

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
June 13, 2024**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Joel Silva – Vice Chairman (Present)
Joseph Queiroga (Absent)
Joshua Carpenter (Present)
Christopher Coelho (Present)
Kathleen Houle, Associate Member (Present)

The meeting began at 7:00 p.m. in the Selectmen's Conference Room.

**CONTINUED PUBLIC HEARING – Special Permit/Estate Lot – Craig Authier
0 Kendall Street (Assessors' Map 11B, Parcel 100) (estate lot)**

SEE SEPARATE MINUTES

File Mail Item 38 - Legal Notice – Ludlow Conservation Commission – 58 Beachside Drive

File Mail Item 39 - Legal Notice – Ludlow Conservation Commission – 100 State Street, Suite 122

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent except for the Endorsement of the Alteration Plan of Piney Lane.

- ◆ FILE Mail Item 37. - Legal Notices from surrounding communities
 - ◆ APPROVE/SIGN Minutes of May 9, 2024, and Executive Minutes of November 9, 2023
 - ◆ SIGN Special Permit:
 - Christopher Coelho – 149 Poole Street (real estate & consulting business)
 - ◆ APPROVE Change of Occupancies:
 - Matthew Oquendo (T & J Autobody) 239 Hubbard Street (auto body shop to auto body shop)
 - Nicholas Morin, Iron Duke Brewing d/b/a Sole Syndicate Winery) 100 State Street, Suite 122 (add distilling & cidery operation within existing brewery)
 - Kul Sarki (Pizza Corner) 70 East Street (change of ownership – existing pizza shop)
 - ◆ ENDORSE Alteration Plan of Piney Lane
-

ENDORSE Alteration Plan of Piney Lane

Mr. Stefancik explained that the DPW needs a recorded mylar plan of the project that was approved at May Town Meeting.

Mr. Coelho: I'll make a **MOTION** to endorse the alterations to Piney Lane.

SECOND Mr. Carpenter.

4-0 in Favor.

PUBLIC HEARING – Special Permit/Home Occupation – Rosineide Carvalho – 118 Highland Ave. (Assessors' Map 15A, Parcel 357) (home office for cleaning service)

SEE SEPARATE MINUTES

PUBLIC HEARING – Special Permit/Home Occupation – Nicholas Manewich – 356 Lyon Street (Assessors' Map 18, Parcel 57B) (home office for general contracting & property management business)

SEE SEPARATE MINUTES

Ms. Houle left the meeting at 7:48 p.m.

Site Sketch (3) Mike Bertini (Ludlow Public Schools) (storage shed additions at Ludlow High School, East Street School, and Harris Brook School)

Mike Bertini was present for the appointment.

Mr. Bertini explained that the shed at Harris Brook School will be for playground equipment. He said that of the two sheds at the High School, one will be for lawn equipment and the other for athletic equipment, and the shed at East Street School will be for lawn equipment. The applications were all submitted with a waiver request of the fee, the public hearing, and the full site plan.

East Street School

Mr. Stefancik said that the site plan on file is from 1989 and doesn't show the new addition.

Mr. Phoenix: So, is there a **MOTION** to waive the full site plan in favor of a sketch, to waive the fee, and to approve the site sketch as submitted on the condition that the school department provide an updated site plan within the next year or provide evidence that there's been a more recent plan that we just don't have available on file?

Mr. Coelho: I'll make that **MOTION**.

Mr. Carpenter: **SECOND** for discussion. This is just the East Street one, not all three?

Mr. Phoenix: Just the East Street one, yup.

Mr. Carpenter: **SECOND**.

4-0 in Favor.

Mr. Phoenix: I don't think we waived the public hearing technically on the last one, can we just, to clean that up, can we get a waiver for East Street as well?

Mr. Coelho: **SO MOVED**.

Mr. Carpenter: **SECOND**.

4-0 in Favor.

Harris Brook School

Mr. Phoenix: So, we've got the full site plan in favor of a sketch, the waiver of the fee, the waiver of the public hearing, and the motion on the application itself. Is there anybody that wants to make any or all of those?

Mr. Carpenter: I make a **MOTION** to waive all of those.

Mr. Phoenix: And to approve the other one?

Mr. Carpenter: Yes.

Mr. Phoenix: Ok. So, this would be to grant all three requested waivers for Harris Brook and to approve the shed as requested.

Mr. Phoenix: If everybody has an understanding of that, is there a second?

Mr. Coelho: **SECOND** for discussion. Can we also communicate to them that this is gonna be their last amendment before they need another site plan so it's not a surprise if they want to fit another shed somewhere?

Mr. Phoenix: I think that'd probably be wise. With that as, do you want that to be part of the motion?

Mr. Coelho: Just wanted to put it out in the ether to make sure.

Mr. Phoenix: Can we make sure that that gets communicated over?

Mr. Carpenter: **MOTION** as amended.

4-0 in Favor.

Ludlow High School

Mr. Stefancik mentioned that this would be the last sketch for the High School.

Mr. Phoenix: So, can I get a motion on the three waivers requested, the full plan to a sketch, the fee, and the public hearing, as well as a motion on the item itself and something to communicate over to the schools that this is the last amendment at the high school without a new plan?

Mr. Coelho: **SO MOVED**.

SECOND Mr. Carpenter.

4-0 in Favor.

Documents: Waiver requests; Comments from Town Departments/Boards; Site sketches for East Street School, Harris Brook School, and Ludlow High School

Mr. Carpenter: **MOTION** to adjourn.

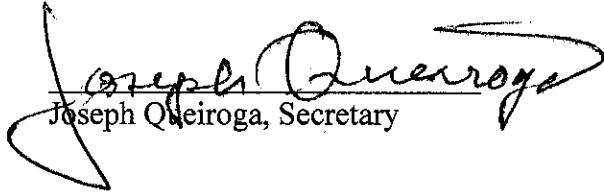
SECOND Mr. Coelho.

Mr. Phoenix: Those are always in order and not debatable.

4-0 in Favor.

Meeting adjourned at 8:10 p.m.

APPROVED:


Joseph Queiroga, Secretary

(All related documents can be viewed at the Planning Board Office during regular business hours.)

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**TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SPECIAL PERMIT/ESTATE LOT
0 Kendall Street (Assessors' Map 11B, Parcel 100)
Craig Authier
(estate lot)
June 13, 2024**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Joel Silva – Vice Chairman (Present)
Joseph Queiroga (Absent)
Joshua Carpenter (Present)
Christopher Coelho (Present)
Kathleen Houle, Associate Member (Present)

The public hearing began at 7:00 p.m. in the Selectmen's Conference Room.

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In attendance: Michael Petrin – VHB, Craig Authier, attendees

Mr. Phoenix: Starting off the top of the meeting, we have seven o'clock continued public hearing, special permit estate lot for 0 Kendall Street. Yeah, yeah, yeah. If the applicant wants to come and have a seat. I'm just gonna refresh people, let some, if there's any new faces, make sure that everybody's aware. The cameras, the things that look like cameras, they look like that because they're cameras. The things that look like microphones. Yeah, those are microphones. For whatever reason, we need to let you know that those devices are recording you. You'll be in the various recordings that we do have of the meeting. So, consider yourself warned I guess, I don't know. Beyond that does anyone, anybody want to catch us up on what's happened since the last time we met?

Mr. Petrin: Yes.

Mr. Phoenix: Okay.

Mr. Petrin: My name is Michael Petrin. I'm an engineer with VHB. Mr. Authier recently just engaged us to assist with this project, the estate lot on Kendall Street. I have to apologize, I'm just new to this project. He's brought us in to help, help out with the engineering and move this along and help hope, hopefully brighten the ship, if you will. So, it's my understanding that we're here in front of you for a special permit with one waiver. Actually, it was listed as two waivers, but we only need one now. We found out that we do not need a waiver for the setbacks for the driveway. We can, we can attain the setbacks by narrowing the driveway slightly to ten feet. The one waiver that we do need is the 50-foot minimum width across the, the entire, or minimum across the property. Right now, we do have a pinch point that is approximately 31 --- feet in width. Because I was not here for the initial presentation again, I apologize. I did read the meeting minutes and understand that you were requesting DPW approval and review prior to the special permit, and unfortunately, we have not had time to prepare a full design to submit to the DPW. I guess I would like to kind of talk about that first, did have a chance to prepare some concepts about how to address storm water. Unfortunately, we haven't had a chance to submit it to you either, but I do have hard copies with me

here today. Is the DPW approval required prior to proceeding any further or having any other discussions?

Mr. Phoenix: Well, I think the point that we're at now, we've had a number of discussions about the whole thing. I was just double checking the dates. The date received was December 27th. The initial hearing was January 25th. So, we're now coming up toward the five-month anniversary on this thing. You know, I don't know how long we wanna drag our feet looking for stuff, but generally speaking, we want to make sure that, you know, public works, the engineering department, the various other departments around town have had a chance to review the plans and say that everything looks fine. And we generally don't go forward without having them say that. Or maybe we might disagree on a point or two, that sort of thing. We've had some situations in the past where we've done conditional approvals, but we've been asked to try and avoid those as much as possible because they tend to be problematic. Just looking, this is not that one. Just trying to make sure that none of these ones you gave me Chris was for this one, correct?

Mr. Coelho: I don't think so.

Mr. Phoenix: Okay. And that's the school one?

Mr. Coelho: Yeah, they're mostly school sheds.

Mr. Phoenix: Okay. And then this one on top. Okay. Yeah, so those are all separate. So, I think that's kind of where we're at was we were looking at trying to make sure that especially the, the drainage was gonna be appropriate. We had a lot of conversation about the waivers that were requested. Those were kind of the two major sticking points that I recall. Is anybody else thinking of anything else that was a major issue in our prior conversations?

Mr. Silva: It was the drainage.

Mr. Carpenter: Just the drainage.

Mr. Petrin: Do you mind if I present some, some concepts that we threw together?

Mr. Phoenix: I mean, you, you can present them ultimately, unless engineering reviews them, it's not gonna do a whole lot for us.

Mr. Petrin: Okay.

Mr. Phoenix: And I think, correct me if I'm wrong, but at the last session, didn't we say something about we wanted to make sure we could button this one up tonight, that we had everything ready to go before the, the meeting?

Mr. Silva: That was our discussion.

Mr. Stefancik: You wanted the, everything reviewed at least two weeks prior to the meeting.

Mr. Phoenix: And that didn't happen.

Mr. Stefancik: No.

Mr. Phoenix: So, that's the problem that we're facing. And I understand your situation you're in, kinda being the face of it standing in front of us right now.

Mr. Carpenter: Mr. Chairman, if I remember correctly, the first meeting was January, we continued to February. Correct? At that second meeting we asked for the stormwater plan.

Mr. Phoenix: I think we had talked about it maybe a little bit in January. I'd have to look at the minutes or review the video to see exactly which meetings we started talking about that. But it's, it's been an issue right along.

Mr. Carpenter: I remember that it was.

Mr. Phoenix: Was it?

Mr. Carpenter: Was it Paul Smith that was the former representation? And he asked until the May meeting for a stormwater plan. So, we kind of expected one in May and then we continued to today.

Mr. Petrin: So, what the applicant would like to do so as not to drag this out any longer is to withdraw the permit without prejudice if the board is, is acceptable to that. So, we can get our necessary paperwork in a row, come back at a later time if they so choose.

Mr. Phoenix: We can certainly look at doing that. I would also just mention, and I, I think we talked about this in May as well, the meeting that we had had in April, we got an email on the 25th saying, oh yeah, that continuation date's not gonna work. Can we push this out until June? And it was last minute notice. So, we had a bunch of residents that are parties in interest that showed up and weren't able to really hear anything new about the proposal. And so, I think that's why we said we wanted to make sure everything came in so that we don't drag all these people back out time and again, for something that we've been now looking at for five months, that, that just seems a little bit less than considerate, I guess at this point. That, that'd be my concern.

Mr. Authier: So, I'm Craig Authier, I'm the applicant. So, and I do apologize for all of that, but what happened was I was away and the communication breakdown between Paul Smith and I went, I didn't realize there was a, a storm water permit, like with, that had to be reviewed by the city. And that's kind of where the communication was. I thought I just had to hire an engineering firm to get involved to, to show you how we were gonna keep storm water, either keep it, you know, the way it is or better, better, like the improvements wouldn't impact them, which we know that's not gonna be a problem. I didn't know that this had to be something that was gonna be treated like a small subdivision that had to go in front of, you know, DPW and actually be approved. Yeah, I just didn't, didn't realize that 'cause normally that would be normally be part of the building permit process anyways. I couldn't get, I couldn't get a building permit without, without making sure all the water was gonna stay on our property anyways. That hurdle has to be done before I get a building permit. So, I was unaware that I had to do that prior. And then if we spent the money to do the storm water, there could be another reason to shoot this down. So, that's quite a bit of money just to, to spend on, to find out you may not have something that's buildable.

Mr. Phoenix: I suppose the appropriate thing would be, we'll take any comments and questions from the board. We'll open it up to the public for anything new and then we can figure out what we're doing on this. Does that sound like a good plan to everybody?

Mr. Carpenter: Works for me.

Mr. Phoenix: Is there anything else from the board as far as comments, questions, concerns at this time?

Mr. Coelho: So, the storm water work that you've done thus far is conceptual.

Mr. Petrin: It's only conceptual at this point to show what could be done. Again, we were just engaged. We haven't had a chance to do much design work unfortunately.

Mr. Coelho: It has been prepared by a licensed engineer and reviewed.

Mr. Petrin: Yeah, it's just, it's conceptual at this point.

Mr. Coelho: And what's the difference between conceptual and?

Mr. Petrin: Well, we would have to do field testing, test pits.

Mr. Coelho: So provided your testing...

Mr. Petrin: I mean we did the review USGS soil log, you know, soil data, that sort of thing. I mean, it's not...

Mr. Coelho: Okay.

Mr. Petrin: ...not outside the realm, but, but until we, we haven't run any numbers, any hydro CAD calculations to confirm numbers, reductions. We would show some sort of reduction as part of our design, but we don't know how much at this point.

Mr. Coelho: And your opinion is storm water on this property impossible to control?

Mr. Petrin: No. No.

Mr. Phoenix: Anything else Chris?

Mr. Coelho: No, that's all I have.

Mr. Phoenix: Josh?

Mr. Carpenter: I'm good Mr. Chairman.

Mr. Phoenix: You got anything Joel?

Mr. Silva: No.

Mr. Phoenix: Okay. So, I am gonna, what's that? I am gonna open it up to the public. Again, we've heard a lot of the comments and concerns before. We don't need to go back into those. But if anybody does have anything new that they would like to add or ask at this time, I would just ask that you, you know, let me know and speak one at a time. State your name and address for the record and we'll do our best to get you any information that you need.

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Mr. Mirkin: I'd like to speak.

Mr. Phoenix: Sure.

Mr. Mirkin: I'm the owner of the property.

Mr. Phoenix: Okay.

Mr. Mirkin: And I've owned, I own the corner there. There was a house that we had, my wife and I bought for her brother who passed away. He passed away. We sold the house. We've been taxed on this property as an estate lot for ten, fifteen years that we've owned the property. And I never realized we're gonna have this kind of a problem getting to build a house in that area. And I just don't think it's economically, I don't, I don't think it's fair to me having paid the taxes as an estate lot to have if they, if they can contain the water, that's something I never realized about, but if they can contain the water, it just seems to me that it'd be reasonable to put a nice home on that, down on that lot.

Mr. Phoenix: Well, I would tend to agree with you. I think that that's the issue that we have is that we have been talking since January about the storm water and we just don't have any documentation showing that that is going to happen. So, we've been waiting for that for five months and we just don't have it. And that, that's the problem that we're having right now.

Mr. Mirkin: The other thing about this is I was never notified, my wife was never notified about this hearing until my son was the one who asked for the extension because I was in Florida, I'm a Florida resident at the time, and my son was one who asked for the extension.

Mr. Petrin: And just to, just to just clarify, we can't contain all the storm water from the site. It, some of it's gonna go off, but we can control it in a manner and reduce it.

Mr. Phoenix: Well, right. Generally whatever amount of water's going on the property now you want to keep on the property, whatever is going off, you want to continue going off so that you don't have other issues offsite.

Mr. Petrin: Just wanted to clarify that.

Mr. Phoenix: Yeah no, it's not looking to, to dry out the neighborhood either. You don't want make it soaking wet and flood people's basements, but you don't want to be drying everything out either.

Mr. Silva: As far as notifications, how does that work?

Mr. Phoenix: Well, let's see.

Mr. Silva: Everybody got a notification. They all showed up here.

(multiple people talking)

Mr. Stefancik: They all received the first notification and then at the meetings it was continued. Everyone in the audience...

Mr. Phoenix: That's, that's.

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Mr. Stefancik: ...whether the applicant or who handled their affairs.

Mr. Phoenix: No, I'm just looking to see.

Mr. Mirkin: Real estate person told me it was [inaudible]

Mr. Phoenix: I've got the list of, of people that were notified. And what is, what is your address sir?

Mr. Mirkin: I have a couple of addresses. One in Florida in Jupiter and one in Longmeadow Mass.

Mr. Phoenix: Would the property owner normally be on the list of people that we're sending the notice out to that would be on this sheet here or would that be separate because they're the property owner? It should be on the list. I've got Chicopee, Ludlow, Ludlow, Ludlow, Ludlow, Ludlow, Ludlow, Ludlow, Ludlow. And I'll kind of shorten this out. A whole lot of other Ludlows. I don't have anything in Longmeadow or in Florida. Is there maybe another sheet?

Mr. Silva: Well, who provided with an address for the owner?

Mr. Stefancik: It would've come from the Assessor's office.

Mr. Phoenix: Oh. There's also property owner if different is on here, which has a Longmeadow address. But this would be the list from the Assessor's office?

Mr. Stefancik: That's the list that we type up. But there's an abutters list that comes specifically from the Assessor's office.

Mr. Phoenix: Let's take a look. Well, yeah but if they're doing the abutters, are they including the property owner on the abutters list? Yeah, so the, it's possible that the Assessor's office doesn't give us the property owner 'cause I don't see the property owner listed on the abutters list, which I think is also a fair thing for them to do, considering it's a list of the abutters. But I don't know that I've ever heard of the owner or applicant not being aware of when the hearing is. That seems unusual.

Mr. Coelho: I think with the continuances, nobody, you know, they weren't communicated, and that's, that's not our fault.

Mr. Phoenix: But I'm talking about the original hearing. But from as far as the continuances, whenever we have a public hearing that continues at the end of the session that we're currently in, we continue to a time and date certain. And that is the notice when we have that motion happen. So, everybody that's here, anybody that's watching at home, anybody that reviews things afterwards, knows when that next session's gonna be. I'm a little bit curious about the situation of the owner not being notified, but I believe the law says we need to notify the abutters. I don't know that the law says that we need to notify the owner because the owner signed off on the application saying that they want this thing to happen and generally knows that the hearing is going on. But that's a separate question.

Mr. Stefancik: The applicant Craig Authier was sent the notification and Mirkins were not.

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Mr. Petrin: Again, nonetheless, we would like to withdraw, try to get, decide whether or not they want to proceed, come back with complete information that, that you guys want and need. And if, if they decide to, so.

Mr. Phoenix: Okay.

Mr. Authier: The reason for the delay actually to hire VHB is once we found out we had to do stormwater and how much the design would cost and if we got approved, how much the, how much that stormwater? It's like a \$50,000 system. So, we had to rework.

Mr. Mirkin: Reduce the value of the lot.

Mr. Authier: We weren't even gonna come back to you because the deal was blown. But we put the deal back together. So that's why we're, we're back here. But that, and that's also why VHB got hired so late in the ball game.

Mr. Phoenix: Okay. Is there anything else from the public that's new? Yes.

Ms. ??: I just want to express the, the opinion that having a house in back of other houses doesn't seem to be in spirit of the original zoning ordinance. And I don't know if anyone ever brought that up, but that's.

Mr. Phoenix: Well that, that's explicitly the purpose of the estate lot section of the bylaw is to allow people to have flag lots, estate lots, whatever language you want to use to, to describe them, but to be able to have a small amount of frontage and put another house to the rear that it's, it's a more traditional style of development really than doing cookie cutter everybody's got, you know, 90 feet, 140 feet of frontage and allows for better utilization of the infrastructure without requiring more development of paved area. So, it's better for the infrastructure. It's generally speaking better for the community as a whole. It's more traditional. But that's what was passed at town meeting a number of years ago, was to specifically allow this type of development.

Ms. ??: Okay.

Mr. Phoenix: Sir.

Mr. Rodriguez: Yeah. Jimmy Rodriguez. So, what you said, but in this situation here, we have thirteen abutters around this property. I don't think normally you see an estate lot like that. This is just my experience, but so I mean that's why we're all here. So, in a way, but we also have the water situation for two properties on Kendall Street, which Helder has experience with and.

Mr. Phoenix: Well, the water situation we've talked about quite extensively. Like I said this is for, for new comments and concerns and questions at this time. Is there anything else you have that's new?

(multiple people talking)

Mr. Ganhao: Helder Ganhao over at 71 Kendall Street. Am I correct in, did I misunderstand okay that the width of the driveway at that narrowest point between Gail O'Connor and Martel got resolved? That's no longer an issue?

Mr. Phoenix: That's what the applicant is saying is that they narrowed the driveway to be able to make the, the side yards meet to match.

Ms. ??: I also had a question about that. The same question.

Mr. Ganhao: Well because of the original proposal was for a ten foot driveway with what, five foot on each side of the buffer zone and before okay there was a lot of controversy because apparently that did not seem to be meeting the town bylaw requirement. Now all of a sudden it is.

Mr. Phoenix: Well, they reduced the width of the paved area in order to accommodate for the side yard on the setbacks.

Mr. Petrin: Yeah, unfortunately the, it was not a ten foot, it's a fourteen-foot-wide driveway.

Mr. Ganhao: It was originally?

Mr. Petrin: Yeah. That was drawn on the, on the original plan. It was not.

Mr. Ganhao: As fourteen feet?

Mr. Petrin: Yes. Which is quite wide. So yes, if you reduce it to a ten, it's a, it's a 30-foot wide or 32-foot wide-ish narrowest point there. If you reduce it to ten, you can have ten and ten on both sides. Make it work.

Mr. Ganhao: Okay. And the other concern was, in that area was because of the, such a steep grade okay between the two shortest points right there in between.

Mr. Phoenix: Yes. Again, that, that's something else that we already spoke extensively about. Do you have anything additional that's new?

Mr. Ganhao: Additional? No.

Mr. Phoenix: Okay. Thank you. Is there anybody else that has something new to add or ask at this time? Yes.

Ms. Picard: Yes. 20 Michael Street, Martel Picard. My concern is they're not cutting down any of my yard or my trees or anything to do this. I don't feel like there's enough space between our yards for emergency vehicles to go up there. If it's gonna be smaller. That's another of my concern 'cause none of my property's gonna get cut down. And no disrespect by any means, no disrespect, please. But that is one of my major concerns.

Mr. Phoenix: Well, they shouldn't be touching anything on your property. That would be just blatantly wrong.

Mr. Silva: That's illegal.

Ms. Picard: Well, there's not a lot of space to make an actual.

Mr. Silva: That's their problem.

Mr. Phoenix: That, that's their thing to figure out how to do without affecting your property, otherwise that would pretty clearly be a problem between civil parties.

Ms. Picard: Will I get, with all this being done, their survey, will I get something to show me what they might, may do or, so I can see if that, so I can see their plans?

Mr. Phoenix: Yeah, at any time you can request a copy of the plans that have been proposed. The plans once they're approved.

Ms. Picard: And that shows my land and what they're trying to do and?

Mr. Phoenix: Well, it'll show like what you see on the screen here, the plan as submitted. They're not, they'll show like where your land touches, but they're not gonna show a whole lot of detail about your land 'cause that's not what they're working on.

Ms. Picard: Oh no, I meant, that's what I meant.

Mr. Phoenix: Yeah.

Ms. Picard: How about the emergency vehicles going up there if need be?

Mr. Phoenix: That's part of what we discussed as far as the, the grade and the angle, the geometry, trying to get through that narrow point. So again, that, that's going back to things that we've already talked about.

Ms. Picard: Okay.

Mr. Phoenix: Is there anything else new?

Mr. Picard: Steve Picard, 20 Michael Street. So, I recall before, I'm not trying to revisit anything but the narrowest point I believe it was 29 feet, which left a nine foot abutment on one side and ten foot on the other. And now he's saying it's 32 feet.

Mr. Petrin: It's 31.8.

Mr. Picard: 31.8?

Mr. Petrin: Correct.

Mr. Phoenix: Anything else? Okay, so we have three paths possible from here. I think some are more likely than others. We have a path of approving, a path of disapproving, or I believe if we do get a written request for the, the waiver for the withdrawal, we can go ahead with that. Thank you. So, we have Dear Planning Board Members, in accordance with MGL Chapter 40A, Section 16. Craig Authier hereby requests the Town of Ludlow Planning Board approve the applicant's withdrawal of the application without prejudice to allow further study of the property responsive to the public comments received during the pendency of the application. Very truly yours, Craig Authier. So, those are the three paths that I can see. If anybody else has a different one, be my guest. But I'd be looking at this time either for somebody to have further discussion or a motion in one of those three directions.

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Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coello.

Mr. Coelho: I'll make a **MOTION** to approve the withdrawal without prejudice.

SECOND Mr. Carpenter.

Mr. Phoenix: Can I just ask to have that modified and to close the public hearing?

Mr. Coelho: And to close the public hearing.

Mr. Carpenter: Second agrees.

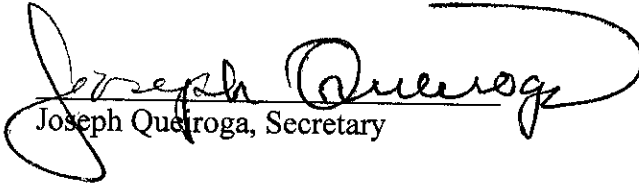
Mr. Phoenix: Okay. The motion is to approve, not the application, but the request to withdraw without prejudice at this time, and to close the public hearing. All those in favor? Aye. All those opposed?

4-0 in Favor.

Roll call vote: Mr. Coelho – yes; Mr. Carpenter – yes; Mr. Silva – yes; Mr. Phoenix – yes.

The public hearing was closed at 7:26 p.m.

APPROVED:


Joseph Queiroga, Secretary
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Documents: Master application; Comments from town boards/departments; Estate Lot Plan – Kendall Street Ludlow, MA owned by Brenda K. Mirkin, Trustee (December 27, 2023 – Driveway & House Location Revised: 2/1/2024); Request for continuance from Andrew Mirkin (April 25, 2024); Withdrawal of application letter from Craig Authier (6/13/24)

(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).

**TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
118 Highland Avenue (Assessors' Map 15A, Parcel 357)
Rosineide Carvalho
(home office for cleaning service)
June 13, 2024**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Joel Silva – Vice Chairman (Present)
Joseph Queiroga (Absent)
Joshua Carpenter (Present)
Christopher Coelho (Present)
Kathleen Houle, Associate Member (Present)

The public hearing began at 7:31 p.m. in the Selectmen's Conference Room.

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In attendance: Rosineide Carvalho, Marlon Chaves, attendees

Mr. Phoenix read the legal notice, advised the public that the hearing was being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: home office for cleaning service.

