

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
January 23, 2025**

PLANNING BOARD MEMBERS

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

**RECEIVED
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2025 MAY -9 A 9:44

TOWN OF LUDLOW

The meeting began at 7:01 p.m. in the Selectmen's Conference Room.

Nominate Secretary

Mr. Silva: I would like to nominate Josh.
SECOND Mr. Carpenter.
3-0 in Favor.

PUBLIC HEARING – Proposed Zoning Bylaw Revisions – 6.6 Accessory Dwelling Units (ADU)
SEE SEPARATE MINUTES

CONTINUED PUBLIC HEARING – Site Sketch – Matthew Nichols, Eversource Gas of Massachusetts – 76 Ravenwood Drive (Assessors' Map 29, Parcel 41) (construct a new below grade station within the limits of subsidiary company property) (continue to February 13, 2025 @ 7:40 p.m.)

SEE SEPARATE MINUTES

CONSENT AGENDA:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 01. - Legal Notices from surrounding communities
- ◆ APPROVE/SIGN Minutes of December 12, 2024 & January 9, 2025
- ◆ APPROVE Change of Occupancies:
 - Adam Camp (Touched By An Angel Inc.) 343 Winsor Street (from office use to office use)
 - Gina Welch (Cranio & Massage) 733 Chapin Street #203 (from law office to massage business)
 - Peitsen Kuo (Nail Time) 36 East Street (from nail salon to nail salon)
 - Alyse M Enderle (Iridescence LLC) 314 Sewall Street (from gift shop to gift shop)
- ◆ SIGN Special Permits:
 - Ryan Leveille – 519 Moore Street (custom wood crafts & trophies)

Mail Item 02 – Cannabis home delivery service inquiry from Duane Harden, Holyoke Smokes Corp (email response from Brian Winner, Town Counsel included)

Mr. Carpenter: I'll make a **MOTION** that Sue or Doug draft a letter to send to town counsel stating that our town bylaws prohibit the delivery of cannabis, and that Town Counsel can review it and come back and then we send the letter.

SECOND Mr. Silva.

3-0 in Favor.

CONTINUED PUBLIC HEARING – Special Permit/Estate Lot – Muhammad Ali Saleem – 0 Sunset Ridge (Assessors' Map 25, Parcel 27C) (estate lot)

SEE SEPARATE MINUTES

Site Sketch – Commonwealth Electrical Technologies LLC – 68 State Street (Assessors' Map 14B, Parcel 130B) (install 4 Level-2 EV Charging Stations with associated work)
(reschedule to February 13, 2025 @ 7:45 p.m.)

The appointment for the site sketch was rescheduled since there was not four members present to vote on the waivers requested.

Mr. Carpenter: I make a **MOTION** to reschedule the site sketch to February 13th at 7:45 in the Selectmen's Conference Room.

SECOND Mr. Silva.

3-0 in Favor.

File Mail Item 03 – Legal Notice – Ludlow Conservation Commission – 0 West Street (Lot 3 Brook Street)

File Mail Item 04 – Legal Notice – Ludlow Conservation Commission – 34 Holy Cross Circle

File Mail Item 05 – Legal Notice – Ludlow Conservation Commission – 148 Carmelinas Circle

Remote Meetings

After researching the ability to have remote meetings, it was discovered that the Town of Ludlow does not have the capability to conduct them, the public would also need to have access for participation, and the public hearing would need to be advertised as such as part of the legal notice. Mr. Phoenix said that he would like to start asking the Board of Selectmen or the Town Administrator about hybrid meetings and how they could be conducted to prevent delays of public hearings and application approvals.

Mr. Phoenix: I'd ask for a **MOTION** to have Sue and/or Doug, if and when he's able to be back in the office, reach out to Marc and the Board of Selectmen and Town Counsel and initiate some of those conversations about what would be involved in making that a possibility, specifically in terms of making sure that we are providing an appropriate level of service to the community.

Mr. Carpenter: **SO MOVED**
SECOND Mr. Silva.
3-0 in Favor.

