

Newton Planning Board
February 19, 2014
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. Marion, Mr. Tharp, Mr. Elvidge, Mr. Russo, Ms. Logan, Mr. Hardmeyer, Mr. Steinberg, Chairman Le Frois

EXCUSED: Mr. Ricciardo, Ms. Gill

PROFESSIONALS PRESENT: David Soloway, Esq. of Vogel, Chait, Collins & Schneider, William Haggerty, Esq. of Dolan & Dolan, Jessica Caldwell, PP, of J. Caldwell & Associates

BOARD SECRETARY: Katherine Citterbart

CONSIDERATION OF MINUTES

Regular Meeting December 18, 2013

Mr. Marion made a motion to approve the minutes. Mr. Elvidge seconded the motion.

AYE: Mrs. Mattingly, Mr. Marion, Mr. Tharp, Mr. Elvidge, Mr. Russo, Mr. Steinberg, Chairman Le Frois

Regular Meeting January 15, 2014

Mr. Marion made a motion to approve the minutes to add Mr. Flaherty to the members' present list. Mr. Elvidge seconded the motion.

AYE: Mrs. Mattingly, Mr. Flaherty, Mr. Marion, Mr. Elvidge, Mr. Russo, Ms. Logan, Mr. Hardmeyer

ABSTAINED: Mr. Le Frois

HISTORIC RESOLUTIONS

None

RESOLUTIONS

**Cellco Partnership d.b.a. Verizon Wireless # (HPC-2-2013)
Block 7.03 Lot 8
32 Liberty Street**

Resolution approving amended site plan to authorize placement of a 50 KW diesel generator placed on a 8' x 5' (40 sq. ft.) concrete pad in connection with an existing cellular telecommunications facility.

Mr. Soloway and Mr. Le Frois recused themselves.

Vice Chairman Marion took control of the meeting.

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Mr. Haggerty stated: The approval was based on action taken at the December meeting. You received some updates and amendments at the January meeting. The conditions that are incorporated in the approval have been previously addressed in terms to the plans by the Historic Preservation Commission and the Housing Authority. The as-built will be submitted after the installation has been completed. It will be subject to Mr. Simmons' review and approval. There is a condition to the noise generation. It is subject to compliance with your standards at the property line and the applicant is going to install sound barriers around the generator subject to Mr. Simmons' approval.

Mr. Tharp made a motion to approve the resolution. Mrs. Mattingly seconded the motion.

AYE: Mrs. Mattingly, Mr. Tharp, Mr. Elvidge, Mr. Russo, Vice Chairman Marion

Charlotte Huff & Katherine Member (#PBSD-02-2013)
Block 14.04 Lot 30 T3 Zone
65 & 67 Madison Street

Resolution approving preliminary major subdivision and related bulk variances.

Mr. Le Frois & Mr. Soloway returned to their seats

Mr. Marion asked if the sewer lines were common to the properties.

Mr. Soloway stated: The dye test was done and it was found to have a common line. The resolution effectively reserves the right to request that Mr. Simmons and/or I require some type of easement agreement. There will need to be a recorded Deed Easement.

Mr. Marion made a motion to approve the resolution. Mr. Flaherty seconded the motion.

AYE: Mrs. Mattingly, Mr. Flaherty, Mr. Elvidge, Mr. Russo, Ms. Logan, Mr. Hardmeyer, Mr. Marion

OLD BUSINESS

None

NEW BUSINESS

Jessica Caldwell spoke on Ordinance 2014-1, Section 320-2.C "Permitted Uses" regarding amending the code to permit food and beverage production.

Ms. Caldwell stated: This will add a permitted use to the Permitted Uses list for the T4, T5, and T6 which are neighbor commercial and the other two are mixed use commercial zones to permit food and beverage production. There has been discussion about a potential entity that would want to do this and that gave rise to this consideration although it is not the only reason and there is no application on the table at this point, so we do not have details of what this could entail. But the idea is that food and beverage production at least from the Council's perspective provides another permitted commercial use that could be done in those commercial type areas. They felt it was a viable use. We have an Environmental Impact Statement Ordinance that would take care of any applications that would come in for any kind of food and beverage production. The feedback that we got is that if it is not a permitted use

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we won't get the application so we really won't know whether or not it is a suitable use but there are plenty of things in the ordinance that would protect neighbors in terms of buffers and the Environmental Impact Statement. The Town Council referred this to the Planning Board. From the Planning Board's perspective it is to review whether or not it is consistent or at least not inconsistent with the Master Plan.

Discussion on beverage consumption ensued.

Mr. Soloway stated: Your role as a Board is to review the proposed ordinance for consistency with the Master Plan. If you note any inconsistencies with the Master Plan you are to note them. You also have the right as a Board to pass on any comments and or recommendations you may have on the proposed ordinance to the Council. I want to make sure you understand the distinction, you are not voting yes or no if they should adopt the ordinance. You are required to conduct the review within 35 days of the referral. If for some reason you neglect to do that thereafter they can act without your approval.

Chairman Le Frois asked Ms. Caldwell: In your professional opinion, do you believe it to be consistent with the Master Plan?

Ms. Caldwell stated: Yes. The idea is to provide more opportunities to locate those types of businesses. One thing we find is that in a small town there are not a lot of commercial areas to put things so if you get too restrictive it becomes very difficult for people to locate to this area. To try and be more inclusive, we included all the commercial zones.

Mr. Russo made a motion to find the ordinance not inconsistent with the master plan. Mr. Flaherty seconded the motion.

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

CORRESPONDENCE

NONE

EXECUTIVE SESSION

NONE

PUBLIC PORTION

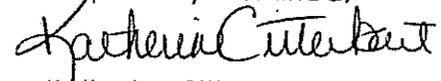
No public stepping forward, this portion of the meeting is closed.

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ADJOURNMENT

Mr. Flaherty made a motion to adjourn the meeting. Mr. Marion seconded the motion. The meeting was adjourned at 7:35 PM with a unanimous "aye" vote. The next regularly scheduled meeting will be held on March 19, 2014 at 7:00 PM in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary