The Planning and Zoning Commission of the Town of Avon held a ***GoToMeeting*** on Tuesday July 28, 2020. Present were Thomas Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Peter Mahoney, Lisa Levin, Joseph Gentile, Mary Harrop, Alternate Elaine Primeau, and Alternate Raz Alexe (arrived 7:40 pm did not sit). Alternate Drew Bloom was not present. Also present was Hiram Peck, Director of Planning.

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

**APPROVAL OF MINUTES**

Mrs. Primeau motioned to approve the minutes of the May 19, 2020, meeting. The motion was seconded by Mr. Mahoney and unanimously approved.

**INFORMAL DISCUSSION**

Potential redevelopment of 225 West Main Street (former Dakota Restaurant)

Matthew Bombaci, PE, Bohler Engineering, was present.

Mr. Bombaci displayed renderings of the subject site showing two layouts for a proposed 6,425-square-foot auto-service facility specializing in tires but offering other minor services. The site is located in the CR zone and the proposed use would be permitted by special exception. Concept Plan “A” matches the proposed building with the existing building, which is a preexisting and nonconforming condition such that a variance may be required. Concept Plan “B” is an alternative showing the proposed building pushed back to conform to the front-yard setback requirement. Mr. Bombaci noted the preference is for Concept Plan “A” as it allows for better site circulation. The proposed use is a minimal traffic generator; ITE trip generation data is 17-28 trips in either the morning or afternoon peak hour. He explained that driveway connections from the site to both the west (255 West Main) and the east (221 West Main) would be important allow for good traffic circulation. The proposed use would increase the landscaped areas on the site, decreasing the amount of existing pervious surface. An increased landscape buffer to West Main Street, the east side of the proposed building, and also to the south (residential area) is proposed. A new formal storm water compliant system is also proposed. He asked for feedback from the Commission.

In response to Mr. Armstrong, Mr. Peck explained that he would discuss the plan proposal with the applicant to see if it could be accomplished without needing a variance.

In response to Mr. Mahoney, Mr. Bombaci explained that while he doesn’t know the exact square footage of the existing building he noted his belief that the proposed building is only slightly larger. He confirmed that the entire existing building including the foundation would be removed.

In response to Mr. Ladouceur, Mr. Bombaci confirmed that the proposed business specializes in tires but noted that some other minor services would be offered. He explained that his understanding is that employees would enter the site and park and employees would drive cars into the service bays. There is only one way in and out of the bays, there is no pull through service. He confirmed that the gray area shown on the drawing represents the concrete pad outside the bay doors. Mr. Ladouceur noted his concern with cars being backed out of the bays into the drive lane area that connects with Big Y and asked why access to the bays isn’t located on the east side. Mr. Bombaci explained that the goal is to minimize the pervious area and also to fit the building width wise on the lot but added that the layout could be reviewed to try and further protect the bays. He stated that the drive aisle is 30 feet with 10 feet of concrete such that there is plenty of space to maneuver but indicated that the area could be studied further to address possible conflict of vehicles on the site.

In response to Mr. Ladouceur, Mr. Peck explained that parking spaces are 9 x 20 adding that he has asked that the traffic circulation through the site be studied closely given that the site is heavily used as a cut through from Route 44 to reach Big Y and Walmart. Typically 12 to 15-foot-wide drive lanes would be adequate but vehicles entering the site from Route 44 would be driving by the garage bay doors to reach the connection to Big Y and Walmart.

In response to Mr. Ladouceur, Mr. Bombaci confirmed that there is room to the west adding that the proposed parking is not pushed up against the landscape buffers; he said that there is maybe 10 feet or more to push the parking spots to the west to provide more space around the garage bays. Mr. Ladouceur commented that if there is extra room he would rather not have employees backing vehicles out of the bays into the travel lane. Mr. Ladouceur said his preference is for Concept Plan “A” even if a variance is required because the cut through travel lane is straight with better sight lines and there is adequate buffering to Route 44. Mr. Bombaci noted his agreement adding that Concept Plan “B” was presented because there could be no guarantee of a variance.

In response to Mr. Armstrong, Mr. Bombaci explained that the bays cannot be located on the south side of the lot because the building doesn’t work that way. He indicated that it was looked at but there isn’t enough room to fit the building and have enough maneuvering space.

Mr. Gentile noted his agreement with Mr. Ladouceur’s concerns about parking and the cut through from Route 44. He said he would be very conscious of the building style should Concept Plan “A” be used with the building closer to the road. Mr. Bombaci confirmed that architectural details would be presented with any formal application submission.

In response to Ms. Levin, Mr. Peck explained that no sidewalk is shown on the concept plans but noted that should the proposal move forward the Town would be looking for a sidewalk to be constructed in front of the site.

Mr. Armstrong suggested that if the proposal moves forward that the applicant talk to the owner of 255 West Main (Walmart/Big Y) about continuing the sidewalk so that it connects to the parking area for Walmart. He noted his agreement with other members’ comments relating to the preference for a straighter drive lane (Plan “A”) through the site, the importance of architectural building details, sidewalk construction, and the location and number of parking spaces for both employees and customers. He also commented that concealment of tire storage on the site is important.

