Ladouceur, Gentile, and Armstrong and Ms. Levin. Mr. Hamilton abstained.

**PUBLIC HEARING**

App. #4914- Brighenti Enterprises, LLC, owner, Carla Wirta, applicant, request for Special Exception under Section VI.B.3.a.of Avon Zoning Regulations to permit a smoothie shop, 300 Country Club Road, Parcel 1940300, in an NB Zone

Present were Carla Wirta, applicant, and Jeff Brighenti, owner.

In response to questions, Ms. Wirta confirmed that she will have four employees in total and occupy a first floor tenant space in the subject building; she clarified that you enter the site from Country Club Road rather than West Avon Road.

In response to Mr. Ladouceur, Mr. Peck explained that the subject site is located in the NB (Neighborhood Business) zone and the proposed business is a Class 1 restaurant requiring special exception approval by the Commission.

Mr. Peck recommended that the requirements of the Farmington Valley Health District (contained in their memo dated January 7, 2020) be a condition if an approval is considered.

There being no further input the public hearing for App. #4914 was closed.

App. #4915- Proposed amendment to Avon Zoning Regulations pertaining to café permits; Town of Avon, applicant

Mr. Peck addressed the changes to the regulation explaining that the prohibition of café permits is proposed to be eliminated and café permits are proposed to be allowed only by special exception approval in the CR and CS zones. There are restrictions in connection with days and hours of operation and noise for a café permit use. He explained that the Town Attorney has indicated/clarified that the café permits that are the subject of this regulation amendment are those café permits as described under the State Statutes Liquor Control Commission and any restrictions imposed in the Commission’s regulation would be applicable to café permits allowed by the State. The Town Attorney further indicated/clarified that any new permittee or permit transfer at the same location does not require a new special exception application because once a special exception is granted for a particular property it stays with that property. He explained that any person taking over an existing business would have to obtain a transfer per the requirements of the State Liquor Control Commission and, in turn, come to the Planning Department to obtain a sign off from the Zoning Enforcement Officer. Town Staff (Planning) would make sure that the original requirements of the approved permit are still being met by the new person/owner but the new person would not have to reapply for special exception approval.

Mr. Peck further explained, for example, that if a property is sold to someone who intends to run an entirely different type of business that is totally unrelated to the business that currently exists under the special exception approval granted for a café permit, the new owner would be required to apply to the Commission requesting a special exception approval for their new business use.

In response to Ms. Levin, Mr. Peck confirmed that a special exception approval runs with the land unless there is proof that the original approved use has been abandoned or discontinued.

Mr. Peck addressed the language contained in 5.c. of the proposed amendment and explained that the Town Attorney recommends that the language be taken out as it is unnecessary and covered by CT Case Law.

In response to Mr. Gentile, Mr. Peck explained that the conditions of an original permit approval are very specific and could not be changed or modified by a new property owner should an existing business change ownership. The Town (Zoning Enforcement) would make sure the new owner is aware of the approval conditions.

In response to Mr. Ladouceur, Mr. Peck explained that violations would be handled either by the Liquor Control Commission, who are very strict, or by the Town, depending on the type of violation. He added that the Town would have the applicant come in to discuss the violation(s) and then determine at some point whether or not to revoke the permit. He further explained that Town Zoning Enforcement must sign the State form issued by the Liquor Control Commission confirming that the use is in compliance with the Town’s Zoning Regulations; this also applies to transfers of State permits.

After some discussion, the Commission decided to revise the language in 5.c. as follows:

*“A discontinuance under applicable law and/or regulations of a café permit approved under this special exception terminates such permit.”*  In addition, the language for J.5. was revised as follows: “………….*with due consideration to factors including the hours of operation, the specific nature and details of the proposed use, and the potential for adverse impacts of noise and/or other disturbance to the neighborhood.”*

Mr. Hamilton noted a correction to 5.a. (hours of operation) such that the closing time should be Thursday through Saturday (not Sunday) at 10pm.

