

The Planning and Zoning Commission of the Town of Avon held a virtual *GoToMeeting* on Tuesday, January 10, 2023. Present were Peter Mahoney, Chair, Dean Hamilton, Mary Harrop, Robin Baran, Joseph Gentile, Chet Bukowski and Alternates Julie Rousey (sat), Thomas Armstrong (did not sit), and Elaine Primeau (did not sit). Absent was Lisa Levin, Vice Chair. Also present was Hiram Peck, Director of Planning and Community Development.

Mr. Mahoney called the meeting to order at 7pm

PUBLIC HEARING

App. #4994 - Gerald Lagace, owner, Honeyman Builders, LLC, applicant, request for 2-lot Resubdivision, 4.10 acres, 80 Jackson Street, Parcel 2910080, located in R30 and R40 zones ***Continued from Dec 13***

App. #4995 - Gerald Lagace, owner, Honeyman Builders, LLC, applicant, request for Special Exception under Section IV.A.4.p.of Avon Zoning Regulations to permit two rear lots, 80 Jackson Street, Parcel 2910080, located in R30 and R40 zones ***Continued from Dec 13***

Present were David Whitney, PE, on behalf of the applicant; Michael Honeyman, applicant; and Gerald Lagace, owner.

Mr. Whitney displayed maps of the site noting that the proposal is to divide the subject to create two rear lots, with each lot containing about two acres. Both lots conform to the requirements of the R30 zone. Access to the lots is across an existing 50-foot ROW on the adjacent lot owned by Beth El Temple. The subject site is relatively flat and mostly wooded with some cleared areas and trails; there is an existing horse barn on the site. Soils are very well drained; approval has been granted by the FVHD for septic systems and wells. The proposed 36-foot- wide conservation restriction area proposed as a buffer to Sylvan Street also satisfies the 10% open space requirement. Erosion control measures are shown on the plans. The proposed fire truck turnaround area is located at the entrance of the driveways for the two new proposed rear lots. He noted that two possible locations for future fire cisterns have also been shown on the plans. The applicant is willing to grant an easement to the Town for a fire cistern. He clarified that the Google map that showed a "pond" on the site is actually an open and circular cleared area that is full of moss but has no trees. He reiterated that no pond exists; there are no wetlands on the entire site. The proposed driveway maintenance agreement to serve both new rear lots and 47 Jackson Street has been agreed to by the owner of 47 Jackson Street. He referenced a letter submitted by the applicant's attorney (dated 12/20/22) that indicates that the two proposed rear lots have the right to improve the 50-foot ROW for ingress and egress to the remaining property. The Rabbi at Beth El Temple has conveyed to the applicant that the Rabbi has no objection to the proposed improvement to the common driveway to serve three lots.

Mr. Peck reported on the status of the unpaved (southern) portion of Jackson Street noting that Town Staff proposes to bring the southern portion of the road up to the same Town standards as the northern (paved) portion of Jackson Street sometime early this year. The Town Engineering Department is agreeable to the other items proposed by the applicant. The proposed cistern location and the possible easement on the property are acceptable as a backup alternative but the Fire Marshal is currently working on trying to get a fire hydrant and a fire line somewhere in the Jackson Street area, which is the Fire Marshal's number one preference. He explained that getting a fire hydrant could take some time. A fire hydrant would benefit other lots in the Jackson Street area, located both on the unpaved and paved portions of the road. He reported that the Fire Marshal has looked at the proposal for the emergency turn around area and finds it acceptable but notes that it's probably not the best solution for long term. Other options are being investigated such as the possibility of adding cul de sacs. He addressed the driveway maintenance agreement noting that while it looks acceptable as written he suggested that the Town Attorney be consulted with regard to other houses

that front on the unimproved portion of the ROW and whether they need to participate in the maintenance agreement.

In response to Mr. Mahoney, Mr. Peck confirmed that the remaining outstanding items need to be addressed by the Town and are not the applicant's responsibility.

In response to Ms. Rousey, Mr. Whitney explained that the driveway for 40 Jackson Street comes off of the end of the unimproved portion of Jackson Street, as does the driveway for 32 Jackson. He confirmed/clarified that neither of these addresses/driveways are part of the aforementioned driveway maintenance agreement.

Mr. Whitney commented that the driveway maintenance agreement really covers just the common driveway for the aforementioned three lots and questioned how other property owners could be required to sign it.

