

**Newton Planning Board
August 21, 2013
7:00 PM**

The regular meeting of the Newton Planning Board took place on the above date. Chairman Le Frois read the Open Public Meetings Act and requested Mrs. Citterbart to call the roll. Katherine Citterbart, Board Secretary, stated there was a quorum.

FLAG SALUTE

MEMBERS PRESENT: Mrs. Mattingly, Mr. Flaherty, Mr. Ricciardo, Mr. Elvidge, Mr. Russo, Ms. Logan, Mr. Hardmeyer, Mr. Steinberg, Chairman Le Frois

EXCUSED: Mr. Marion, Mr. Tharp

PROFESSIONALS PRESENT: Tom Molica, Esq., Board Attorney, of Vogel, Chait, Collins & Schneider, Cory Stoner, Board Engineer, Harold Pellow & Associates, Jessica Caldwell, PP, of J. Caldwell & Associates

BOARD SECRETARY: Katherine Citterbart

CONSIDERATION OF MINUTES

June 13, 2013 Special Meeting

Ms. Logan made a motion to approve the minutes from the June 13, 2013 Special Meeting. Mrs. Mattingly seconded the motion.

AYE: Mrs. Mattingly, Mr. Flaherty, Mr. Russo, Ms. Logan, Mr. Hardmeyer, Chairman Le Frois

July 17, 2013 Regular Meeting Minutes

Ms. Logan made a motion to approve the minutes from the July 17, 2013 regular meeting. Mr. Russo seconded the motion.

AYE: Mrs. Mattingly, Mr. Russo, Ms. Logan, Chairman Le Frois

HISTORIC RESOLUTIONS

None

RESOLUTIONS

None

OLD BUSINESS

None

NEW BUSINESS

**Newton Cemetery Company (#PBSPV-03-2013)
Block: 18.01, Lot: 1, T1 Zone
Location: Lawnwood Avenue, Woodside Ave (CR 621) & Sparta Avenue**

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Applicant requesting preliminary & final site plan and "d" variance approval to demolish existing office and maintenance building on the site and construct a new office and maintenance garage including reconfigured parking and landscaping.

Michael Gaus, Esq., Lucas & Gaus, Newton, NJ represented the applicant.

Recused: Mr. Riccardio, Mr. Elvidge

Mr. Gaus stated: We did meet with the TRC and the application was deemed completed. We will be submitting revised plans after tonight to correct some of the technical issues that were discussed at that meeting. We are seeking to demolish the existing office and maintenance building and replace it with a new one. The existing building is setback 5 ft. from one of the non-cemetery boundary lines and the ordinance requires 100 ft. setback. We believe by constructing a new building at a 65 ft. setback is appropriate under the circumstances and will benefit the neighborhood. The building being proposed is 6,000 sq. ft. and will include a consultation area, an office, a garage and some other storage and common areas.

SWORN: Robert Campbell, Professional Engineer and Planner, Robert Campbell Associates, Branchville, NJ. Licenses are current. The Board accepted his qualifications.

Mr. Campbell referred to the **Exhibit A-1** redlined site plan. He mentioned it had been redlined in order to note that it is an exhibit to demonstrate the future revisions as they are required in the professional reports. He referred to **Exhibit A-2, Sheet 2 of the site plan**. The exhibit shows the parking areas that surrounds the maintenance building and office, the dumpster area and the gravesites. The bottom of the drawing is where the new building is being proposed. It will go where the existing dumpster pad is taking advantage of it being higher in elevation and getting further away of the non-center lot line at which point it will be 64.8 ft. which is more than 10 times of the existing offset. This particular location allows us to connect to the sewer, where we can then vacate and properly abandon the existing septic system. We will continue the service of the water service so we will now be on both sewer and water. It also allows us to get further away from the adjoining property owners and by removal of the existing building we will be able to reconfigure some of the parking, maintain and keep a good circulation plan around the building and the cemetery and additionally there will be a landscape berm which will be in place of the old building which will buffer us from our parking to the adjoiners. We will be adding a stop sign per Mr. Simmons' report.

