The Planning and Zoning Commission of the Town of Avon held a meeting at the Avon Town Hall on Tuesday, March 10, 2020. Present were Mary Harrop, Lisa Levin, Alternate Elaine Primeau (sat), Tom Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Joseph Gentile, Dean Hamilton, and Alternate Drew Bloom (did not sit). Peter Mahoney was not in attendance. Also present was Hiram Peck, Director of Planning and Community Development.

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

**APPROVAL OF MINUTES**

Mrs. Primeau motioned to accept the minutes of the February 18, 2020 meeting; the motion was seconded by Mr. Ladouceur. Messrs. Hamilton and Armstrong noted minor corrections/changes. Voting in favor of the minutes with noted corrections were Mesdames Primeau, Levin, and Harrop and Messrs. Ladouceur, Armstrong, Hamilton, and Gentile.

**PUBLIC HEARING**

App. #4923 MAG, LLC, owner, Dom’s Coffee, LLC, applicant, request for Special Exception under Section V.J.5.of Avon Zoning Regulations for Café permit to allow sale of beer, wine, hard cider, 20 West Main Street, Parcel 4540020, in a CS Zone

Attorney Cheryl Rice was present on behalf of the applicant. She explained that Dom’s Coffee has been working with the Town and the State for over a year to get a permit to allow the sale of wine, beer, hard cider, and a very select number of cocktails. She further explained that Dom’s is a European style coffee house that has been open for over five years; they have no intention of becoming a bar. Dom’s just wants to be able to offer beer, wine, hard cider and limited cocktails on their beverage menu and extend their hours to 10pm Thursday through Saturday. Ms. Rice explained that Dom’s would like to proceed with a Café Permit from the State of CT (Liquor Control Division). The criteria for this type of permit has been met and the hope is that the Commission will grant approval for this application. Dom’s current operating hours are 7am to 5pm, Monday through Friday and 8am to 5pm on weekends. She explained that if a Café Permit is issued by the State and the subject special exception is approved by the Commission Dom’s proposes to extend their hours to 10pm Thursdays through Saturday. Beer, wine, hard cider, and limited spirits would be offered during regular business hours as permitted under the hours of operation per CT State Law. No impacts to the site parking lot are anticipated other than adding two additional staff on the days of extended hours (shifts are expected with staff on site from 7am to 5pm and also from 5pm to 10pm). No impact to the neighborhood is anticipated, as the site is not located in a residential area; First and Last Tavern (full service restaurant) is located right next door.

Mr. Armstrong asked for clarification on the word “spirits”.

Ms. Rice explained that a Café Permit under State Law allows for the sale of drinks such as Expresso Martinis or Bailey’s Martinis but not have a full bar. She further explained that Dom’s Coffee does not have room for a full-scale bar. Dom’s is asking to sell a very limited amount of spirits to help defray the cost of a Café Permit ($2,100 per year) which is more than three times the cost of a Tavern Permit ($350 per year).

Mrs. Harrop commented that she questions whether limited cocktails would be acceptable.

Ms. Rice indicated her understanding adding that Dom’s Coffee would like to offer three or four specialty drinks/cocktails but explained that their plan was never to have a full service bar and if the Commission is not in favor of this plan service would be limited to beer, wine, and hard cider. She reiterated that because State Law allows limited spirits under a Café Permit that Dom’s Coffee thought it could help recoup some of the cost of the Café Permit.

In response to Mr. Armstrong, Ms. Rice confirmed that Dom’s has no plans to have any music or live entertainment at all.

Ms. Levin noted that she has no objection to music or cocktails.

In response to Mr. Armstrong, Mr. Peck explained that if the applicant decided at a later date to have music it would be permitted under the subject application if it is approved. He further explained/clarified that the applicant would always have to meet the noise standard such that no noise could be heard off the premises.

Beth Ferrari, Cotswold Way, commented that she is an employee of the Avon Congregational Church who shares a parking lot with Dom’s Coffee. She noted her concerns with traffic and parking adding that it’s hard to find parking on Sunday morning for church.

Ms. Rice explained that Dom’s is open on Sundays from 8am to 5pm; the subject application does not propose any changes for Sundays.

Mr. Peck suggested that the owner of Dom’s Coffee work with the church to minimize parking issues; possibly employees could park further away to free up parking for church goers.

Mrs. Primeau commented that the church has a big Friday dinner once a month and other activities as well. She noted her preference for Dom’s to sell only beer, wine, and hard cider because adding cocktails is creating more of bar atmosphere regardless of the limited food menu.

Ms. Rice acknowledged her understanding of the concerns but commented that she doesn’t think that the addition of three or four cocktails choices per night would dramatically impact parking if beer, wine, and hard cider are already being offered.

Mr. Ladouceur commented that he does not have a problem with limited cocktails and added that there are many other locations in Town where businesses share parking and they work it out. There is a lot of parking in the general area of the subject site such that parking should not be an issue if the tenants coordinate and work together.

Mrs. Harrop commented that she has gone to Dom’s and there’s not a lot of parking back there.

Ms. Levin noted her agreement with Mr. Ladouceur’s comments adding that Dom’s is a good, responsible Town business that we should all want to support, as there are a lot of vacancies along Route 44. She voiced her hope that the church and Dom’s could work out any parking issues.

In response to Mr. Armstrong, Jenny Boswell, member of Avon Congregational Church, commented that last Friday was the first dinner noting that she arrived at the church at 1pm and there were cars parked all the way down to the Water Company building; the parking lots for the water company and decorator’s building (both vacant) were totally full. She said that she observed people coming out of Dom’s who were parked behind the Water Company. The Church owns 12 West Main Street and is considering buying the Water Company building for parking. The Church also has parking on Route 10 (Simsbury Road) but membership is growing with a new minister.

In response to various comments, Mr. Rice explained/clarified that the intention relative to limited cocktails is for Dom’s Coffee to be able to offer three or four types of drink specials such as Espresso Martini or Bailey’s Martini or some other seasonal flavor Martinis. There would not be any drinks offered “on the rocks” because that type of alcohol would not be available.

Mrs. Primeau commented that the idea of what Dom’s wants to do is fine but maybe the current location is not the right place for what is being proposed adding that there are a lot of vacant store spaces along Route 44.

Ms. Rice explained that if limited cocktail offerings are a problem Dom’s can live with only allowing beer, wine, and hard cider. She indicated that she doesn’t believe there is a big significant difference to offer three or four cocktails in addition to beer, wine and cider. She indicated her belief that this proposal is a very positive thing for Avon. Dom’s is a casual and quiet place to go and meet up with friends and have some cheese with a glass of wine or beer; it’s a very popular place but it is not a bar.

Mrs. Primeau asked what the difference is between Dom’s offering five different types of special cocktails and a bar happy hour.

Ms. Rice reiterated that the cocktail offerings would not be that expansive and the tenant space cannot handle a large amount of people; it’s not a bar.

Mr. Ladouceur commented that the business is a coffee place; Dom’s Coffee is the name. The limited cocktail offerings are secondary to people going there for coffee and sandwiches/cheese, etc. He asked if Dom’s employees could park farther away to free up some spaces and possibly signage added in the parking areas. (e.g. courtesy for church members, etc.)

Mr. Peck suggested that if the Commission is considering an approval that a condition be imposed requiring all property owners involved to work together to come up with a shared parking agreement that works for everyone.

In response to Mr. Bloom, speaking as an Avon resident, Ms. Rice explained that the occupancy of Dom’s is 40 people maximum. Mr. Bloom commented that most people would come two to a car which equates to 20 cars. He noted that on a cold day there could be 20 cars at Dom’s just for coffee.

Mr. Gentile commented that expanding the hours and becoming a café will provide Dom’s with profits from existing traffic at the business; there is no need for a traffic increase.

Ms. Rice agreed noting that offering other options (expanded hours and offerings) will hopefully allow people to come in.

There being no further comments the public hearing for App. #4923 was closed, as well as the entire public hearing portion of the meeting.

**PLANNING AND ZONING COMMISSION MEETING**

App. #4922 - Northington Holdings LLC, owner/applicant, request for Site Plan Modification for small addition to existing house, 2 Mountain View Avenue, Parcel 3250002 in a CS Zone

David Whitney, PE, Consulting Engineers, and Jason Warnke, owner, were present.