Review / Approve 2024 Town Report

Mr. Carpenter: I **MOVE** to approve our 2024 Town Report for Town Meeting.
SECOND Mr. Silva.
3-0 in Favor.

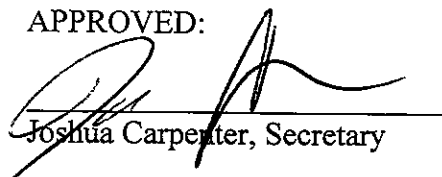
4-8 White Street

Mr. Phoenix explained that multiple car carrier trailers were parked on the site with a truck parked in front of them not in designated parking spaces. He said that several excuses were made by the property owner as to when they would be moved and why they weren't moved. Mr. Phoenix read an email chain between himself and Marc Strange.

Mr. Carpenter: **MOTION** to adjourn.
SECOND Mr. Silva.
3-0 in Favor.

Meeting adjourned at 8:18 p.m.

APPROVED:


Joshua Carpenter, Secretary

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING
Proposed Zoning Bylaw Revisions – 6.6 Accessory Dwelling Units (ADU)
January 23, 2025

PLANNING BOARD MEMBERS

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

The public hearing began at 7:03 p.m. in the Selectmen's Conference Room.

In attendance: attendees

Mr. Phoenix read the legal notice which included the description of: Proposed zoning bylaw revisions to include the following: Section VI: Special Land Use Regulations: by removing Section 6.6 Accessory Apartment Bylaw in its entirety and adding in its place Section 6.6 Accessory Dwelling Units with associated texts.

Section VII Land Use Review Methods 7.1 Site Plan Approval, 7.1.2 Projects Requiring Site Plan Approval by adding (d.) A single Accessory Dwelling Unit (ADU). (An additional Accessory Dwelling Unit ADU will require both site plan and special permit approval from the Planning Board.) And 7.1.3 Exemptions From Site Plan Approval adding to (a.) (unless an accessory dwelling unit ADU is included)

Section III: General Use Regulations 3.0. General Regulations. Section 3.2.2. Table 1 Ludlow Table of Principle Uses. Remove Accessory Apartment and replace with Accessory Dwelling Unit (ADU) add Accessory Dwelling Units over 900 SQ FT and Additional Accessory Dwelling Units.

Mr. Phoenix: To cover our bases and make sure that I'm checking things off. I've opened the public hearing, and I know we have a vast audience here with us tonight and I'm sure that our audience has never ever heard me say this before, but the cameras, they are doing camera-like things, and the microphones are doing microphone-like things. Might catch you off guard and you might think it's the reverse, but no, they're actually doing what it looks like they're designed to do. Maybe they'll change it one of these days just to throw us all off but for now, that's my understanding. Supposed to give the applicant a copy of Turley notice. So, I guess we'll just, back and forth with my hands here. Comments from Board of Health: *Hi Sue, thanks for your time. Attached is our request to change the language of the proposed zoning bylaws for ADUs. We believe the change in language lays down clear expectations from our department so there is no confusion or pushback from residents when they're looking for our sign off to construct an ADU. Thank you and please reach out if you have any questions or need clarification.* Trying not to hit the mic. Not always succeeding. *The Health Department is requesting 6.6.5 site plan approval remove section three and replace with the following. The ADU shall be serviced with adequate sewer or septic service. A sanitarian or professional engineer registered in the Commonwealth of Massachusetts to certify that the existing and proposed improvements to new or existing sewage disposal systems are adequate and in accordance with 310 CMR 15.00. The*

State Environmental Code Title V. The ADU shall be serviced with a water supply adequate in both quantity and quality for those serviced by a private well. A water quality test must be performed by a certified laboratory for water testing and a flow test must be conducted by a reputable well professional. Both the water quality and flow must be adequate and in accordance with Town of Ludlow well regulations. Beyond that, I have a sheet here. There's a note saying contradictory to the Table of Uses relative to 7.1.2 D for projects requiring site plan approval.

Ms. Urban: I think she said site plan approval wasn't on the top one. The accessory dwelling unit. Is it supposed to be there?

Mr. Carpenter: Site plan approval on the Table of Uses?