In regards to lighting, the only lights proposed will be soffit security type lights at the entry doors. The entry way door will be to the left of the building and will be the office door. No other site lighting is being proposed. The site was examined for alternative locations. This was the most logical location. It is using existing impervious and when it is all done we have decreased impervious coverage so the storm water runoff is less. It allows us to provide enhanced landscaping in an area where we know we don't have gravesites.

Mr. Campbell stated: **Exhibit A-3, Sheet 3** of the Landscape Plan will be revised to address the dumpster pad. The existing dumpster is a railroad tie box approximately 6 x 8 built into the embankment. We are proposing to build a similar device, regrading the existing one, putting it over by the garage for the building. We are proposing to construct it using the uniblock wall system and enclose it with a decorate gate.

Chairman Le Frois asked: Have you looked at the circulation plan for the trash truck? Is it a large enough dumpster for the front load?

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Mr. Campbell stated: The dumpster is small enough it can be rolled if a car cannot get by. If there are not too many cars parked along the road the dumpster can be rolled. We will put the details into our plans.

Mr. Campbell stated: Charles Shaffer prepared the building plans. The building is simple. It is rectangle in shape. At the highest peak, it will be 21 ft. It will have a gray slate roof, white siding, natural stone veneer on the lower elevations. The signs on the buildings will be over the door entitled "Office" and over the employee entrance "Employees".

Chairman Le Frois asked: Will the building be heated and cooled?

Mr. Campbell stated: It is intended to have electric heat and if air conditioning is necessary it will have a window unit. No HVAC system.

Chairman Le Frois asked: Will there be any additional traffic with this building?

Mr. Campbell stated: No. It is simple. It is one-for-one replacement. For the maintenance, it will be a little less space. The maintenance has always been contracted out.

Chairman Le Frois asked: Will the pedestrian circulation be any different within the vicinity of the building as a result of moving it from one end to the parking lot to the other end.

Mr. Campbell stated: No.

Mr. Campbell introduced **Exhibit A-4 dated January 24, 2013 New Building for Newton Cemetery**. As noted in Ms. Caldwell and Mr. Simmons' report the application is seeking a D-3 variance for conditional use for a 100 ft. setback. Our proposal does not meet the 100 ft. setback and therefore we need a variance to address that our site is suitable and still is a logical location for this building and is a beneficial use for the common public and neighborhood. With the D-3 variance we need to demonstrate the positive criteria. While recognizing that it is not meeting the 100 ft. setback and having something less than a 100 ft. setback, we still need to meet that it is a logical use and that what is being proposed for the site and what the ordinance is looking for in seeking the 100 ft. setback. As I testified before, this location is the most logical spot to put the building given the historic nature of the grave sites, there simply is no other logical place to put this building while allowing us to not interfere with the grave sites and future plots. It allows us to connect to water and sewer and maintain the circulation for parking. We also have to demonstrate that there is not a negative impact to the community that if we deviate from the 100 ft. setback that it will have a substantial detriment to the public good, surrounding properties, the zoning ordinance and that it increases existing nonconforming 5.6 ft and makes it more conforming at 64.8 ft.

Mr. Gaus asked: In your opinion, would the approval of the site plan cause any damage to the character to the neighborhood.

Mr. Campbell stated: No.

Mr. Stoner stated: I feel they addressed most of the items that Mr. Simons pointed out in his report. There is one thing. Mr. Simons is concerned with the sanitary sewer. The Town's sewer main goes through this property. He wanted to make sure an easement for that main was shown on the maps if it does exist. If it does exist, he would like to get it designated at this time.

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Mr. Gaus stated: We addressed that at the TRC meeting. As best as we can tell from the title search there has not been a dedicating easement for the sewer. We are happy to supply one. I do want to work with Mr. Molica and Mr. Soloway on some unique language something different than the standard easement in order to protect the grave sites.

Mr. Stoner stated: You stated that the lighting by the doors will be minimal. What will the size be?

Mr. Campbell stated: My architect stated they are going to be recessed in the soffit and we have noted that on our plan.

