

Town of Northumberland  
Planning Board  
Location; Town Hall  
Subject to Correction by the Planning Board  
Monday, March 28, 2022  
7:00 pm  
Page 1 of 4

**Planning Board Members Present:** Brit Basinger, Mary Beth McGarrahan, Jeff King, , Holly Rippon – Butler and Vice Chair James Heber

**Members Absent:** Melanie Eggleston, Lisa Black and Chair Susan Martindale

**Town Employees Present:** Dave Brennan, Town Counsel, Michael Terry, Code Enforcement Officer and Tia Kilburn, Clerk

Vice Chair Heber opened the meeting and addressed all in attendance and asked them to stand and salute the flag at 7:01 pm. Quorum established.

Vice Chair Heber announced the 1<sup>st</sup> item on the agenda; major 2 lot subdivision, James & Jaclynn DeLessio, application #0002-22, Duncan Road.

Mr. & Mrs. DeLessio addressed the Board and displayed a large map of the original subdivision. Mr. DeLessio explained one lot will be 3 acres.

Vice Chair Heber discussed the proposed property line for the division of the lot. He asked how large the 2<sup>nd</sup> lot would be, Mr. DeLessio replied 27 acres. Board members reviewed the map.

Ms. Rippon-Butler said her paperwork indicated 3 lots, Mr. DeLessio said originally, they wanted 3 lots but after meeting with Mr. Colozza and Mr. Terry they decided on 2 lots. Ms. Rippon-Butler asked what the front lots acreage was, Mr. DeLessio replied it is 3 acres minimum so they are going with 3, he explained one will be his home and the other probably his in laws. Vice Chair Heber asked what the road frontage was, Mr. DeLessio said 101 1/2' per lot. Mr. King stated they have a small map in their package, Mr. DeLessio said that was the original plan, the large map he has is the 2<sup>nd</sup> plan with 2 lots, he explained it is similar except it is 2 lots and they are splitting the road frontage evenly between the lots. Mr. Basinger reiterated it was in the Residential 3 acre zone and the smaller lot would be a minimum of 3 acres, Mr. DeLessio agreed.

Vice Chair Heber stated the question for the Board is basically the frontage, they would both be considered keyhole lots, or does the Board prefer one full and one keyhole? Mr. Brennan asked Mr. Terry if he had a chance to look at it, Mr. Terry replied yes both he and Mr. Colozza looked at it, Mr. Brennan asked if there were any variance issues, Mr. Terry said no, they were looking at the keyhole lots and we don't recommend more than 2 keyhole lots next to each other in the Zoning book.

Mr. King stated they had looked at this parcel previously, they were looking to put more houses in and he recalls issues with soils, erosion and slopes concerns about washouts it is prone to erosion. He stated that is one thing he would like to address so the Board is happy with it. Vice Chair Heber agreed and said he thinks it was like 8 lots they wanted and they were putting them on slopes but he thinks what this is now is a pretty good situation. Mr. Brennan asked where in the book was the provisions for keyhole lots? Vice Chair Heber replied in the subdivision book page 51. Mr. Brennan asked how big the small lot was, Mr. DeLessio replied 3 acres, Mr. Brennan read from the book *The lot shall be large enough to contain the minimum lot area for the zone, as required by the zoning ordinance, without including the area within the driveway access strip.* He stated they may have to square the lot up a little bit to reach the 3 acres without the strip. Mr. DeLessio said if he has to but he prefers not to, he said he would not consider that a driveway strip, the driveway is on it but it is 100' wide. Mr. Brennan stated he understood and added the code says he has to have 200' minimum per lot so you are doing a keyhole lot, all of it is



Town of Northumberland  
Planning Board  
Location; Town Hall  
Subject to Correction by the Planning Board  
Monday, March 28, 2022  
7:00 pm  
Page 2 of 4

subject to go to the Zoning Board. Vice Chair Heber disagreed and said the 200' is frontage, Mr. Brennan said it states you have to have 3 acres beyond the strip, the flag part of the lot is not to be counted in the 3 acres. Mr. Brennan said he would square up the lot if they had to but didn't really want to, so he could go to the Zoning Board if he didn't want to change the lot. Vice Chair Heber agreed. Mr. DeLessio asked if he could avoid the Zoning Board, Mr. Brennan said yes if they add to the lot and make it 3 acres without including the driveway strip. Vice Chair Heber agreed and said give the 3 acre a little more like a ½ acre or whatever it needs. Vice Chair Heber said the question is do they want to cut it in half, he asked what the frontage at the road was now, Mr. DeLessio replied 101', Mr. King confirmed each side is 101', Mr. DeLessio said if he shrunk that side and gave a little more to the 3-acre lot it could be better but he wasn't sure. Discussion ensued on road frontage. Mr. Brennan stated there is an easement on the map, Mr. DeLessio said yes and he could use that but he prefers to put in his own driveway. Mr. Brennan agreed.