Mr. Phoenix: With that said, I'm gonna read off some of the things that you put down on the application. So, we've got, this is home office to have a business address for residential cleaning service. No clients or commercial vehicles will frequent the location. And then specifically we have total area is 1,050 square feet, they're looking to use 200 square feet, number of non-resident employees is zero. Also, nothing for planned signage for the business, customers at the house, unusual deliveries or changes made that'll make it less residential, and no commercial vehicle. We do have a request for a waiver of the full site plan in favor of a sketch and photos as prepared by the applicant which I believe is in here somewhere. There they are. And we do have signed copies of the checklists that we have, all 26 different points as far as what the applicant would be expected to follow. So, with that said, could either of you explain a little bit more about what you're looking to do at the property?

Mr. Chaves: The working is clean, clean house, clean hospitals, banks. No working in home. (Mr. Chaves spoke to Mr. Silva in Portuguese)

Mr. Silva: They clean hospitals, they clean houses. So, no work happens at that house.

Mr. Phoenix: Ok.

(Mr. Silva had conversation with Mr. Chaves in Portuguese)

Mr. Silva: I asked him about if they're planning on getting any deliveries, you know, chemical products for the clean ups and all that, but they use what the facilities already have, so pretty much just go with the manpower.

Mr. Phoenix: So, they wouldn't be storing anything onsite?

Mr. Silva: Nothing.

Mr. Phoenix: Ok, with that said, does anybody from the Board have any comments, questions, or concerns before I open it up to the public?

Mr. Coelho: Mr. Chairman, much to my dismay. Maybe this is a need where it would be a good idea to have Joel go over the checklists with the applicant so that they're clear on as to what they're limited to in Portuguese?

Mr. Phoenix: Even though they signed them already? Would that be?

Mr. Coelho: They did sign them in English and declared to us that they don't understand English very well.

Mr. Chaves: My lawyer.

Mr. Coelho: Oh, so you engaged a lawyer on this?

Mr. Chaves: Yeah, yeah, Carmina.

Mr. Coelho: I'm more happy now. I just wanted to make sure they understand.

Mr. Silva: Carmina Fernandes?

Mr. Coelho: Ok, so she explained all that?

Mr. Chaves: Yeah, explaining.

Mr. Phoenix: Ok.

Mr. Coelho: 'Cause if not, I would feel remiss if we didn't, you know? Ok, I'm fine with that.

Mr. Phoenix: So, anything else from the Board? Hearing nothing, I am gonna open it up to questions, comments, and concerns from the public at this time. If you do have anything that you would like to add or ask, I would just ask that you state your name and address for the record, address everything that you might have through myself as Chairman, I'll do my best to get you any information that you need. Does anybody have anything at this time? So, with that said, basically these are just allowed as home offices that don't really have any significant impact on the neighborhood. That's the general idea of them. No neon signs, anything like that, usually pretty straight forward. Not hearing anything else from the public, I'll do one more round of anything from the Board? Does anybody want to make a motion perhaps in the standard form or otherwise?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

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Mr. Coelho: I **MOVE** to find that the housekeeping business as described by Mr. Carvalho at 118 Highland Ave. is a suitable home occupation under the bylaw.

SECOND Mr. Carpenter.

5-0 in Favor.

Mr. Phoenix: And was that also on the waiver?

Mr. Coelho: Well, I was gonna make everything right now then.

Mr. Phoenix: Ok.

Mr. Coelho: I'll also make a **MOTION** to waive the full site plan for Mr. Carvalho at 118 Highland in favor of a sketch and photos as prepared by the applicant since this is in relation to a home occupation and doing so is consistent with the purpose and intent of the zoning bylaw as well as I'll **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under 6.2.1-6.2.13 for Mr. Carvalho at 118 Highland with the restriction that the permit will run the applicant and not with the property, and I'll include a motion to close as well.

SECOND Mr. Carpenter.

Mr. Phoenix: Just to be clear, this is to grant the waiver to the sketch and photos that were prepared instead of the full site plan, to approve the Special Permit as presented, and to close the public hearing on this matter.

(Mr. Silva had conversation with Mr. Chaves in Portuguese)

5-0 in Favor.

Roll call vote: Mr. Coelho – yes; Mr. Carpenter – yes; Ms. Houle – yes; Mr. Silva – yes; Mr. Phoenix – yes.

The public hearing was closed at 7:38 p.m.

APPROVED:


Joseph Queiroga, Secretary
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Documents: Master application

(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).

**TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
356 Lyon Street (Assessors' Map 18, Parcel 57B)
Nicholas Manewich
(home office for general contracting & property management business)
June 13, 2024**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
Joel Silva – Vice Chairman (Present)
Joseph Queiroga (Absent)
Joshua Carpenter (Present)
Christopher Coelho (Present)
Kathleen Houle, Associate Member (Present)

The public hearing began at 7:41 p.m. in the Selectmen's Conference Room.