Mrs. Caldwell stated: The one thing we did not talk about is the waiver for the screening of the parking areas. Section 320 – 24(G)(1) which states that parking areas be screened by vegetation on all sides.

Mr. Campbell explained where the buffering will be.

Chairman Le Frois opened this portion of the meeting up to the public. With no public coming forward, Chairman Le Frois closed this portion of the meeting.

Mr. Molica stated: The applicant has appeared tonight seeking preliminary and final site plan approval together with variance relief pursuant to Municipal Land Use Law Section N.J.S. 40:55D-70d(3) deviating from one of the standards of a conditional use. Cemeteries are not a conditional use in this particular zone district. An existing cemetery is present at the subject property. A variance is required for a setback. The existing setback is only 5 ft. and the applicant is proposing to improve that significantly by showing a proposed 64.8 ft. set back but still requires a setback because the 100 ft. is required. The applicant is also seeking a waiver for screening of all parking areas with vegetation. As you heard, one side of the parking area cannot be screened because of a storm drain that affects the applicant's ability to do plantings in that area. The Board can entertain a motion to grant the relief. The Board will be seeking that the applicant comply with the conditions and recommendation set forth by the professionals. We talked about acquiring an as-built plan and a plan revision to sheet 3 of the site plan. The council for the applicant has indicated that they will provide draft easements for my review and the review of the Board engineer and we may have to talk about some special language based on the nature of the property.

Mr. Flaherty made a motion for the relief described for this application. Ms. Logan seconded the motion.

AYE: Mrs. Mattingly, Mr. Flaherty, Mr. Russo, Ms. Logan, Mr. Hardmeyer, Mr. Steinberg, Chairman Le Frois

Ordinance 2013-22 – This is an ordinance amending Section 320-23 parking and driveway standards of the Newton Town Code to prohibit certain front yard parking and parking of certain vehicles on residential property and amending Section 320-23 to add definitions for age restricted housing and commercial vehicles and amending Section 320-23 regarding the grandfather clause.

Ms. Caldwell stated: This ordinance addresses a couple of different issues. The primary one was parking of commercial vehicles. In this ordinance anything exceeding GRVW of 15,000 lbs. and commercially licensed would be restricted to parking in a garage on a property.

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Ms. Logan asked: Is this overnight parking?

Ms. Caldwell stated: It would be for overnight parking. It would not be if someone pulls up to do landscaping, they would be doing their job. It is the keeping it at your house. The old ordinance was 10,000 lbs. We have changed it to 15,000 lbs. Larger box trucks, trucks getting closer to dump trucks would have to be parked in the garage or somewhere at a commercial location in town.

Other thing we addressed is the restriction on front yard parking. This was to simplify the Zoning Officer's job so that she can have blind citing.

A definition was added for age restricted housing and the other items were definitions for a commercial vehicle in terms of enforcing this ordinance.

We also looked at grandfathering a setback for driveways, making sure that driveways that have a less than required setback are grandfathered.

Ms. Logan asked: Do we have places for people to park their vehicles at a commercial location?

Ms. Caldwell stated: The Town does permit parking at the Park and Ride. You can get a permit to park your vehicle there. Otherwise it is the burden of the vehicle owner to garage it.

Chairman Le Frois asked: Does it specifically require garaging rather than putting it in the back?

Ms. Caldwell stated: Yes, it has to be a fully enclosed structure 3 walls and a door.

Chairman Le Frois entertained a motion that Ordinance 2013-22 is not inconsistent with the Town's Master Plan and Zoning Ordinance.

Mr. Riccardio accepted the motion. Mr. Flaherty seconded the motion.

AYE: Mrs. Mattingly, Mr. Flaherty, Mr. Elvidge, Mr. Ricciardo, Mr. Russo, Ms. Logan, Mr. Hardmeyer, Mr. Steinberg, Chairman Le Frois

Weiss Markets, Inc.

#143 (#PBPFV-01-2012)

Discussion carried to a future meeting.