Ms. Urban: On the top one, accessory dwelling units and it's a SPA and there's no.

Mr. Carpenter: Oh, there's no SPPB.

Ms. Urban: Should that be up there also?

Mr. Carpenter: Because we changed them from site plan permit?

Mr. Phoenix: I think we, yeah, I think we had talked about having an asterisk there. I think. I think, I think, because it may or may not. So, saying that it does in the table is not necessarily correct either, right? Or no, [inaudible] yeah because a single one requires site plan approval and then in parentheses an additional accessory dwelling unit will require both site plan and special permit approval from the Planning Board. So I think the table needs to have an indication that it could go either way, which is difficult without a star. So, I think it just needs to be starred, which I'm, like I said, I think we talked about before, I have a vague recollection of that. I don't know if anybody else does. But regardless, it's point well taken. And the one from Board of Health was to 6.6.5; remove section three and replace with, so we had the ADU shall be serviced with adequate water supply and sewer or septic service for ADUs to be served by onsite septic, the owner must obtain a letter from Board of Health that the existing sewage disposals. So instead of saying that they need to have a letter from the Board of Health, we're telling them specifically what they need to do.

Mr. Carpenter: I have no issues with that change other than obviously going through and reducing capitalizations and all that.

Mr. Phoenix: Well, reducing capitalizations or.

Mr. Carpenter: Punctuation, all the good stuff.

Mr. Phoenix: Well, yeah, I mean the, one of the things that jumped out at me while I was reading it, was a certified laboratory for water testing and certified laboratory and water are all capitalized. I suspect that the T in testing should be as well, if that is a technical title.

Mr. Carpenter: Yeah, I, other, or all lowercase, one or the other. And then well professional as well.

Mr. Phoenix: Which again might be a proper term. Correct, like Zoning Enforcement Officer. So, I would say, well let's come back to that in a second. As far as the substance of what we have coming into tonight, adding, substituting in this basic language from Board of Health and marking off on the Table of Principal Uses that it could be the site plan or it could be site plan special permit, using an asterisk. How does everybody feel about that? Does anybody have any reservations about it? Is anybody gung-ho? What? Where's everybody at?

Mr. Carpenter: I'm fine with the changes in putting an asterisk.

Mr. Phoenix: Okay. Not really hearing anybody saying otherwise. So, since this is a public hearing, before we start trying to figure out where periods and capital letters need to go, I am gonna open it up to the public, all one of the public. Maybe two if we count our camera operator. So, if anybody does have anything they would like to add or ask, this would be a good time. Just make sure that you state your name and address for the record and address it all through myself as Chair and I'll do my best to get you any answers that I possibly can. Does anybody have anything at this time? Well, the crickets have a lot to say but no people do. So, by way of kind of cleaning this up, the text that we have, the ADU shall be serviced with adequate sewer or septic service period. A sanitarian or professional engineer registered in the Commonwealth of Massachusetts. That comma after Massachusetts needs to go. Has certified that the existing or proposed improvements to new or existing sewage disposal systems are adequate and in accordance with 310 CMR 15.00. The State Environmental Code, Title V needs a period at the end. The ADU shall be serviced with a water supply adequate in both quantity and quality. For those serviced by a private well, a water quality test must be performed by a certified laboratory for water capital T testing and a flow test must be conducted by a reputable well professional. Both, that's a period and then a capital B. The water quality and flow must be adequate and in accordance with Town of Ludlow well regulations, or instead of a period capital B, we could get away with a semicolon. So, I mean we're starting to get into extreme semantics. Does anybody have a preference on period capital B or semicolon?

Mr. Carpenter: No preference.

Mr. Phoenix: Okay. Well, I said period capital B first. I guess we'll go with that. Does anybody have any other modifications to that language?

Mr. Silva: No.

Mr. Phoenix: And as far as the asterisk for the Table, so I would say maybe do SPA/SPPB asterisk or whatever symbol is appropriate 'cause there may be an asterisk already in use on the table. And then whatever that symbol is that is used, depending on number of dwelling units, special permit may not be required.