Mr. Bombaci noted his understanding adding that sidewalk material (concrete) would be different than paved surface (asphalt) to ensure that it stands out. He also noted his understanding that a variance decision is not under the jurisdiction of this Commission. He concluded by thanking the Commission for their input and welcomed any additional input.

**OTHER BUSINESS**

Discussion of DRAFT Zoning Regulations

Detached Accessory Dwelling Unit

Mr. Peck explained that many communities in the State are talking about the idea of detached accessory structures. The current Regulations for accessory units require a special exception and there is no change to that requirement but this proposed language allows for the potential of creating a detached accessory dwelling unit (minimum 400 square feet, maximum 1,000 square feet), detached from the principal house/structure. Parking and architectural design requirements are needed. The creation of the dwelling unit would need to be completed within two years and receive a Certificate of Occupancy; if this is not the case a request for an extension would be required. The current Regulation requires a renewal of this type of permit every two years.

Mr. Peck explained that he has discussed this with the Town Attorney who has indicated that unless there is a zoning violation there is probably no reason to require a renewal every two years; people spend a lot of money to create these units. He welcomed comments/ideas from the Commission.

Mr. Gentile asked if all detached dwelling units could be deed restricted and designated as affordable (attainable) units to give the Town more control and show good intent to the State.

In response to Mr. Armstrong, Mr. Peck indicated that while he Regulation could be worded to encourage and recommend affordable units he explained that he isn’t sure whether it should or could be a requirement especially if financing is involved. He added that he would speak to the Town Attorney on this matter.

In response to Mr. Ladouceur, Mr. Peck confirmed that detached accessory units are very similar to the granny pod concept. He indicated that there are probably some accessory units being done in Town without a permit but he doesn’t know how many. He agreed on the possibility that should this Regulation get adopted that there be no demand for it but added that he believes there will be a demand in time as the housing markets change. He noted his recommendation is to try the Regulation because he doesn’t think it would adversely affect other properties and a special permit is required in any event meaning the Commission would have discretion.

Mr. Ladouceur noted his concern that a detached dwelling unit, initially used by a grandmother, could at some point be rented out to strangers and these units will be located in residential neighborhoods. These units could potentially be located closer to an adjacent property than they are to the main dwelling on the subject property. He asked how to ensure that the main house is not rented out along with the detached unit while the property owner lives somewhere else.

Mr. Peck explained that one of the requirements is that the property owner must maintain their primary residence as either the main house or the accessory unit, to maintain neighborhood character. He pointed out that there may already be instances where a property owner is renting their house for several months out of the year and someone else (eg. caretaker) is living on the site.

Mr. Ladouceur noted his concerns with taking single-family residential areas and essentially allowing apartments to be built and rented out to third parties. Renting to in laws or children or other family members while the owner is living on the site seems ok. He noted his agreement with Mr. Gentile that if the units are deed restricted that would provide some benefit to the Town and may cause people to think twice about renting to anyone other than family.

Ms. Levin commented that an approved detached unit would be part of the total assessment value of the property such that the Town would benefit. Mr. Peck agreed.

Mr. Peck indicated that it’s not a coincidence that this Regulation is being discussed at this time and explained that there is a tremendous amount of pressure on small towns all over the State right now because the Legislature, at their next session, is likely to consider a zoning amendment for all towns to remove the single-family zoning designation from all areas. He further explained his thinking that creating this Regulation while still requiring a special exception/permit allows the Town to retain some control and discretion relative to the possible future creation of these accessory units that may not be there without the Regulation. A compromise of sorts.

Mr. Ladouceur commented that while he’s ok with renting to in laws and/or family members he would have a problem with unrelated people with children renting an accessory unit putting a burden on our schools which would greatly outweigh any increase in assessment.

Mr. Mahoney commented that the affordability component assumes from the beginning that the unit would be rented; he added that he thought these units were accessory and not going to be rental properties. He questioned how an affordable zone would work in a residential area.

Mr. Peck clarified that it wouldn’t be an affordable or separate “zone” but rather individual units could be deed restricted, per Mr. Gentile’s suggestion. He noted that language addressing the affordable component could certainly be included in the Regulation, adding that many of the towns that have done this have had good success.

Mr. Gentile commented that if these units are going to be inevitable at some point all the units should be required to be affordable and not determined on a case by case basis regardless of who lives in them (in laws, family, or rented to strangers). He also said that consideration could be given to capping the number of units or designating areas where they could be located.

In response to Mr. Ladouceur, Mr. Peck confirmed that affordable/attainable units must qualify and meet income requirements; proof of qualification is required at the beginning of every year.

He explained that if there are any problems on the property (excessive noise, too many cars on the site, etc) the Town usually gets notified and begins enforcement activity. Avon is small such that there’s a lot of communication between Planning, the Assessor, and Town Clerk and if, for example, the property owner is no longer living on the site, the Town usually finds out. Neighbors also often notice things and call the Town to report.