Master Plan Re-Examination

Ms. Caldwell stated: In May of this year the Town received Planning Endorsement from the State Planning Commission something that we have been working on for several years in the Town. As part of the endorsement there are a couple of requirements that need to be met by the Town and they included reexamining our Master Plan. I just wanted to give you a heads up that we will be preparing something to reexamine the Master Planning and we will reexamine the storm water ordinance.

Mr. Stoner stated: The Town has a Municipal Storm Water Permit. It is a town wide permit and every year we do an annual report. One of the items in the annual report is to update your storm water management plans at the time of the Master Plan update. We did not do it the last

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time we updated our Master Plan so this give us an opportunity to do it. I don't expect any major changes on it. It is a formality we need to do.

Chairman Le Frois stated: So our role would be to look at the results of those studies and find it consistent with the Master Plan.

Ms. Caldwell stated: It would be adopted by resolution.

Martorana Enterprises, LLC (#FSPS-02-2013)
Block 20.05 Lot 13.01, 13.02
104 Sparta Avenue

Applicant is requesting final site plan approval for 54 townhouses and 6 low-to-moderate income apts.

Recused: Mr. Riccardo and Mr. Elvidge at 7:55 PM.

Anthony Fiorello, Esq. represented the applicant.

He stated: We are here for final site plan and final subdivision approval.

Mr. Fiorello introduced the applicant's engineer, Thomas Donahue, from Donahue Engineering.

SWORN: Thomas Donahue, Donahue Engineering, 110 Warren Avenue, Hohokus, NJ

The Board accepted Mr. Donahue's qualifications and his license is current.

Mr. Fiorello asked Mr. Donahue: You have prepared the plans and filed with the Board? Can you give us the revisions and the dates?

Mr. Donahue stated: The revision date is 5/28/2013 with the exception of Sheet 3 which has a revision date of June 25, 2013 and the Landscape Plan sheet 6/12 revision date of 6/25/2013 and the other plans consisting of 12 sheets are revised 5/28/2013. Last sheet 12/12 dated 5/28/2013, NJDOT Construction Details is undated.

Mr. Fiorello asked: Have you made additions to the plans as a result of the preliminary site plan approval?

Mr. Donahue stated: I met with the Board Engineer and the Board Planner to review the final site plans.

Mr. Fiorello asked Mr. Donahue to walk through the revisions.

Mr. Donahue stated: Sheet 2/12 revision included the removal in Phase I of Building 10 parking lot that backs out to Sparta Avenue, the driveways which are the center and the eastern driveways that are now included in Phase I which also has a portion of proposed Gabriella Way which is a loop configuration around the retail area. Phase I also included three buildings labeled 1, 2, and 3. The proposed fence would be installed from the southernmost point of the property line along the western property line and then along the northern property line and then back down the eastern property line and tie into an existing fence with an adjacent neighbor.

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The residential properties will be bordered by the new proposed 6-ft high fence. This is all part of Phase I.

Along with the construction of Phase I is the landscape buffer which would be installed along the western property line. The other revisions on the Phasing Plan have to do with the sales office. The sales office will start within the mini storage office area until one of the townhouse buildings is constructed. Then the sales office will move over to a model. The sales office will follow per Phase based on where the model is constructed for Phase II and Phase III.

Sheet 3/12 of the site plan, the fence is indicated to be installed along the property line as previously discussed. This plan also indicates the proposed sidewalk areas and crosswalk areas. During preliminary the Board granted a waiver for installation of sidewalks throughout the development and agreed to the proposal as the sidewalks are shown on this plan. We also indicated the list of variances and waivers on this sheet.

We have reduced four dumpster areas to two as indicated on the plan. We have added patio areas for each one of the townhouse units as an option. It is up to the future purchaser. The run off area, the drainage from the impervious condition, was added into the Storm Water Management Plan.

We have indicated proposed street names which will be review by the Town Council. We have indicated the five park areas. The one bench indicated on the plan will be installed. Previously we had three benches around the 8 x 8 area. We have one bench now and we have indicated the details of the bench on the plan. We have shown a proposed development sign along with a flag pole outside Building 10 at the entrance way. We have indicated that ADA walk will be inspected by the engineer prior to pouring the concrete.