Mr. Whitney displayed a map of the site and explained that parking spaces identified as #8 and #9 are reserved for future use (if needed) and added that the owner, Jason Warnke, will occupy the building. The subject site is half an acre located in the CS Zone. There is an existing 800-square foot house on the site that has been vacant for many years but was used as a doctor’s office in the past. The proposal is for a 645-square-foot building addition bringing the building’s total square footage to 1,400 SF. The current parking area holds about five cars; seven parking spaces are required so two additional spaces are proposed on the northern end of the existing lot. A handicap space would also be established, as none currently exist. The existing septic system would be abandoned and the building connected to public sewer. The site is already served by public water. He noted that there is a two-inch force main (sewer) located on the site that was installed many years ago and was supposed to be located in the road shoulder. (The applicant has agreed to work with the Town Engineering Department to grant an easement to the Town to allow repair to the sewer if necessary). Mr. Whitney clarified that the aforementioned easement needed is not for the same sewer line that the building will be connected to; they are two separate lines.

In response to Mr. Ladouceur, Mr. Whitney explained that language would be included in the easement to address the aforementioned two future parking spaces (a corner of one spot is located within the 20-foot easement but would not impact the sewer line).

Mr. Whitney indicated that the site is overgrown and the applicant is agreeable to cleaning up the site; trees would come down that hang over Route 44. He referenced the floor plan and clarified that there is no “living area”, per se, as the building will be used for a professional office and not as a residence. The proposed building addition will house a reception area and a conference room. The owner’s intention is to have the building blend in with the “farm-house” architecture of Old Avon Village. The entrance to the building will be moved to the area of the new addition but there will be a door to the rear of the building as well. The siding proposed to be used is called Board & Batten (vertical, barn like); a black roof is proposed.

In response to Mrs. Primeau, Mr. Whitney explained that the barn door that is proposed would not function as a door; it is for aesthetic purposes only. He also confirmed that should the future parking spaces need to be built that a small of amount of soil would need to be brought in due to the drop off. The soil would not be brought in now, as there is no anticipation at this time that these spaces will be needed.

In response to Mrs. Harrop, the owner Mr. Warnke addressed landscaping explaining that the goal is to clean up the site (vines, etc.) and then replant to create attractive landscaping and make the site visibly appealing from all directions.

Mr. Ladouceur commented that many people use Mountain View Avenue as a cut through driving fast and asked if it would be possible to move/relocate the driveway entrance a bit further away from the intersection with Route 44 to allow for more time for vehicles and improve sight distances.

Mr. Whitney noted his understanding confirming that the distance is relatively close and only about 40 feet away. He explained that moving the driveway is an added cost and that’s why it wasn’t proposed; he noted that if the driveway was moved it would add 20 feet. He also noted that Mr. Warnke’s business (financial planning) expects only a handful of clients on a daily basis.

Mr. Armstrong suggested that a landscape plan should be prepared and submitted to Mr. Peck for review and approval. He noted his appreciation for any trees that can be saved and asked that the proposed disturbance area (20 feet) be marked. In addition, more details regarding materials to be used on the building exterior (siding, doors, etc.) should be prepared and submitted to

Mr. Peck for review and approval.

In response to Mr. Peck, Mr. Warnke stated that he is rather sold on using Board & Batten adding that there are other properties in the area that use it but also noted his willingness to work with the Town on the exterior aspects of the building (colors and details).

There were no further comments for App. #4922.

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

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Mr. Ladouceur motioned to approve App. #4923 as presented and in compliance with Mr. Peck’s recommendations, as noted in his Staff Comments dated March 6, 2020. The applicant should also work with the Church and Town Staff to arrive at a suitable shared parking agreement. The motion was seconded by Ms. Levin.

Mr. Gentile addressed parking and commented that the Church has been around for 300 years and they cannot move to another location. Dom’s is a small business and they need to work out a parking agreement with the Church to ensure that there is enough parking for everyone on Friday nights and Sunday mornings.

Mrs. Primeau commented that First and Last Tavern also shares parking with Dom’s Coffee. She noted her agreement that shared parking needs to be worked out for the Church, which has been around for hundreds of years, and also to be fair to all the businesses.

Mr. Peck explained that Town Staff can work with all the property owners to come up with a shared parking plan that works for everyone. Employees can be directed to park in specific areas and can also be double parked. Other available parking areas in the general vicinity can also be looked at if need be.

Mr. Gentile commented on alcohol noting that Bailey’s in a coffee is different than an Espresso Martini, which is a cocktail/drink not a coffee. You don’t need much of a bar to serve 10 or 12 different kinds of mixed drinks at tables. If the Town’s Café Regulations don’t specifically define the type of alcohol that can be served then we basically have a small bar here, which is a precedent moving forward. He wants to make sure this is thought out before an approval is granted; do we want to put restrictions on what can be served for mixed-drinks alcohol. That is, not beer and wine or cider but vodka drinks and things of that nature.

