

TOWN OF NEWTON
PLANNING BOARD
JULY 21, 2021
MINUTES

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. Board Secretary Mrs. Citterbart stated there was a quorum.

OATH OF OFFICE: None

SALUTE TO THE FLAG: Was recited.

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Jr., Mr. Ragsdale, Mr. Ricciardo, Mrs. Le Frois, Mr. Le Frois

Excused: Mr. Schick, Mrs. Hall-Romer

Professionals present: Thomas Molica, Esq. of Vogel, Chait, Collins & Schneider
Jessica Caldwell, J. Caldwell & Associates
David Simmons, Harold Pellow & Associates

THE SUNSHINE STATEMENT: Was read.

CONSIDERATION OF MINUTES

1. Mr. Marion made a motion to approve the May 19, 2021 minutes. Mr. Flaherty seconded the motion.

Aye: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Mr. Ragsdale, Mr. Le Frois

Minutes approved.

2. Mr. Russo made a motion to approve the June 16, 2021 minutes. Mr. Schlaffer seconded the motion.

Aye: Mr. Wink, Mrs. Vrahnos, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Mr. Ragsdale, Mrs. Le Frois, Mr. Le Frois.

Minutes approved.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

Merriam Gateway Apartments, Inc. (#P-3-2021)
Block 18.02, Lots 14 & 15
69 Sparta Avenue & 75 Sparta Avenue

The Resolution grants minor site plan & conditional use approval for a residential treatment center.

Mr. Russo made a motion to approve the resolution. Seconded by Mr. Dickson.

Aye: Mr. Wink, Mrs. Vrahnos, Mr. Dickson, Mr. Schlaffer, Mr. Russo, Mr. Ragsdale, Mr. Le Frois

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Resolution approved.

NEW BUSINESS:

Emerger Property Group (#P-5-2021)
Block 8.04, Lot 6
185 Spring Street

The Applicant is requesting minor subdivision, minor site plan, and variance approval to permit building renovations.

William Haggerty, Esq. from Dolan & Dolan represented the Applicant.

Sworn in: Jason Dunn from Dykstra & Associates and Joseph Primiano from Primiano Architecture.

Jason Dunn was introduced as a licensed Professional Planner and Landscape Architect.

Joseph Primiano was introduced as a licensed Architect.

The Board accepted their credentials.

Mr. Haggerty gave an overview of the application. The Applicant is seeking a minor site plan, minor subdivision, and variance approval to permit building renovations and expansion to include space for a basement party room, first floor restaurant with an addition, and four apartment units on the second floor. The plan includes use of 1,104 square feet of the Town's right-of-way from the adjacent alley to accommodate the first-floor addition. No bulk variances required. The Applicant submitted applications for the **façade** improvements to the Newton Historic Commission for both the existing building and the proposed addition. The **façade** renovation proposed was approved by the Historic Commission (HPC-6-2019).

Mr. Primiano, Architect, testified to details of the plan including brass goose neck lighting fixtures that will match existing.

Mr. Dunn introduced Exhibit A-1, a colorized minor site plan and minor subdivision dated May 14, 2021. The Exhibit shows the alley reduced from 15' to 5'. It will still allow for pedestrian access. Mr. Dunn described the need for a parking variance. The Applicant is proposing five parking spaces where 48 are required. In regard to signage, the Applicant is proposing a 21 square foot **façade** sign and a 20 square foot awning sign. The 21 square foot sign complies, but the awning does not, with the max awning size permitted being 8 square feet. Mr. Dunn feels that the awning size is appropriate given the size of the sign and it is the correct scale. A variance will be required for the awning size. Mr. Dunn addressed waste disposal. The trash receptacle will be located in the back of the building within a 6' high enclosure with gates. Mr. Dunn discussed access to the building. Public access is on street level. There are rear stairs for emergency exit.

Board discussed alley access, curb cut, and garbage truck access. Questions arose on concrete gutter.

Mr. Dunn introduced Exhibit A-2, dated July 21, 2021 and discussed the concrete gutter. It may have to be adjusted to make that suitable for pedestrians.

Mr. Marion questioned if the Town or the Applicant would be responsible for making it level. Mr. Russo stated that the Town is negotiating with the Applicant on them purchasing of the right-of-way and that is one of the details that will be worked out and can be a condition of approval this evening.

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Portion opened to the public. None stepping forward. Portion closed.

Mr. Simmons reviewed his report dated July 13, 2021. In regards to the minor subdivision, the Applicant will have to purchase the property from the Town and have that finalized before any work gets started. He pointed out encroachments that will be corrected. He addressed stormwater management. The location of the leader pipe discharge should be noted on the plan. It may be possible to tie the drain into the drain pipe in the alley if its location is confirmed. The location and size of the existing sanitary sewer lateral should also be shown on the plan. The Applicant should dig test holes to accurately locate pipe so they don't build addition over pipe or cut off the pipe. The capacity of the existing sanitary sewer lateral should be reviewed and approved by the Newton Water and Sewer Utility and the Newton Construction Official. Advised to call 1-800-byudig for mark-out for utility line. Also noted that a sprinkler system is required. Would also like trash enclosure detail to be added to the plan. Final as-built to be submitted to Town of Newton. Regarding lighting, he would like to see the final lighting to ensure it lights up the alley.

Ms. Caldwell reviewed her report dated July 13, 2021. She clarified with the Applicant the total number of seating proposed as 86 inside and 12 outside. She indicated that parking spaces should be designated for the apartments.

Application opened to the public. None stepping forward. Portion closed.

Mr. Molica crafted a motion to grant site plan, subdivision and variance approval for the Applicant. The two variances are related to parking and signage. Various conditions to be attached; first the Applicant needs to acquire the 10' of right-of-way and demonstrate proof of the acquisition to the Planning Board. No work should commence until this is done. The Applicant has agreed to comply with all applicable conditions in Mr. Simmons's and Ms. Caldwell's reports. Construction details including the fence should be provided by the Applicant. The Applicant has agreed that test holes be dug from the northeasterly end of the property to Spring Street and the applicant will call 1-800-byudig prior to digging. Applicant also agrees to relocate any utilities that might be necessary as a result. Any municipal utilities that need to be relocated will be paid for by the Applicant, not the Town of Newton. All of this work be done subject to the review of Mr. Simmons. Any disputes will be returned to the Board for decision. Additionally, tying in the inlet and leader pipe should be done subject to Mr. Simmons review and approval. All other basic conditions included.

Mr. Russo made a motion to approve the application as outlined by Mr. Molica. Mr. Marion seconded the motion.

Aye: Mr. Flaherty, Mr. Marion, Mr. Wink, Mrs. Vrahnos, Mr. Dickson, Mr. Schlaffer, Jr. Russo, Mr. Ragsdale, Mr. Ricciardo, Mrs. Le Frois, Mr. Le Frois

Application approved.

CORRESPONDENCE

Ordinance 2021-13 An Ordinance to Amend, Revise, and Supplement Ordinance No. 2021-12, "An Ordinance Amending, Revising, and Supplementing Sections 320-2C "Permitted Uses", 320-3 "Definitions" and 320-28 "Conditional Uses" of the Zoning Code of the Town of Newton to Regulate the Cultivation, Processing, Sales, and Distribution of Legal Cannabis within the Town of Newton".

EXECUTIVE SESSION

None.

PUBLIC PORTION

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Mr. Marion made a motion to adjourn the meeting. Motion seconded by Mr. Flaherty. The meeting was adjourned at 8:04pm with a unanimous "aye" vote. The next meeting will be held on September 22, 2021.

Respectfully submitted,

Kerry Brown
Planning Board Secretary