Vice Chair Heber stated they are talking about 2 keyhole lots with 101' road frontage for each, plenty for driveways and separation between driveways, the 3-acre lot would have to start at the back of the 1 acre lot in front of it for the area for the 3 acres.

Mr. Brennan asked what the history of the other lots, 1, 3 and 4 on map, one is 1.8, another 5 acres and one just over 1 acre, he asked why are there lots smaller than 3 acres? Vice Chair Heber said he believes most of the lots were there before zoning, Mr. Brennan disagreed because it says it is the subdivision map, 1,2, 3 and 4, he asked if it was previously a conservation subdivision or cluster where they adjusted the lot sizes. Vice Chair Heber asked what year was the subdivision? Ms. McGarrahan stated the map says 1993. The Clerk said current Zoning is 2006, so that could be why. Vice Chair Heber asked if it was re-zoned? The Clerk replied could be. Discussion ensued on prior Zoning. Mr. Brennan checked zoning and said it was R-1 and R-2, so it made sense.

Mr. Basinger asked why it is a major subdivision, the Clerk replied because there was a previous subdivision of 4 lots and anything over 4 lots is a major subdivision.

Vice Chair Heber asked what the consensus of the Board for them moving forward? Mr. Basinger said if he can do the 3 acres without the strip the Board is happy, the Board agreed. Mr. DeLessio asked what his next step was, Vice Chair Heber explained he needs a survey showing the lots, include contours (10'). Mr. DeLessio asked him to explain the 10', Vice Chair Heber said it is the lay of the land, elevations where the gullies are, it shows contours. It should have that on the map, the Right to Farm verbiage, house locations. Vice Chair Heber asked about no further subdivision because he doesn't know how they could subdivide more. Mr. King agreed and said for the big lot there could be an opportunity to subdivide, they would have to put a road in there but would there be enough width to get in there because you have to have double access in and out, Vice Chair Heber said it is 100' and you only need 60 for a road, Mr. Basinger agreed and said a boulevard you need 80'. Discussion ensued; it was determined no further subdivision does not have to be on there. Vice Chair Heber reiterated the Right to Farm, contours, placement of the houses, Mr. Basinger interjected are they going to make him follow the major subdivision rules? It was determined basically the difference between a major and minor subdivision is the fees. Mr. Brennan suggested he bring a map in that is in compliance, it will get administrative review in the office and they can get on the agenda and schedule a public hearing for the next month. Mr. King asked if they were in agreement, they wanted to see 3 acres beyond the strip. The Board agreed and Mr. Brennan stated that is what the provision says, if they don't want to do it they have to go to the Zoning Board. Mr. Rippon-Butler said also add the surrounding neighbors. Mr. Brennan stated it was all in the subdivision regulations so the applicant can have his surveyor pull the information and add it all to the map. He asked the Clerk if this had to go to County Planning, the Clerk replied yes, it is near County property. Mr. Brennan explained the process and stated the Clerk will send it



Town of Northumberland  
Planning Board  
Location; Town Hall  
Subject to Correction by the Planning Board  
Monday, March 28, 2022  
7:00 pm  
Page 3 of 4

down to County Planning but the applicant doesn't necessarily have to go to that meeting, County Planning will send a notice to the Clerk and most likely it will say no intercommunity impact, it is an administrative step we have to take.

Vice Chair Heber stated the next item on the agenda is a pre-application conference for Todd Rozell.

Mr. Rozell stated he is applying for signage for 450 Brownville Road, he gave the Board a drawing of the sign and a list of his intentions at the location. He stated he is proposing a sign above the front door, there will be a 2<sup>nd</sup> sign similar, it won't be the tavern & grill it will probably be pizzeria and grill and will be down on the kitchen side.

Ms. Rippon-Butler asked if he purchased the property. Mr. Rozell responded yes. Ms. McGarrahan asked if there is an existing sign he is replacing? Mr. Rozell said no there is no sign on it now, Ms. McGarrahan reiterated the sign is going on the building? Mr. Rozell replied yes, he explained he drew the picture of the sign and added he thinks it will be all black with gold lettering. Mr. King asked if they purchased or if they were leasing, Mr. Rozell responded they, he and his brother purchased it.

