

**September 18, 2024**

The regular meeting of the Newton Planning Board was held at the Town Hall on September 18, 2024. Chairwoman Vrahnos called the meeting to meeting to order at 7:01 pm. Ms. Vrahnos stated that proper notice had been given for this meeting in accordance with the “Open Public Meetings Act.”

Chairwoman Vrahnos led the Salute to the flag.

**ROLL CALL**

Mayor Couce - present	Mr. Flaherty – present
Ms. Hall-Romer – absent	Deputy Mayor Le Frois – absent
Mr. Marion – present	Mr. Ragsdale – absent
Mr. Russo, Jr. – absent	Mr. Wink – present
Mr. Schlaffer, Alt #1 – absent	Samatha Waldron, Alt# 2- present
Chairwoman Vrahnos – present	

Also present: Glenn Kienz, Board Attorney, Thomas Knutelsky, Board Engineer, Jessica Caldwell-Dykstra, Board Planner, Kerry Brown, Board Secretary

**MINUTES**

**June 26, 2024**

Mr. Marion made a motion to adopt the June 26, 2024, minutes. Mayor Couce seconded the motion.

AYE: Mr. Marion, Mayor Couce, Mr. Wink, Chairwoman Vrahnos

**RESOLUTIONS**

**4 Grace Ave, LLC**

**PB-7-2023**

85.5 Trinity Street, Block 15.01, Lot 18, Zone T-5  
Convert existing group home facility into four (4) residential apartments.

Mr. Marion made a motion to approve the resolution as presented. Mayor Couce seconded the motion.

AYE: Mr. Marion, Mayor Couce, Mr. Wink, Chairwoman Vrahnos

**HPC - Pancho Villa Mexican Grill**

137 Spring Street, Block 8.04, Lot 16, Zone T-6  
Reconstruct front storefront façade.

Ms. Caldwell-Dykstra explained the Historic Preservation Commission reviewed and approved the Historic Preservation application with the condition that the revised plans be reviewed and approved by the Vice-Chair and HPC Planner. There was a brief discussion regarding the approval and the Land Use Board agreed that the revised plans should be reviewed by the Historic Preservation Planner.

Mayor Couce made a motion to approve the Historic Preservation resolution with the condition of the revised plans being reviewed by the Vice-Chair Historic Preservation Planner be removed and replaced with the revised plans to be reviewed by the Historic Preservation Planner. Mr. Marion seconded the motion.

AYE: Mayor Couce, Mr. Marion, Mr. Flaherty, Mr. Wink, Ms. Waldron, Chairwoman Vrahnos

**BUSINESS**

**Covenant Capital Newton LLC**

**PB-2-2024**

40-46 Orchard Street, Block 22.10, Lot 17, Zoning T-3

Preliminary and Final Site Plan and Use Variance application to convert existing storage building into residential apartments.

Mayor Couce recused himself from the application.

Daniel A. Benkendorf, Attorney for the applicant

Tyler Vandervalk, P.E.

Mirosław Lewandowski, AIP

Matthew Flynn, P.P.

Mr. Benkendorf detailed the existing property and the surrounding area for the Board. Mr. Benkendorf explained his client is seeking a use variance and preliminary and final site plan approval to convert the existing garage/storage building into two (2) 2-bedroom rental units.

Mr. Vandervalk explained that the applicant is seeking to complete the project in two (2) phases. Mr. Vandervalk stated Phase I will consist of renovating the storage building including utility connections to create the two apartments. Mr. Vandervalk stated the applicant will be making improvements to the parking areas, installing sidewalks and adding a landscaping buffer. Mr. Vandervalk stated Phase II will include replacement of the sidewalks within the right-of-way, installation of gravel off-street parking areas for each trailer, expanding the westerly parking area, and the installation of street trees with a landscape buffer. Mr. Vandervalk further explained the applicant will be creating pad sites so that each existing trailer could be replaced as necessary and not require additional variance relief. Mr. Vandervalk stated the applicant wishes to create uniform setbacks for the existing trailers and clean up the parking area. He also informed the Board that a new parking area in conjunction with Phase I will have four (4) 20-foot spaces along with a landscaped area. Mr. Vandervalk stated that Phase II would start within 18 months of the conversion of the storage building. Mr. Vandervalk stated he had no issues or concerns with Mr. Simmons report dated September 11, 2024, and would comply with the recommendations. There was a brief discussion regarding the existing sheds, and it was determined that each unit would be permitted to have a shed. There was a discussion regarding parking, and it was determined that six (6) parking spaces would be reserved for guests and there should be no overnight on-street parking.

Mr. Lewandowski stated Phase I would involve the conversion of this existing warehouse into two (2) apartments. Mr. Lewandowski detailed the apartments and the amenities for the apartments.

Mr. Flynn detailed the existing property and stated the variance being sought was a d (2) variance since 2-family units are permitted in the Zone. Mr. Flynn stated the existing mobile homes are not permitted and is considered an expansion of a nonconforming use. Mr. Flynn stated the proposed improvements are long overdue and will benefit the residents and the surrounding community members.

Mr. Flynn testified this was encouraging municipal action promoting not only the public health and safety but the general welfare, and that it provided sufficient space in appropriate locations for a variety of housing that is lessening of the cost of development. Mr. Flynn also stated the proposed project is an example of adaptive reuse of a building and it promotes a desirable visual environment. Mr. Flynn testified as to the negative criteria. He stated trailers are not permitted but that the conversion of the warehouse to residential use is and that by undertaking these various improvements, it significantly lessened the negative impact of this development to the public good. Mr. Flynn also stated that while the trailers were not consistent with the zone plan and zone scheme this did provide for more affordable housing within the municipality. Mr. Flynn agreed that all items in Mr. Simmons' September 11, 2024, report have been or will be satisfied.

Mr. Flynn went over Ms. Caldwell's report and stated the items have been addressed and will comply with the report. Ms. Flynn stated that the variance is a modest increase and has been a pre-existing use for over 60 years. Ms. Caldwell noted the applicant is proposing five (5) shade trees along Orchard Street right-of-way. Ms. Caldwell also recommended the Applicant install additional trees along the frontage. Mr. Flynn had no objection to the request.

At this time the meeting was opened to the public.

Robert Glesias, 43 Sussex Street, Newton

Mr. Glesias raised some concern for the proposed parking area and if the number of ADA accessible parking spaces.

No additional members of the public came forward and this portion of the meeting was closed to the public.

Mr. Lewandowski detailed the proposed lighting for the project. Mr. Lewandowski also detailed the apartment layout, the heating and cooling systems and the exterior materials. The applicant has agreed to install a rain garden at the Board's request.

There was a discussion among the Board members and the Board Attorney regarding the possibility of eliminating the bonding process for Phase II. Mr. Kienz suggested instead of submitting a bond, the applicant request Preliminary approvals and return to the Board for Final Site Plan and Variance approvals.

Mr. Marion made a motion to approve the Preliminary Site Plan and Variance approval. Mr. Flaherty seconded the motion.

AYE: Mr. Marion, Mr. Flaherty, Mr. Wink, Ms. Waldron, Chairwoman Vrahnos

Chairwoman Vrahnos stated there were no correspondence or items scheduled for executive session.

Motion to adjourn the meeting was made by Mr. Marion and seconded by Mayor Couce. All in favor. The meeting was adjourned at 8:58 pm.

Respectfully submitted,  
Kerry Brown  
Planning Board Secretary