Mrs. Harrop suggested that we just leave it at beer, wine, and hard cider.

Mrs. Primeau and Mr. Gentile noted their agreement.

Mr. Armstrong commented that they could always come back later to ask to expand their offerings.

Ms. Levin asked Mrs. Harrop why she is opposed to allowing limited cocktails.

Mrs. Harrop commented that she has a problem with Martinis being served because it’s not a bar. They’ve said they will only have four or five hard liquors but if that number increased who would police it.

Mr. Ladouceur commented that they have a space issue and 40 patrons; they are not going to keep an entire bar of scotches and whiskies. The proposal for limited alcohol offerings is not going to increase the number of cars there and will not increase the noise. The name of the place is Dom’s Coffee.

Mrs. Primeau commented that people drinking hard liquor stay longer so there would be more cars and also advertised happy hour drink specials could draw more people.

Ms. Levin commented that the Martinis would be served in the coffee as Espresso Martinis.

There are other restrictions that would be imposed as safeguards.

There were no further comments.

Voting in favor of Mr. Ladouceur’s motion and seconded by Ms. Levin were Messrs. Ladouceur, Hamilton, and Armstrong and Ms. Levin. Voting in opposition of approval were Mesdames Harrop and Primeau and Mr. Gentile.

The Commission approved App. #4923 subject to the following conditions:

1. Approval is granted to sell wine, beer, hard cider and limited alcoholic beverages, subject to the issuance of a Café Permit by the State of CT Liquor Control Commission.
2. Approval is granted with the following hours of operation: Closing shall be not later than 9pm Sunday through Wednesday and not later than 10pm Thursday through Saturday.
3. Applicant shall work with the Avon Congregational Church, Twelve West Main Trustees, and the Town of Avon Planning Director to come up with a shared parking agreement within 90 days of this approval.
4. No off-premise noise is permitted.
5. A discontinuance of this use permit under applicable State law and/or Regulations for a café permit approved under the subject Special Exception terminates this permit approval. If the use of this permit is not initiated within one (1) year this approval shall become void.

App. #4922 - Northington Holdings LLC, owner/applicant, request for Site Plan Modification for small addition to existing house, 2 Mountain View Avenue, Parcel 3250002 in a CS Zone

Mr. Ladouceur motioned to approve App. #4922; the motion was seconded by Mrs. Harrop and received unanimous approval.

The Commission approved App. #4922 subject to the following conditions:

1. Applicant shall prepare a landscape plan as well as exterior architectural details and submit to the Planning Department for review and approval.

1. Applicant shall coordinate with the Town Engineering Department regarding connection of the property to the Municipal sewer system.
2. Applicant shall obtain building permits prior to beginning any site activities/construction.
3. Fire Marshal requires rear door step be connected to a path to the parking lot to provide for emergency egress. Fire Marshal recommends sprinklers to protect the building.

**OTHER BUSINESS**

Staff Updates

Mr. Peck addressed Whole Foods and confirmed that while the building will be visible from Route 44 the parking area will not be visible from Route 44. A stone wall will be constructed across the front and behind the wall will be a significant planting of evergreens. The buffer is supposed to work exactly as planned and approved and he explained/stressed that the Town will require an Asbuilt that proves it prior to Whole Foods receiving their C/O. He explained that he has been extremely clear about this issue every time the Town meets with the developer which is once a week for a couple of hours. He clarified that Whole Foods (Building R4) will have a mezzanine in the back and noted that the other building (R5) under construction right next to Whole Foods will also be commercial space and faces what will be the new “Main Street” now called Market Street. He indicated that there are no known tenants for Building R5 at this time. He further explained that the foundation for Building R8 (right next to R5 behind the walking trail) is in and also noted that the clock tower structure will be located at R8. There are two buildings to be constructed on the west side of Climax Road but cannot begin until the temporary road is removed and the work on Climax Road is complete. He explained that the aforementioned five buildings make up Phase 1A of this project.

CIP FY 2020-21 8-24 Referral

Mr. Ladouceur motioned to approve the CIP FY 2020/2021, in accordance with Section 8-24 of the CGS. Mrs. Primeau seconded the motion that received unanimous approval.

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

Linda Sadlon

Planning and Community Development