Mr. Carpenter: Because it's one by right now, right?

Mr. Phoenix: That's what we're doing. Yeah. So, or if only a single unit, no special permit is required. Something like that.

Mr. Carpenter: Yeah.

Mr. Phoenix: If only a single ADU no special permit is required. Period. Does that work for everybody or does anybody have any comments, questions, modifications to that?

Mr. Carpenter: No.

Mr. Silva: No.

Mr. Phoenix: Any further discussion on any of this? Okay. So, to sum up, we have the Accessory Dwelling Unit Bylaw for anybody playing the home game. Basically, this is to replace the existing language that we have for accessory apartments, accessory apartments also being commonly known as in-law apartments. Based on changes to state law, we're making those a little bit easier for people. Instead of having to come in and see us and get a special permit for every single one of them, we're going to allow people to have up to one by right. As long as they follow the rules that are set out. And then if they're gonna be having more than that, they have the option to come in and get a special permit to do that and just show that they're not going to be negatively impacting the neighbors or doing anything else that they're not supposed to, given their existing zoning and so on and so forth. So, that's really what this comes down to is largely trying to keep us in compliance with changes to state law. Give the townspeople a little bit more flexibility with what they're doing without needing government oversight and not just shutting the door there 'cause that was an option that we had as well, was just kinda saying, you get one and that's it. And we're saying, nope, you've got one and then you can come in and you can get more if it's appropriate. Or maybe you might need to put some conditions on it. Like no, you're not gonna, you know, build on an accessory dwelling unit and it's gonna be, you know, gigantic and in front of the house and it's gonna have a sign on it saying I'm with this fool or whatever you're gonna do that's gonna disturb the neighborhood. So, just kinda keeping that in line with what people are already doing and not having unnecessary adverse impact. So, we've got the text that we already had. We've got that language for the table for the asterisk and/or other symbol and then those minor modifications to the language provided by and modified from the Board of Health. So, their text minus the comma after Massachusetts plus a period after Title V, capital T on the word testing, period after the word professional and capital B on the word both.

Mr. Silva: Mr. Chairman, I've been thinking here about this.

Mr. Phoenix: Yep.

Mr. Silva: Paragraphs here it says a sanitarian or professional engineer. Springfield Sewer and Water Commission, do they have any saying, or do they have to be involved in this as well, if there's improvements since they are the ones who regulate the sewer and water system in the?

Mr. Phoenix: I think that's where this comes in, is this, this is making sure that it's meeting those standards.

Mr. Silva: Okay.

Mr. Phoenix: Certainly if, if somebody has something else to offer, I'd be willing to listen to that. But this coming from the Board of Health, I'm assuming that that's what they want.

Mr. Silva: That's already taken care of.

Mr. Phoenix: And it's, it's basically like what we already had but spelling it out. My personal preference is very often to, especially in the case of a document that we don't have control over, just cite that document so that somebody can refer to it if somebody else changes those

regulations, if the state changes Title V or if the town changes something relative to this stuff, that our document doesn't become out of date. But I understand where the Board of Health is coming from. I think the likelihood of Title V changing anytime soon is relatively minor. I think a lot of the, the stuff in, I think it, we can just put it in there and it makes it a little bit easier for somebody reading the bylaw to know what they're looking at. So, I think that they're right. The benefit here probably does outweigh that possible problem down the line. You know, it, hard to know, you know, but I think in this case we should be good and if the state law does change or if the town changes its regs, we just have to kinda be cognizant and, and catch it, and change it in here as well.

Mr. Silva: Adjust as you go.

Mr. Phoenix: But yeah, as a general rule, I'm a big supporter of having a single source of truth. If we can have it, you know, in our bylaw and just refer around, cool. And keep everything kind of in line together. But I get it. I get it. So, unless there's anything else at this time, I would entertain a motion to.

Mr. Carpenter: Mr. Chairman?

Mr. Phoenix: Yes.

Mr. Carpenter: Just for clarification. On our little cheat sheet here.

Mr. Phoenix: Yes.

Mr. Carpenter: Policy changes require three fifths vote. Are we able to vote on this without Chris here?