Mr. Peck explained that we don't have an exact survey showing where the private ROW begins and Jackson Street ends. There may be a portion of the ROW that lots 39 and 40, as well as lot 47, use for access to their property. He said that it looks as though the last property located on the unimproved section of Jackson Street is 32 but noted that he doesn't know and that is the reason to consult the Town Attorney.

In response to Mr. Mahoney, Mr. Honeyman indicated that there is no existing agreement noting that the owner at 47 Jackson Street currently has his driveway plowed and he is the only individual who is paying for anything. The proposed maintenance agreement is to ensure that the costs are shared fairly between 47 Jackson and the two new lots created from the subject site.

Mr. Mahoney noted his understanding and agreement with Messrs. Peck and Honeyman.

In response to Mr. Bukowski, Mr. Whitney explained that there are no hydrants or cisterns in the immediate vicinity of this neighborhood so water would have to be brought in via tanker truck in the event of a fire. He noted that the nearest existing fire hydrants greatly exceed the distance that would require the developer to extend the water line, in accordance with the Subdivision Regulations.

Mr. Peck indicated that a resolution is needed in the near future regarding fire protection for the subject site as well as the surrounding nearby neighborhoods (Stevens and Richard Street). A fire hydrant with a steady water supply is the better solution; a 30,000- gallon cistern would be expensive and would also have to be maintained annually. The Fire Department is working on all these details. The Town would bear the cost for either a fire cistern or hydrant installation.

In response to Mrs. Harrop's question about the adequacy of the turnaround area for emergency vehicles, Mr. Peck explained/clarified that in his earlier comments he was referring to the vacant lots located to the south of the subject site (80 Jackson Street) as they also have the potential use of the ROW but added that at this time there is no proposal for development of these lots. He further clarified that should any of these lots be proposed for development in the future that consideration would have to be given to an extension of the improvements to the ROW or maybe relocating or adding a cistern there as well.

In response to Mr. Gentile, Mr. Peck explained that the Town will install a proper sub base and pave Jackson Street from the end of the existing Jackson Street pavement down to the property line where the Beth El property begins. The lots to the south are located on private property so any paving would be up to the developer (not the Town) at the time of proposal. The developer for the subject application is asking that they be allowed to improve the ROW leading to their lots. Mr. Peck clarified that it is his understanding at

this point that the costs for providing fire protection fall on the Town and not the developer.

Mr. Whitney reported that he checked with the Police Department regarding the unimproved portion of Jackson Street; accident reports have been compiled since 2003 and there have been no accidents reported on Jackson Street.

The hearing was opened for public comment.

Jim McGarrah, Sylvan Street, commented that the lots to the south (75, 77 Sylvan – rear lots) of the subject site were the subject of a proposed development in the past that was turned down by the Commission. These 2 lots appear to be what the Town is talking about in terms of other lots that would benefit from the ROW. Leaving this unknown now the Commission would be leaving open a potential controversy if a high-density development were to be proposed again for these same lots. The proposal for 80 Jackson Street seems entirely reasonable but we have an unknown now for access/driveway (ROW) to these southerly lots and what would be required of a developer.

Mr. Peck explained that there is no way to know what someone is going to do with their property in the future. He agreed that the subject application has nothing to do with what may happen in the future regarding the lots on Sylvan; any application for the lots on Sylvan would be addressed at that time. The ROW is located on private property owned by Beth El Temple such that there is no way for anyone to know what could happen in the future. The Commission must abide by its Regulations.

John Lumani, Stevens Street, asked how these developers were able to get through without going through inlands and wetlands because there are serious water issues there; the whole neighborhood does. All the water collects on the subject lots being proposed for development and is anything being done to address water issues.

Mr. Whitney explained that while there are wetlands on some nearby lots (Richard and Stevens Street) there are no wetlands or water bodies on the subject site, 80 Jackson Street.

Tom Armstrong, Ayrshire Lane, said that it may be good idea to have Beth El Temple consent to the maintenance agreement being proposed between the parties. He also suggested that if 39 and 40 Jackson Street connect into the driveway they must sign the maintenance agreement.

There being no further comments, the public hearing for Apps 4994-95, as well as the entire public hearing portion of the meeting, was closed.

PLANNING AND ZONING COMMISSION MEETING

NEW APPLICATION

App. #4996 - Nod Brook Investors LLC, owner/applicant, request for Site Plan Modification for renovations to building façade, Nod Brook Mall, 315 West Main Street, Parcel 4540315, in a CR Zone

Present were Marc Impagliazzo and Eric Kelly, Paramount Realty, owner; and Frankie Campione, Principal, CREATE Architecture and Planning.