Sheet 4/12 we have added some notes regarding soil testing. Each one of the underground systems will be soil tested. For each one of the building areas, we will provide a larger scale plan that will show curbing elevations, first floor garage floor, and driveway grades in more detail. We will also provide an Operations and Maintenance Manual for the detention basin along with the other infiltration and drainage system features.

Sheet 5/12 was the Lighting Plan and revised to indicate the lower pole, the pole fixture and the pole itself. It was recommended by the Board Planner to use this type of pole for this development. It complies with the lighting requirements by ordinance. We have also made some notes on the plans in regards to shielding and also security lighting for the retail area which will be review by the Police Department during installation.

Ms. Caldwell asked: Did you change the lighting spec or are you not going to change it?

Mr. Donahue stated: The lighting intensity would stay the same. The applicant would like to have the option to use a different fixture and pole should those two not be available during installation. We would provide a similar style to the recommended light pole and fixture and we would submit the revised point-by-point illumination with that revised fixture so we won't review them at this point. Just indicating the request was for that one. We would just like the option later on to submit that to the Planner and Engineer for their review and approval if that is acceptable. It would be a similar style as the ordinance states.

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Mr. Donahue addressed the Landscaping Plan. We have our Landscape Architecture here to discuss the plan in the more detail. We did have a meeting with the Engineer and Planner to review the landscaping that was proposed. We did add 10 -15 additional evergreen trees along the northern property within the existing tree area which are to remain.

We are proposing to remove 134 trees and we proposing to plant 238 trees throughout the property. The total diameter of trees being removed is 1,471 inches and the ordinance requires 50% of that to be replaced so that equates to 736 inches and we are proposing a total in diameter of 763 inches. Based on the buffering along the western property line would be in Phase I and then various trees will be planted per phase.

Ms. Logan asked: The trees that go along the northern fence will they be planted in Phase I?

Mr. Donahue stated: We do not have that indicated on the plans. We would be putting the fence in Phase I. If there is a request to plant at that time, we can do that.

Mr. Ferriero stated: I would recommend it be done with construction of Phase I and then we will have a better idea of where the gaps are in the existing trees to buffer the buildings in the best way as possible.

Mr. Donahue addressed the Soil Erosion and Sediment Control Plan. The plan will be certified by the County. The plan indicates various measures which will be installed during construction to reduce run off and filtration from the construction site.

Mr. Donahue stated: The last four sheets are the construction details for the various items that will be constructed for the project.

Mr. Fiorello asked: Can you address Ms. Caldwell items in her report.

Mr. Donahue stated: Per Ms. Caldwell's letter of July 10, 2013, under 5.a.i., we will change the word "if" to "where". Under 5.a.ii., on sheet 10/12, of our report, we have a note to provide space within the trash enclosure for recyclable materials. Under 5.a.iii., the deeds will be submitted as requested for the six affordable rental apartments. Under 6.a., the fence will be installed along the western and northern property lines and lines back into the existing fence and under 6. b., the COAH units will be constructed in Phase II as well as Buildings number 4 and 5.

Mr. Fiorello stated: It also has been requested that the low and middle income housing units be completed within five years and we have agreed to that.

Ms. Caldwell stated: We just want to make sure we have some assurance of that.

Mr. Fiorello stated: The Architectural Plans showing revisions of the rear elevation of the clubhouse and apartment have been submitted to the architect.

Mr. Donahue addressed Mr. Ferriero's report dated July 14, 2013, I. C. Sheet 3 – Site Plan was addressed under number 15 on the site plan, the ADA ramps will be reviewed to make sure ADA ramps are in compliance with the requirements and inspected by the Board Engineer prior to the concrete being poured. I.D. Sheet 4, we would provide additional spot grades as necessary, we would provide a larger scale grading plan to provide that detail around each of

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the buildings. Along with that, we will also show the ADA parking stall requirements to make sure the locations meet the requirements. The water and sewer lines will be reviewed by the Water and Sewer Utility as well as the NJDEP for Treatment Works Approval.

1.G. Sheet 7 – Soil Erosion and Sediment Control Plan, Sussex County Soil Conservation District will certify the plan that we have prepared.

