The Planning and Zoning Commission of the Town of Avon held a ***GoToMeeting*** on Tuesday, May 19, 2020. Present were Tom Armstrong, Chair, Brian Ladouceur, Jr., Vice Chair, Mary Harrop, Peter Mahoney, Lisa Levin, Joseph Gentile, Dean Hamilton and Alternates Drew Bloom, Elaine Primeau, and Raz Alexe (none of the alternates sat for the meeting). Also present was Hiram Peck, Director of Planning and Community Development.

Mr. Armstrong called the ***GoToMeeting*** to order at 7pm.

**APPROVAL OF MINUTES**

Ms. Levin motioned to approve the minutes of the March 10, 2020, meeting, as submitted. The motion, seconded by Mrs. Harrop, received unanimous approval.

**PUBLIC HEARING**

App. #4924 William Ferrigno, owner, Sunlight Construction, applicant, request for Zone Change from CR to R15, .44 acres, 23 Bailey Road, Parcel 1240023

Present were William Ferrigno, owner, and Attorney Robert M. Meyers.

In response to Mr. Armstrong, Mr. Peck explained/confirmed that the legal notice, as well as the application form and the zone change map, for the public hearing for App #4924 was posted on the Town’s website on May 4, 2020, (Pending Applications on the PZC page), in accordance with the current requirements of the Governor’s Executive Orders. The zone change request is from CR (Commercial Retail) to R15 (Residential, 15,000 SF).

Mr. Ferrigno stated that a letter of support for this application was received today from four abutting property owners (across the street). He explained that the subject property has been owned by the Ferrigno family for 20+ years. There is a small office building in the area but the rest of the surrounding area has been primarily developed for residential use over the past 20 years. He noted that he built the Spring Meadow residential development which has 54 homes. It seems more appropriate to build a single-family residential home (if zone change granted) on the subject site rather than a small office/retail building, which would be allowed by right in the current zone (CR) but would seem to be totally out of character with the existing neighborhood. Building one house on this site would also result in more green space than if a commercial building were constructed.

There were no comments from the Commission.

The hearing was opened for public comment.

Venkata Anupoju, resident of 62 Fox Hollow and also representing the entire Spring Meadow Association, noted that he as well as the Association are against the zone change because the lot is very small and not big enough for even a small house.

Mr. Armstrong indicated that the lot contains over 19,000 square feet and the requirement in the R15 zone is 15,000 square feet. The applicant has indicated that his intent is to build a small house on the lot, which he would be permitted to do if a zone change is granted.

Jim McGarrah, Sylvan Street, noted his belief that 23 Bailey Road was included in a former approval of an AHOZ, per the March 2018 meeting minutes.

Mr. Peck confirmed that 23 Bailey Road does not have an AHOZ approval.

In response to Ms. Levin and Mr. Gentile, Mr. Ferrigno explained that he proposes one single-family house containing about 2,400 SF with a two-car garage.

In response to Mr. Ladouceur, Mr. Ferrigno confirmed that driveway access would be from Bailey Road.

In response to Mr. Armstrong, Mr. Ferrigno confirmed that the lot would be served by public sewer, public water, and natural gas.

In response to Mr. Armstrong’s request relative to tree clearing and landscaping in connection with future house construction, Attorney Meyers explained that he doesn’t believe conditions can be attached to a zone change.

Mr. Peck suggested that asking the applicant if he would be willing to work with Town Staff regarding tree cutting and preservation would be a better approach in this instance.

In response to Mr. McGarrah’s question, Mr. Peck explained that while technically it is correct that the applicant could apply for AHOZ in the future but further explained that if that was the goal the AHOZ probably would have been applied for instead of the subject zone change to R15. He added that any applicant has the right to make application for anything on any property they own and while it may not make sense or may get denied, he explained that the R15 zone in this particular location seems to make the most sense given what exists in the area.

Mr. McGarrah commented that he neither objects or favors the subject application and is just trying to understand the context of how this stuff works.

Mr. Anupoju, 62 Fox Hollow, asked if a buffer would remain once trees are cut down on the subject site.

Mr. Armstrong commented that Mr. Peck has suggested that the developer be asked to work with Town Staff regarding tree cutting on the site.

Mr. Ladouceur asked for clarification on when you have an “as of right” in an R15 zone for a single-family home are any buffering requirements placed on any other homeowner other than zoning setbacks for the front, side, and rear yards.

Mr. Peck explained/confirmed that the subject lot is not part of Spring Meadow and not governed by their (Spring Meadow) requirements. If the applicant is willing to work with Town Staff when preparing the site plan that is the best we can do at this point.

Mr. Ferrigno stated that he has no objection to working with Town Staff relative to clearing on the subject site.

There being no further comments, the public hearing for App #4924 was closed, as well as the entire public hearing portion of the meeting.

In response to Ms. Levin about a question in the chat box, Mr. Peck explained and offered assurances that road paving would be done and taken care of through the Town Engineering Department. He indicated that anyone having further questions is welcome to call the Planning Department.

**PLANNING AND ZONING COMMISSION MEETING**

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

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Mr. Gentile motioned to approve App. #4924 and the motion was seconded by Mrs. Harrop.