Mr. Phoenix: Well, this is a recommendation of town meeting. It's not any kinda policy change or anything like that. Okay. But three fifths, we've got three here.

Mr. Carpenter: Perfect. Mr. Chairman, I **MOVE** to recommend approval to town meeting of the proposed bylaw change.

Mr. Phoenix: Pause please before we get a second. The proposed bylaw change with the additional asterisk in the table and relevant text and with the substitution of the language as provided by the Board of Health and further modified as discussed this evening.

Mr. Carpenter: As amended.

SECOND Mr. Silva.

3-0 in Favor.

Mr. Phoenix: I will entertain a motion to close the public hearing.

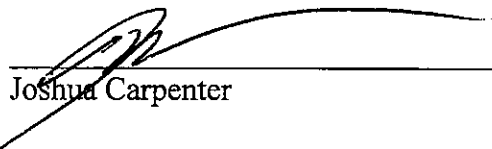
Mr. Carpenter: **SO MOVED.**

SECOND Mr. Silva.

3-0 in Favor.

The public hearing was closed at 7:22 p.m.

APPROVED:


Joshua Carpenter

su

Documents: Draft Article/ADU Bylaw; Comments from Board of Health

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

**TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SITE SKETCH
76 Ravenwood Drive (Assessors' Map 29, Parcel 41)
Matthew Nichols, Eversource Gas of Massachusetts
(Construct a new below grade station within the limits of subsidiary company property)
January 23, 2025**

PLANNING BOARD MEMBERS

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

The public hearing began at 7:22 p.m. in the Selectmen's Conference Room.

In attendance: attendees

Mr. Phoenix: Unfortunately, this particular item, although approving it straight out only requires three people to vote to do that, there are waivers being requested as part of this which require that we have a four-fifths vote and that can't count Kathy, unfortunately, because it's not a special permit. So, we only have three members present that can vote due to one member who has resigned, one member who is recovering from illness. So, with us being down to three, we cannot act on those waivers at this time, so I would ask for a motion to continue to February 13th at 7:40 p.m. here in this same spot.

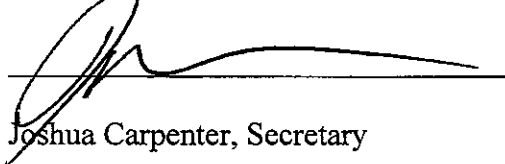
Mr. Carpenter: Mr. Chairman, I make a **MOTION** to continue the public hearing to February 13, 2025, at 7:40 at Town Hall in the Selectmen's Conference Room.

SECOND Mr. Silva.

3-0 in Favor.

The public hearing was continued until February 13, 2025, at 7:40 p.m.

APPROVED:



Joshua Carpenter, Secretary

su

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

TOWN OF LUDLOW PLANNING BOARD
CONTINUED PUBLIC HEARING – SPECIAL PERMIT / ESTATE LOT
0 Sunset Ridge (Assessors' Map 25, Parcel 27C)
Muhammad Ali Saleem
(estate lot)
January 23, 2025

PLANNING BOARD MEMBERS

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

The public hearing began at 7:34 p.m. in the Selectmen's Conference Room.

In attendance: Dan O'Brien – Smith Associates, attendees

Mr. Phoenix read the legal notice which included the description of: estate lot.

Mr. Phoenix: So, that's the legal notice. We do have one additional person in the room from the last time I said it, but regardless it's a new public hearing anyway. So, the things that look like cameras, for one degree or another, kinda like big webcams, it's 'cause they're cameras. It's weird how that works. The things that are in my face and all over the place that look kinda like microphones, that's 'cause they're picking up sound like microphones do. Shouldn't be much of a surprise but we are obliged to tell people whether we think that they can figure that out or not. It is what it is. As far as comments that we've gotten back on this matter, from the Building Department, we have no comment. From Department of Public Works, we have no comments. From the Fire Department we have: *The special permit for Muhammad Ali Saleem, 0 Sunset Ridge estate lot has been reviewed for compliance. Ludlow Fire Department has no comments or concerns, please note any omissions or missed items during this plan review does not relieve the owner/contractor from meeting all applicable codes, laws, regulations, and standards as they apply to the construction, maintenance or use of this building. Please feel free to contact this office if you have any questions or concerns regarding this matter.* Which is, I still say one of the longest and most polite ways of saying no comment that we get. It is very comprehensive. It certainly does the job. And from the Board of Health, well permit will be needed unless connecting to town water. That's what I have in the way of comment. Care to explain for us what's going on?