1.H. Sheets 8 -10, under Construction Details, water and sewer details will be approved by the Water and Sewer Utility and a minimum 4' width in addition to the width varies notation, on the site sidewalk detail will be specified.

Mr. Donahue stated: I believe additional information has been submitted for the Major Subdivision Map. I don't know if Mr. Ferriero has reviewed it yet.

Mr. Ferriero stated: It is very detailed and it can be a condition that I approve before it is granted.

Mr. Donahue addressed Item II. Stormwater Management Report. I have indicated with notes on the plan that soil tests will be done for each of the infiltration systems to make sure they will function as designed. After that information is obtained we would provide the drain time calculation, the anti-seep collar is indicated on the detail sheet. Additionally there was a note added to the riprap detail with indicates a 3' vertical cutoff wall will be added at the end of the riprap apron. As I mentioned the Operations and Maintenance Manual will be submitted to the Board Engineer for review.

Mr. Donahue addressed: Items IV. and V, that information was submitted recently by the project surveyor.

Mr. Ferriero stated: In my opinion two things should be done, first the conditions of preliminary approval should be carried over to be conditioned upon final approve and secondly any of the open comments on my letter can be conditions of approval granted by the Board.

Mr. Molica asked: If the proposed phasing is consistent with what was approved in the preliminary, we can address that in the resolution.

Mr. Ferriero stated: There has been fine tuning of it. I do not think it is inconsistent but it has been discussed how the fence with will be installed throughout, how some of the circulation is going to be done. Those modifications that Mr. Donahue talked about tonight are the changes that make it work better based on the final review. So the final review is not inconsistent but more detailed to what was presented at the preliminary application and approval.

Mr. Ferriero stated: The Traffic Engineer's comments should be discussed with the Board.

Mr. Donahue addressed Gary Dean's report.

SP1. The Board Engineer will inspect the locations of the proposed pedestrian ramps to make sure they meet ADA requirements. We will review the ramp at the westerly side to assure there is enough room for a wheelchair.

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SP3. He is suggesting adding a double yellow painted line down the center of proposed Juliana Boulevard, which is the western driveway from the intersection with Sparta Avenue to the intersection with Gabriella Way. The applicant will comply with that as well as "No Parking Signs" in the designated areas.

SP5. The Board had granted a waiver for the applicant to construct the proposed sidewalks and indicated it on the plan.

SP8. Suggests that we provide sight triangles at the interior of the intersections and the applicant will provide those to make sure there is site distance at each of those intersections.

SP9. The truck circulation for emergency vehicles is satisfactory. Final approval by the Town Fire/Emergency services is recommended. The applicant will do that.

SP11. Talks about additional parking for Building 10. What we have done as previously submitted was to install a sidewalk from the parking lot area behind Building 10 to the seven parking areas adjacent to Building 9. That will provide some additional parking for Building 10.

Ms. Logan asked: Those additional spaces are not assigned?

Mr. Donahue stated: The seven spots are not assigned. They are for visitors or anyone else who comes to the development. That is why we are adding the additional 12 he had requested on the opposite side behind Building 10.

SP12. Mr. Dean is indicating that a handicap accessible ramp be added at the intersection between Juliana Boulevard from the retail area to Building 10. We are going to add one at each of the crosswalk areas. This will be reviewed in more detail with the Board Engineer at a later date.

SP14. Mr. Dean is indicating we add a "DO NOT BLOCK DRIVEWAY" sign rather than a STOP sign. The applicant can do that and remove the stop bars and stop sign and just have a sign stating DO NOT BLOCK DRIVEWAY.

Mr. Ferriero stated: I agree that will work better. People are not going to stop twice in a row and even if they do stop they could block the driveway which creates a problem.

SP15. Talks about the ADA ramps which we will review in detail with the Board Engineer prior to construction.

Landscaping Plan was discussed next.

Chairman Le Frois asked: What would be the nature of the guarantee that the developer would provide for the trees surviving a certain period of time?