Mr. Armstrong commented that App #4924 is governed by Section X of the Zoning Regulations and is in harmony with the purposes and intent of the Regulations and will not adversely affect public health, safety, and welfare.

The motion received unanimous approval. The effective date of the zone change is June 19, 2020.

**OTHER BUSINESS**

Staff Updates

Temporary Outdoor Seating/Dining – State Executive Orders

Mr. Peck addressed Temporary Outdoor Seating/Dining Permits/Guidelines in accordance with the State’s Executive Orders. He explained that there are no fees for this permit; restaurants can fill out the necessary paperwork/permit and Town Staff will review to ensure compliance with all needed safety measures. The guidelines and application permit are straightforward and clear and Staff will work to get the permits approved as fast as possible. Restaurants also need to visit the State’s website to complete an online certification (no fee) and then post a sign at their outdoor facility noting they are in compliance with the State’s outdoor dining requirements. He indicated that the Temporary Outdoor Dining information has been posted on the Town website on the Planning Department page and confirmed that Town Staff will pay close attention to any changes that occur at the State level or locally. Mr. Peck explained that no approval is needed by the Commission at this time noting that the State has made it clear that Commissions have no authority here. He further explained that he wanted to make sure everyone was fully informed adding that any comments by the Commission are certainly welcome.

Chickens on Residential Lots

Mr. Peck explained that he has recently received letters from residents regarding having chickens; the current Zoning Regulations require a minimum of 80K SF to have chickens. The aforementioned letters request considering a regulation change to allow reduced lot sizes to have chickens. Mr. Peck noted that while he is happy to draft some regulation language to allow small, well-kept/maintained chicken houses he stressed that he would not recommend allowing roosters or peacocks as they typically cause problems.

Mr. Armstrong commented that he would want to see what is allowed in neighboring towns before considering making a change to Avon’s Regulations.

Mr. Peck noted his understanding confirming that he would provide that information along with draft language.

Mr. Ladouceur commented that if lot size is reduced from 80K SF that there should be a limit on the number/quantity of chickens permitted per lot size.

Mr. Peck noted his understanding and agreement.

In response to Ms. Levin, Mr. Peck confirmed that he would address Guinea Fowl in his draft regulation language adding that people like them because they eat ticks.

Work Shop/Office in Detached Building/Garage

Mr. Peck explained that currently Avon’s Regulations do not permit any activity in detached buildings/garages other than storage and asked if the Commission is interested in a potential regulation change to allow a work shop or office in a detached building.

In response to Mr. Armstrong, Mr. Peck explained that the reason this activity has not been permitted in the past is because people were concerned that residential areas would turn into business areas that would not be appropriate. He explained that very specific guidelines could be drafted as to what could and could not be done. For example, if someone wanted to have an office (computer based business, no employees) over their garage that may work but if a lot of noise was generated or employees came to work there it could be a problem. He noted that in the near future or next few years we may need to take a good look at how many people are actually going into an office for work.

In response to Ms. Levin, Mr. Peck agreed that information on what surrounding and nearby towns are doing would be included in his information to the Commission.

Mr. Armstrong agreed that it’s worth looking at our current Regulations (Home Occupations, etc) noting his agreement that many more people will be working from home in the future and many people who currently work in technology may not be returning to their offices until 2021.

Mr. Peck agreed that he would look at the Home Occupation language in the Regulations noting that the least disruption to the existing language is probably the best approach for now.

Avon Village Center

Mr. Peck reported that construction on the Whole Foods building, as well as the building located behind/next to it, are moving along well. There is also a small building located right next to the bike trail that is under construction; as soon as the steel for this building is up and the building closed in the bike trail will be opened back up. He noted that weekly discussions with the developer and Staff are still ongoing. There have been no significant complaints from the public to date and any requests to the developer made by the Town have typically been taken care of quickly. The landscaping and stone walls around the site as well as sidewalks are ongoing discussions.

Mr. Gentile commented that he is still concerned about parked cars in the Whole Foods parking lot being visible from Route 44.

Mr. Peck noted his understanding and agreement on the concern adding that Staff has worked very hard with the developer and talks with them every week to ensure that the wall, the landscaping, the grading, and the berm will screen the parking in the Whole Foods lot. The landscape architect is working full time on this issue right now and feels comfortable that the Town will be able to accomplish the goal of no visible parking. Mr. Peck explained that this requirement will have to be met before a C/O is issued for Whole Foods.

Mr. Ladouceur commented that he noticed that the concrete curbing for the Whole Foods parking lot were laid out and they are quite high noting that the wall and the landscaping/ vegetation will need to be quite high to block the parking area.

Mr. Peck indicated that the stone wall in that area is about four feet tall and behind the wall will be six feet of solid vegetation that has room to expand and wrap around the corner of Climax Road.

In response to Mrs. Harrop, Mr. Peck indicated that he does not know of any other tenants other than Whole Foods at this time but noted that he will continue to ask and pass along any information to the Commission.

Mrs. Harrop commented that drive-in theaters are making a comeback and may be a good idea or an area for outdoor concerts.

Mr. Ladouceur commented that open air retail may be more attractive now, as opposed to closed air places like malls.

There being no further business, the ***GoToMeeting*** adjourned at 8:15pm.

Linda Sadlon

Planning and Community Development