Mr. O'Brien: Sure. Dan O'Brien, Smith Associate Surveyors. We were hired by Mr. Saleem to stake his property, put some stakes on the property lines and to prepare a plot plan for a proposed home that he plans to, would like to build on this property. When I was putting the plan together, the plot plan, I noticed that there wasn't sufficient frontage in the, or lots in the agricultural zone, which require 140 feet of frontage on the street line. In this case, there was only 126.91. I'm not sure how this lot got approved as part of two subdivision submittals, but it was apparently approved, and our client bought the lot with the understanding that it was a buildable lot. So, I brought that to Doug's attention, and we discussed whether his options would be to seek a

variance for the lot, or I thought seeing as how there was way over the double square footage for the lot that perhaps it could just be reclassified as an estate lot. And he suggested that that would be the better route to go. So, we're looking to see if you would entertain reclassifying this as an estate lot. All provisions of the estate law bylaw are met or will be met, and Mr. Saleem will probably begin building in the spring if this all goes through.

Mr. Phoenix: Okay. And I'm guessing just off the top of my head that the reason that it didn't really get flagged too much, you've got the 126.91 that's actually along that frontage, but you also have another 25 that would be going around the curve if that were continuing into that stub and then you got more frontage along the stub, so.

Mr. O'Brien: If that was a street, if it was a way, it would be plenty but.

Mr. Phoenix: Yeah, so it's what another 234 there. So, if, if that stub were to turn into something at some point where the gravel bank is, that would certainly give it plenty of frontage just on its own. I'm guessing that's probably where that came from. Without going back and, and reviewing, that's the best I can come up with.

Mr. O'Brien: I'm sure that's why it was overlooked.

Mr. Phoenix: So, that's what's going on. Does anybody on the board have any comments, questions, concerns on this one?

Mr. Silva: Nope.

Mr. Carpenter: Nope.

Mr. Phoenix: Okay. Hearing nothing, I am gonna open it up to the public. If the public has any comments, questions, concerns, they can certainly state their name and address for the record. Address it through myself. I'll do my best to get you any information that you need. Does anybody have anything that they would like to add or ask at this time? Hearing nothing. I would entertain a motion on the, oh, just for the, the keeping again, the record's clear 'cause I know we touched on this earlier. We are short on members for a lot of things; however, we do have Kathy here who is our Associate Member who is able to act in a situation like this where it is a special permit and only a special permit. But when it is a special permit, Kathy's able to help us out when we only have three members present so that we have four and we can move forward on those special permits.

Mr. Carpenter: Mr. Chairman, I didn't see any waivers. Are we?

Mr. Phoenix: I don't believe any waivers are being requested.

Mr. Carpenter: Mr. Chairman, I **MOVE** to approve the special permit, estate lot for Mr. Saleem at 0 Sunset Ridge.

SECOND Mr. Silva.

4-0 in Favor.

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

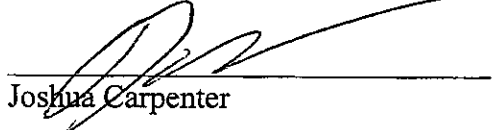
Mr. Phoenix: I'll entertain a MOTION to close the public hearing.

Mr. Carpenter: **SO MOVED.**

SECOND Ms. Houle.
4-0 in Favor.

The public hearing was closed at 7:41 p.m.

APPROVED:



Joshua Carpenter

su

Documents: Master application; waiver request; comments from town departments/boards; Plan of Land Lot 10
Sunset Ridge Ludlow, Mass. Owned by Muhammad Ali Saleem (December 10, 2024)

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