Mr. Brennan asked what the history was on this, it is listed as a pre-application conference, what is the building department looking at as far as approvals are needed? Mr. Terry stated right now it is approved for a restaurant with operating hours between 5 am and 1 am, he said he and Mr. Colozza were at the site today and the applicant needs to get the tables in place so they can see what the occupancy limit will be. He added they are working on the back pizzeria place to make sure he can have tables back there. Mr. Brennan asked if there were two sides to the building, Mr. Rozell said yes, the closer side will be the Tavern side, there is a full kitchen in the center then there will be a Pizzeria side, which is basically with the kitchen. Mr. Rozell explained he installed a counter in there for the retail part of it and he was going to add a few tables in there incase say a mother and daughter wanted to come in and either have pizza or pickup pizza he doesn't want them to have to come into a bar. He feels it would be better family wise to have seating in there too. Mr. Brennan asked what use category is it in, is it still just restaurant and the same use or is it changing the use of the property? Vice Chair Heber said it use to be just a bar. Mr. Brennan stated he was confused; he was thinking it was a restaurant and was going the other way. Vice Chair Heber said previous owner Mr. Heym came in and there were concerns about late night bands and stuff from it being just a bar, it was discussed by the Planning Board and they decided they would list it under a restaurant and it wouldn't be just a bar, Mr. Brennan said under the liquor authority there is no such thing as just a bar, they have to have a menu. Vice Chair Heber agreed, Mr. Rozell said he will have more than potato chips.

Mr. Brennan asked what zoning district it was, Vice Chair Heber said R-3, Mr. Brennan asked if it was an allowed use in the R-3 or did they go to the Zoning Board? Vice Chair Heber stated it was a special permit, Mr. King interjected a use variance. Vice Chair Heber said in 2019 they came in and got the approval for the restaurant, the original place was before Zoning. Mr. Brennan reiterated it got a use variance in 2019 and shut down or never opened? Mr. King said never opened, it was approved and then it didn't open. Mr. Brennan asked why it did not open, Vice Chair Heber replied Covid. Mr. Brennan said it is not like he got a use variance 20 years ago and it has been closed for 15, timing is everything and this did not have good timing. Mr. Terry explained the owner fixed it up as a restaurant and never opened it on his own then everything fell apart and now is coming back together.

Mr. King asked Mr. Brennan if they issued the special use permit in 2019, do they need to review and re-issue it? Mr. Brennan said he is not thinking so, there was never an intention to close, if somebody closes down the grandfather aspect could be terminated, but he is not hearing that here, it just never got opened because people didn't finish projects and everything shut down, so why open a restaurant when the world is shutting down?



Town of Northumberland  
Planning Board  
Location; Town Hall  
Subject to Correction by the Planning Board  
Monday, March 28, 2022  
7:00 pm  
Page 4 of 4

Mr. Brennan said he doesn't think anything has changed in the neighborhood or circumstances for the Board to revisit the decision, if anything everything has stayed the same for the last two years.

Vice Chair Heber asked what was the wishes of the Board? Ms. Rippon-Butler asked if it was following the sign requirements, Mr. Rozell replied yes, under 40 sq ft, he added each of the 2 are only going to be 18 sq ft. Ms. Rippon-Butler then asked if they would be lit, Mr. Rozell said the one for the pizzeria will have soffit lights that are existing, for the one on the bar he may put a small light shining on the sign. Nothing lit up.

Mr. Rozell stated they have just re-done the parking lot, they re-graded it, stoned it and pushed the entrance onto Brownville Road down a bit so when people are pulling out at night the lights are not shining into the windows of the house across the road.

Vice Chair Heber states everything fits into or under the use permit, so the only thing the Board has to agree upon is the sign.

Mr. Brennan asked for clarity, he said there was a use variance for the use and asked if it came for a site plan? Vice Chair Heber said yes, Mr. Brennan then asked if the special use permit was issued, the Clerk replied yes, Mr. Brennan asked the Clerk if they then pulled building permits, the Clerk replied yes. Mr. Brennan reiterated ok, they had the site plan, special use permit, all the building permits then Covid hit and they decided not to follow through. He asked if the building permits were still opened? The Clerk replied no. Mr. Brennan asked if this applicant has pulled any permits for what he is doing, the Clerk stated he hasn't needed any. Mr. Rozell said he was just doing cosmetic work. The Clerk interjected the prior owner delt with the Board of Health with the septic and grease trap and all that was needed so it would be turn key, he had it all ready and then Covid. Mr. Brennan said ok, so it was all set ready to open, Covid hit and now it was sold and is ready to open in compliance with the approval, except the pizza side. Mr. Rozell agreed and said the previous owner had it set up as a kitchen and catering, Mr. Brennan said out of fairness he will not say someone won't come in and complain because that is just the business of it. He was just saying anytime something like this has a gap of when it is approved and when it opens we may have phone calls about why is this, the answer is they got their approvals, they got their permits, they did the work and they didn't open they don't need any further approvals or permits they just need to open, Covid interrupted life and that is why we are here.

Mr. Brennan asked what has to be done tonight, Vice Chair Heber said give an ok for the sign permit. Mr. Brennan asked if they have to come back at a subsequent meeting, Vice Chair Heber said they can do it tonight.

Mr. King made a motion to accept the sign and allow for a permit to be issued,  
Mr. Basinger 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Mr. King made a motion to adjourn at 7:35 pm,  
Ms. Eggleston 2<sup>nd</sup> the motion,  
All in attendance unanimously agreed.

Respectfully Submitted,  
Tia Kilburn  
Planning Board Clerk