Mr. Ferriero stated: Generally in the Developers' Agreement you would require a Performance Bond and then once the Performance Bond is released there is a two-year maintenance guarantee. One of my comments on the Landscape Plan is always there needs to be a 2-year Landscape Maintenance Plan.

Mr. Donahue stated: Comment 22 on the Landscape Plan does indicate a two-year maintenance agreement.

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Mr. Fiorello called Mr. Richard Cording.

SWORN: Richard Cording, 196 Birch Meadow Road, Ringwood, NJ

Mr. Cording gave his educational background and experience with architectural landscaping and stated his licenses were current. The Board accepted his qualifications.

Mr. Fiorello asked: Did you examine the trees that were on the site before they were removed and what type of trees were they?

Mr. Cording stated: Yes. Most of the trees were Maples which we know now are considered an endangered species because they tend to multiply and sprout out so that nothing can grow under them.

Mr. Fiorello asked: Can you review with the Board what the plans are for landscaping of the buffering areas throughout the site?

Mr. Cording stated: As Mr. Donahue's plans mentioned we have a perimeter of mostly mixed evergreens such are arborvitaes, Norway Spruce, and some ornamental spruces which is the Blue Spruce which will be interspersed to add a variety of color. Then we have three types of shade trees consisting of Red Maple, Green Maple and Plain Trees.

Mr. Fiorello stated: The evergreen trees keep their needles while the Maple trees don't but this provides a year round buffer for the townhouse and the neighbors to the West.

Mr. Fiorello asked: Are they rapid growing trees?

Mr. Cording stated: The Blue Spruce is moderate growing but we are using them in limited areas. The others will grow quite rapidly. We use the Norway Spruce because of the dark green needles and it looks great year round and doesn't have insect or seed problems.

Mr. Fiorello asked: Are there any flowering trees in the bordering area.

Mr. Cording stated: As you can see we have mixed in a few clusters of River Birch and Hawthorne. Hawthorne flowers in early spring and gets red berries in the fall. Birch is attractive year round with its multi trunks. It is a hardy tree.

Mr. Fiorello asked: Can you tell the Board what types of trees and shrubs will be at each of the individual units.

Mr. Cording stated: Each individual unit will have Boxwood, which are very dark green Boxwoods and are disease resistant. We are also using a variety of different deer resistant perennials that will give them color in spring, summer and fall.

Mr. Fiorello stated: Do you agree with the inches in caliber of trees that are being replaced?

Mr. Cording stated: Yes, I do agree.

Chairman Le Frois stated: As the designer would you go out and tell them where to place the trees to get the right screening?

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Mr. Cording stated: I can certainly do everything, but if he wants to do everything himself and follows the plan, it is to scale. Even if they had me come up for the day they were going to lay them out I would advise that because there is always something that we see that a non-professional might not see.

Chairman Le Frois stated: That is my point. Mr. Ferreiro that is one of the notes on the drawing that it be done in conjunction with the site inspection and Ms. Caldwell.

Mr. Molica stated: Is variance relief still required?

Mr. Fiorello stated: We left it up to either a variance or a waiver, because at the preliminary, there was not enough detail. Part of the condition was to come back at final with more details to the landscaping. We think we have addressed that and we hope the Board agrees the final planting approval subject to the approval of Mr. Ferriero and Ms. Caldwell.

Ms. Caldwell stated: They covered everything.

Chairman Le Frois opened this portion of the meeting up to the public. With no public coming forward, Chairman Le Frois closed this portion.

Mr. Flaherty asked: With the buffer of the trees you are putting in after 5 or 6 years, what will the height of those trees be?

Mr. Cording stated: 15 feet tall. They are Norway Spruces and they will probably get to about 50 - 60 feet tall. They will be a very good buffer. They keep their branches to the ground.

Chairman Le Frois reopened this portion of the meeting up to the public.

1st Public

Kent Hardmeyer, 70 Pine Street, I am substituting for my neighbor Mr. Briggs. Asked: Mr. Cording about the buffering? How many trees do you plan on planting from the retention basin up to the corner on the western end?

Mr. Cording stated: 40 Norway Spruces. We try to plant them so that when they are full grown, they are grown into each other. As they begin to mature there will probably be about 10 feet between them.