Ms. Levin commented/suggested that a requirement for the owner to be living onsite at least 75% of the year could be added to the regulation language. She commented that some clarification is needed for the terms (detached dwelling unit, accessory apartment) and language in the regulation and added she would be happy to provide input.

Mr. Peck noted his understanding and welcomed input on clarification of the regulation. He explained that requiring the owner to be living onsite 100% of the time is a better approach.

In response to Mr. Ladouceur, Mr. Peck agreed that clarification is needed to the language and definitions for detached structures and accessory apartments; detached structures are physically separate from the principal dwelling while accessory apartments are contained/located within the principal dwelling (not detached).

Accessory Structure for Office or Workshop at Owner’s Residence

In response to Mr. Armstrong, Mr. Peck explained that there are more people working from home now and there will probably be more in the future. The Town has gotten requests for this change. The proposed language revisions would allow the structure to be slightly larger at 1,500 SF; the current regulation allows 1,000 SF.

In response to Mr. Mahoney, Mr. Peck explained/clarified that the revised language under letter “f” would allow accessory structures (eg. small storage sheds 200 SF or smaller) to be located 10 feet from the side and rear property lines in the rear yard.

Revisions to Limited Farming Regulations to Allow Chickens/Fowl on Conforming Lots

Ms. Levin asked how the proposed revision to required acreage would work for smaller lots, such as the new lots on Bailey Road.

Mr. Peck explained that in order for this regulation to apply, lots would have to be conforming. On smaller, conforming lots people would have to contain their small animals (chickens hens, fowl) and maintain a clean environment; no roosters or peacocks are allowed. He indicated that this revision is in response to requests from Avon residents who don’t have significant land area but do have conforming lots.

In response to Mr. Gentile, Mr. Peck explained/clarified that the only change to the current Regulation is to allow conforming lots to have up to 10 chickens/fowl (eg. guinea hens).

In response to Mr. Ladouceur, Mr. Peck confirmed that this change would allow anyone with a conforming lot to have 10 chickens/fowl or rabbits. He clarified that the existing Regulation allows 15 chickens on lots containing at least 80,000 SF. Mr. Ladouceur commented that there would not be room to locate a chicken house 100 feet from any lot line on a small lot even if it conforming. He also asked for clarification whether people would be allowed to let their chickens roam around their yard, much closer to a lot line than 100 feet, if the area is fenced. Mr. Peck noted his understanding and agreement.

Ms. Levin voiced her agreement with the 100-foot setback requirement being problematic on smaller conforming lots adding that it could become a nuisance between neighbors even if the building/structure housing the animals is enclosed if the animals are allowed to roam free at times. She asked what the yard setback requirements should be for any smaller, conforming lots relative to housing 10 small animals. She also suggested that some language relative to health and safety should be built in.

Mr. Peck noted his understanding of the questions and concerns relating to setbacks and indicated that he would revise/clean up the proposed language to add clarification and provide consistency with terms and definitions (eg. define small, medium, and large).

Sign Regulation Revision for Signs in Avon Village Center

Mr. Peck explained that the only change to the existing Sign Regulation is to add the Avon Village Center Zone such that businesses in the AVC Zone could obtain wall signs just like businesses in all other commercial zones currently do. He noted the intent/goal is to focus on the design and style of the signs for Avon Village Center while keeping the signs as small as possible.

Staff Updates – Covid-19 issues

Mr. Peck addressed the Temporary Outdoor Seating/Dining program (via the Governor’s Executive Order) that has been in use during the Covid pandemic expires in September 2020 and recommended that the current approved permits be allowed to extend until the end of 2020 (weather permitting) to give restaurants as much flexibility as possible. He further suggested that the temporary signage for outdoor dining also be allowed to extend to the end of 2020.

The Commission agreed unanimously to allow an extension to January 1, 2021, with adjustments as needed by Town Staff. Commission noted that it’s important to help Avon’s businesses as much as possible.

Avon Village Center

Mr. Peck reported that Town Staff continues to work with the developer on the walls that have been constructed on the site to ensure compliance with the standards that were approved. The wall fronting along Route 44 will be made from stone mined from the property; landscaping will be installed in front of the wall. Climax Road where it intersects with Bickford Drive will be closing near the end of August to allow for regrading of Climax Road; a detour road will be created. Construction on the site has continued during the pandemic and there is significant landscaping to be done along the site perimeter as well as in parking lots to buffer vehicles. He stated that the latest information he has is that Whole Foods will open for business in January 2021 but noted that he would inform the Commission if that changes. No other retail tenants for the other buildings are known at this time. The roundabout proposed for the intersection of Climax and Bickford will be installed once the grading is complete in that area; landscaping will be installed around the roundabout.

Some members of the Commission indicated they would like to walk the site. Mr. Peck noted his understanding indicating he would work on a day and time.

There being no further business the meeting adjourned at 8:45pm.

Linda Sadlon

Planning and Community Development