Mr. Peck explained that the proposal is for a façade renovation to the Nod Brook Mall. He reported that the new HomeGoods store is currently under construction.

Frankie Campione, architect, displayed a map of the project explaining that the proposal is to renovate and refresh the existing outdated façade for this shopping center. The intent is to break up the façade so that the junior anchors (Marshalls, HomeGoods, and Michaels) are on a different scale/feel from the smaller inline stores with a pedestrian scale. Multiple colors, fascia, and sign brands are proposed to break up the façade. All new paint and fascia materials are proposed as well as all new lighting.

In response to Mr. Mahoney, Mr. Peck explained/clarified that signs for any new tenants would still be subject to the Sign Regulations. The proposed façade will update the entire building. Any new signs that conform to the Regulations for size would be reviewed by Staff; anything that doesn't conform would be brought to the Commission.

Mr. Campione explained that any existing tenant signs would be removed for the renovation and then put back in place. If any tenant signs are proposed to be moved it would be brought to the Commission.

Mr. Gentile commented that the current development blends in nicely as you drive by but now when you drive by you will see three billboards, adding that he doesn't think it's appealing to the eyes. It may be great for marketing and the tenants but it's good from an aesthetic point of view. He noted that he doesn't like the big white signs; they don't blend in.

There were no further comments for App #4996.

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Mr. Mahoney motioned to approve Apps #4994-95 subject to the following findings/conditions:

1. Accessibility for the two rear lots is acceptable based on the information provided.
2. Approval is granted to waive the requirement of fee ownership of the 30-foot-wide access strip. Ownership of the access strip is not required and this access is best served by the existing easement.
3. There is no requirement that the common portion of the driveway/accessway be paved. Submitted plans are acceptable and are required.
4. The driveway maintenance agreement shall be amended to include any property owner who uses the accessway/ROW for access to their residence. This is to be determined, if necessary, by the Avon Town Council.
5. The applications are found acceptable, as it has been determined that the rear lots and access thereto will be in harmony with the surrounding area and will preserve the public health, safety, welfare, and property values in the area.
6. The Special Exception requirements have been satisfied. There is adequate access; adequate streets for the use; adequate emergency access to be constructed as shown on the plans; and is consistent with the purposes of these Regulations and will not conflict with the purposes of these Regulations.

The motion was seconded by Mr. Gentile and received unanimous approval.

App. #4996 - Nod Brook Investors LLC, owner/applicant, request for Site Plan Modification for renovations to building façade, Nod Brook Mall, 315 West Main Street, Parcel 4540315, in a CR Zone

Ms. Rousey motioned to approve App #4996 subject to the following conditions:

1. Approval is granted for the update of the building facing materials and colors. However, any tenant sign replaced on the face of the building is required to meet the applicable sign regulations and shall be submitted to the Planning Department Staff for review and approval, as part of the building permit application for such sign.
2. Approval is granted for adjustments to the sidewalk fronting the buildings, as represented and shown on the submitted plans, as it allows conformance with new building facades and frontage.

The motion was seconded by Mrs. Harrop and received unanimous approval.

STAFF UPDATES

AVC update on tenants

Mr. Peck reported on tenants at Avon Village Center noting that there are a couple of new stores opening but things are moving along slowly. He noted that there are window graphics/signs on the Good Feet store (located at 25 Climax Road) that were put up right before Christmas without permission, as they are not permitted by the Regulations. This item will likely be listed on the next agenda for discussion. There are a couple of small food stores and a pizza place that may be coming in soon.

Other Misc Items – Signage and Landscaping

Mr. Peck reported that the Town has started to enforce signs again (enforcement was relaxed during the Pandemic). After the holidays the Chamber of Commerce was alerted as well as many businesses that unpermitted signs will have to be taken down. Town Staff has resumed sending out sign violation letters and will continue to monitor.

Mr. Peck reported that all the landscaping located in front of 385 West Main Street (property located at the corner of West Main and Dale Road) has recently been removed; the reason given was that some of the trees were diseased. The owner has been notified that the approved site plan is no longer in compliance and they need to submit to the Town a landscape plan. The owner has indicated that they would submit a landscape plan to the Town within the next couple of weeks; the plan will be shared with the Commission at a future meeting.

There being no further business, the meeting adjourned at 8:20pm.

Linda Sadlon

Avon Planning and Community Development