In attendance: Nicholas Manewich, Crystaleigh Briggs, attendees

Mr. Phoenix read the legal notice, advised the public that the hearing was being recorded, and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: home office for general contracting & property management business.

Mr. Phoenix: With that said, I've got some paperwork that you guys gave us; detailed description is general contracting and property management business located at 356 Lyon Street. As far as information specific to home occupation, I think there might be a mistake on here, 'cause it says the total area of the home and other buildings is 144 square feet which is also the area to be used for the home occupation. So, I think that's probably supposed to be a different number up here.

Ms. Briggs: Yeah, we have that number if you need it.

Mr. Phoenix: Sure.

Ms. Briggs: What's the square footage of your house?

Mr. Manewich: 2,350-ish, 2,300.

Mr. Phoenix: So, I just put 2,350 +/- . Can I just get you to initial next to where I modified that there please?

Mr. Manewich: Just after the ---?

Mr. Phoenix: Yeah, just like right next to where the edit is.

Mr. Stefancik: 2,406.

Ms. Houle: 2,406 Chris, I mean Ray.

Public Hearing – Manewich
June 13, 2024

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Mr. Phoenix: 2,406 ok. Again, 144 is what you're looking to use in connection with the business which is certainly less than the 500 or 25%, number of nonresident employees is zero. You are looking to have planned signage for the business which we can talk about in a moment. As far as customers at the house, deliveries unlike a normal residence, or changes that would make it look less residential, none of that. Commercial vehicle is a Chevy Silverado 1500 with a GVW of 4,900. And you are looking to get the waiver approved instead of a full site plan to have just a sketch and photos that you prepared for us. So, just kind of circling back to the planned signage, I think you would have seen it in the checklist that you have as well, the signage that you would be allowed is up to two square feet in area, not two feet square, but two square feet.

Mr. Manewich: Two square feet?

Mr. Phoenix: Yeah, so you can do one by two, you can do a half foot by four feet, however you want to configure that, but two square feet, cannot be lighted, and you do need to get a permit for that sign.

Mr. Manewich: Ok.

Mr. Phoenix: So, that's kind of what I have from you guys. Is there anything that you'd like to explain a little bit more about what you're looking to do?

Ms. Briggs: We're just, I'm sorry I'm just here to help represent ---. So, we did provide the photos. It's, essentially, we just want permission to eventually to get his DBA and to use the home office, the area for a home office to do billing and bookkeeping and that kind of thing.

Mr. Coelho: There won't be any storage at the home or?

Ms. Briggs: No, just tools that he keeps in the normal garage.

Mr. Phoenix: Ok.

Ms. Briggs: And that's the office.

Mr. Silva: No employees in and out, just...

Ms. Briggs: No, they would meet him on site ---, yup.

Mr. Phoenix: Any other comments, questions, concerns from the Board? I am gonna open it up to anything that the public has at this time. If you do have anything, I would ask that you state your name and address for the record and address it all through myself as Chairman and I'll do my best to get you any information that you do need. Does anybody have anything that they would like to add or ask at this time? Hearing nothing, I think that brings us to looking for motions. Again, I would entertain those in the standard form or otherwise as the Board sees fit.

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

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Mr. Coelho: I'll make a **MOTION** to find that the home office for the general contracting business as described by Mr. Manewich at 356 Lyon Street is a suitable home occupation under the bylaw.

SECOND Ms. Houle.

5-0 in Favor.

Mr. Phoenix: Anything else?

Mr. Coelho: Yeah, I'll make a **MOTION** in the standard form to waive the site plan, and approve, and close the hearing.

Mr. Phoenix: Ok, so that is to grant the waiver as requested, approve in our standard form, and to close the public hearing. Is there a second?

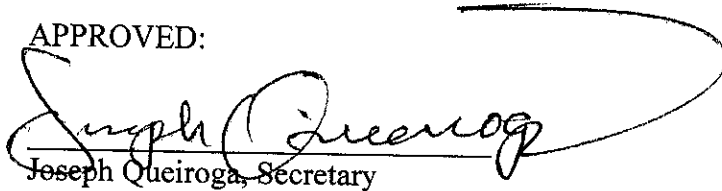
SECOND Mr. Silva.

5-0 in Favor.

Roll call vote: Mr. Coelho – yes; Ms. Houle – yes; Mr. Silva – yes; Mr. Carpenter – yes; Mr. Phoenix – yes.

The public hearing was closed at 7:46 p.m.

APPROVED:



Joseph Queiroga, Secretary

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Documents: Master application

(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).