Mr. Hardmeyer stated: So it will be a number of years before they provide screening.

Mr. Cording stated: There will be screening as soon as they are planted. They are 8 feet tall. The distance between them is 15 feet. It is center-to-center. A tree like a Norway Spruce has a 30 foot circumference.

Mr. Hardmeyer stated: The ordinance talks about staggering. Will you be doing that?

Mr. Cording stated: Staggering gives you more privacy; we will be staggering the trees. It is shown on the plan.

Mr. Hardmeyer asked: What type of street trees will be planted on Sparta Avenue?

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Mr. Cording stated: We will be using an Ash tree and a Red Maple. There will not be any trees on Sparta Avenue?

Mr. Donahue stated: Sparta Avenue is a County Road and for site distance issues they did not permit any plantings along Sparta Avenue.

Mr. Hardmeyer asked: Will there be any plans for irrigation? That is an old gravel pit and it will need some water to keep things going.

Mr. Cording stated: There are no plans for that. They will need a good soaking once a week.

Mr. Hardmeyer stated: You mentioned you will be planting arborvitaes. Most of them are deer candy.

Mr. Cording stated: Most of them are but we will be using Elacontismment which is on the plan and it is deer resistant. If he is using this type they should be fine.

With no more questions, Chairman Le Frois closed the public portion.

Mr. Molica crafted the motion. The applicant is seeking final major subdivision and site plan approval. Variance relief that they noticed for is not required based on the testimony and discussion this evening because of the level of detail the applicant has provided in the Landscape Plan and also because there is a condition of any approval that the Board may grant tonight, the applicant has agreed to the fact that the Board's Engineer and Planner will participate in the effectuation of the landscape design which will include a site visit of the planting and location of the plants. This type of relief is such that the Board is constrained to grant the requested relief as long as the conditions of the preliminary approval have been satisfied. The engineer has stated tonight that any and all conditions that have not been satisfied will carry over and be incorporated in any approval granted by the Board this evening and the applicant did agree to that condition as well.

Mr. Ferriero stated: There were two comments from the traffic engineer that I think the Board was not going to require and one was that sidewalks on both sides of the road because that relief was previously granted and the other was additional parking behind the club house building. If it is going to be brought forward then it should be excluding those two points.

Mr. Molica stated: There was an additional condition that our Planner raised about the light fixtures and how the applicant to endeavor to keep them uniform as much as possible throughout the development and light deviations generally will be acceptable but the applicant has agree to uniformity in that regard. I have no other specific condition. I would recommend that any and all conditions of the prior approval apply to this tonight and the applicant comply with the recommendations set forth in the reports of all of the Board's professionals.

Mr. Flaherty stated: Can we clarify that the plants be staggered. It is hard to see on the drawing that they will be staggered and I know on the testimony it was stated they would be staggered and I ask that that be added in.

Mr. Steinberg made a motion to approve the application with the conditions that Mr. Molica has stated. Ms. Logan seconded the motion.

**Newton Planning Board
August 21, 2013
7:00 PM**

AYE: Mrs. Mattingly, Mr. Flaherty, Mr. Russo, Ms. Logan, Mr. Steinberg, Chairman Le Frois

CORRESPONDENCE

Appointment of Ralph Porter to a four year term (12/31/2015) as "Class A" regular member to the Newton Historic Preservation Commission was stated by Chairman Le Frois.

EXECUTIVE SESSION

None

PUBLIC PORTION

None

ADJOURNMENT

Mr. Flaherty made a motion to adjourn the meeting. Ms. Logan seconded the motion. The meeting was adjourned at 9:10 PM with a unanimous "aye" vote. The next regularly scheduled meeting will be held on September 18, 2013, at 7:00 PM in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary

**Newton Planning Board
August 21, 2013
7:00 PM**

**Exhibit Page
Newton Cemetery**

Exhibit A-1, redline as exhibit

Exhibit A-2, as submitted A2 of sheet 2

Exhibit A-3, revised dumpster plan

Exhibit A-4 dated January 24, 2013 New Building for Newton Cemetery