There being no further input, the public hearing for App. #4915 was closed, as well as the entire public hearing portion of the meeting.

**PLANNING AND ZONING COMMISSION MEETING**

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

App. #4914- Brighenti Enterprises, LLC, owner, Carla Wirta, applicant, request for Special Exception under Section VI.B.3.a.of Avon Zoning Regulations to permit a smoothie shop, 300 Country Club Road, Parcel 1940300, in an NB Zone

Mr. Ladouceur motioned to approve App. #4914 subject to the following condition:

1. Applicant shall demonstrate compliance with all conditions/requirements of the Farmington Valley Health District, as contained in their memo dated January 7, 2020.

The motion was seconded by Ms. Levin and received unanimous approval.

Mr. Armstrong noted that there were no comments from the audience and the applicant appears to meet the requirements of Section VIII.

App. #4915- Proposed amendment to Avon Zoning Regulations pertaining to café permits; Town of Avon, applicant

Mr. Armstrong motioned to approve App. #4915, as amended. The motion was seconded by Mr. Hamilton and received unanimous approval. The effective date is January 22, 2020.

**OTHER BUSINESS**

Appoint CRCOG Representatives

Mr. Peck explained that the Commission is required to appoint one CRCOG representative and one alternate CRCOG representative adding that these representatives would be involved in planning land use issues on a regional basis. He added that there is also one appointed representative from the Avon Town Council. He further explained that CRCOG (Capital Region Council of Governments) performs regional planning services with a big focus on funds that come into the State for transportation purposes. He noted that CRCOG is very active and meetings are typically held at the West Hartford Town Hall in the early evening on a quarterly basis.

Mr. Ladouceur indicated that he would be the representative and Mr. Armstrong indicated that he would be the alternate representative.

Staff Updates

Mr. Peck addressed the Avon Village Center project noting that drainage, storm water, sewers and infrastructure are now under construction providing connections from the subject site to adjacent properties (i.e., connecting sewers from the subject site to Town sewers). Part of the foundation for Whole Foods is now in place. He explained that Town Staff oversees this project on a daily basis and works closely with construction crew to ensure that everything is done correctly and as approved, adding that, to date, everything has gone very well. He indicated that due to some confusion over the temporary roads and roads that are closed, new signage will be installed very soon. He acknowledged the difficulty and confusion at Forest Mews where it probably should be noted that only thru traffic (residents) is permitted. Erosion control measures are in place on the site and there is a potential for blasting but the necessity has not yet been determined. The developer will be performing pre-blast inspections. He explained that the Town has required in advance a three-week construction schedule that is very specific as to what will take place on a daily basis. There is also a total project schedule that is continuously updated and adjusted depending on work flow so the Town has a good idea of the work that is going on and what is coming up. The developer wants to redesign the already approved three-tiered wall (to be located behind the buildings on Climax Road) but Town Engineering has not yet seen a plan that works like the approved plan for the wall. This sloped area would still be fully landscaped. Mr. Peck explained that a project this large always has day-to-day issues that come up that need resolution. He noted that, generally, there have been very few complaints from residents. The newly constructed bike trail has been disrupted for storm drainage installation but people will still be able to use the trail (via the Town Hall parking lot, as they did before, rather than ride through a construction area) because the gate installed near the new building recently construction near the police station will be opened. Mr. Peck confirmed that he has no information about other tenants adding that Whole Foods would like to open in November 2020, which is quite energetic. He confirmed that while a “foundation-only permit” has been issued for Whole Foods other permits will be needed to construct the building. There are always a lot of details that come up daily that need to be addressed by Staff; for example, location of handicap ramps and kitchen grease traps.

In response to Ms. Levin, Mr. Peck explained that he is happy to ask the Town Attorney to attend one of the Commission’s upcoming meetings to provide new and existing members with information about land use.

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

Linda Sadlon

Avon Planning and Community Development