

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
May 28, 2026**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
William Ellison – Vice Chairman (Present)
Joel Silva (Absent)
Kathleen Houle (Present)
Christopher Coelho (Present)
Haley Rivers, Associate Member (Absent)

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TOWN OF LUDLOW

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

**PUBLIC HEARING – Special Permit/Home Occupation – David Moise – 643 Poole Street
(Assessors' Map 41, Parcel 6) (home office for painting business)**

SEE SEPARATE MINUTES

CONTINUED PUBLIC HEARING- Site Plan- Jai Umiya Ma, Inc. – 227 Center Street (Assessors' Map 12D, Parcel 214) (close existing car wash bays to use for storage)

SEE SEPARATE MINUTES

**CONTINUED PUBLIC HEARING- Site Plan- Michael Sotiropoulos – 648 Chapin Street
(Assessors' Map 16B, Parcel 84) (Proposed 500 SF Accessory Dwelling Unit (ADU))**

SEE SEPARATE MINUTES

Rob Levesque – Townhouse discussion – 0 Meadow Street (Assessors' Map 14B, Parcel 125)

In attendance: Rob Levesque, Dinis Baltazar

The applicant presented a conceptual proposal for a residential development on Meadow Street within the East Street Mixed-Use Subdistrict of the Town's Smart Growth Overlay District.

The proposal consists of 10 residential units located in five separate duplex-style buildings on a parcel of approximately 34,000 square feet. The development would include 21 parking spaces, landscaped open space, and associated site improvements. The applicant stated that the units would be approximately 1,300 square feet each and could be either rental units or condominium ownership units.

The primary purpose of the discussion was to seek Planning Board feedback regarding the interpretation of the term "townhouse" within the Smart Growth Overlay District regulations. The applicant noted that the proposed units are designed as duplexes but believes that they may also qualify as townhouses under the district regulations. The applicant expressed a preference for separated buildings rather than larger

attached townhouse structures, citing improved livability, increased open space, and better access to windows and natural light.

Board members discussed the ambiguity of the townhouse definition and noted that the Building Department had also identified inconsistencies between applicable definitions. The applicant indicated a willingness to seek any necessary waivers and work with staff on appropriate language if required.

Board members generally expressed support for the concept, noting that the proposed layout appeared less intensive than a traditional townhouse development and was compatible with the surrounding neighborhood. Discussion also included the project's potential contribution to the Town's affordable housing inventory, as approximately 20% of the units would be required to be affordable under Smart Growth regulations.

The applicant stated that the next step would be to investigate groundwater conditions and evaluate stormwater management options before preparing a formal application.

No formal action was taken.

Documents: 0 Meadow St. Commons Ludlow, MA Townhouse Units plan (4/8/2026); Board interpretations definition of "townhouse" (Mass.gov)

Michael Goncalves – 23 Oregon Road – auto repair business discussion

In attendance: Attorney John DaCruz, Michael Goncalves

The applicant appeared before the Board to discuss a proposed Change of Occupancy at 23 Oregon Road, located within the Westover Industrial Park. The property owner recently purchased the site and intends to lease the building to a towing and auto service business.

Attorney DaCruz requested guidance regarding whether a full site plan review would be required and noted that the property has historically been used for industrial and commercial purposes, most recently as a plumbing and HVAC business, and that no changes are proposed to the building, site layout, parking areas, or other exterior features. The applicant expressed concern regarding the cost and timing associated with preparing a full site plan and suggested that a site sketch may be more appropriate.

Board members discussed the property's location within an established industrial area, surrounded by commercial and industrial uses with no nearby residential abutters. The Board acknowledged that the proposed towing and auto service use is consistent with the underlying industrial zoning and compatible with surrounding uses.

Mr. Carpenter noted that no formal site plan could be located in the Town's files and discussed the Board's general practice regarding changes of use and site plan review requirements. Board members considered the limited scope of the proposed change and the absence of significant physical modifications to the site.

Following discussion, the Board expressed support for allowing the applicant to proceed with a site sketch in lieu of a full site plan. The Board emphasized that a public hearing would still be required to allow for public comment and review of the proposal.

Mr. Coelho **MOVED** to find that the proposal, as described, would be appropriately reviewed through submission of a site sketch rather than a full site plan, provided that a public hearing is held as part of the review process.

SECOND Mr. Ellison.

4-0 in Favor.

Mr. Phoenix indicated that the applicant should coordinate with the Planning Department office staff regarding site sketch submission requirements and continue discussions with the Building Department regarding any necessary permits or approvals associated with the change of use.

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ♦ FILE Mail Item 28. - Legal Notices from surrounding communities
 - ♦ APPROVE Change of Occupancy:
 - Xiao Xia Li (East Street Dine) 52 East Street (from proposed cafe to cafe)
 - ♦ SIGN Special Permit:
 - Alex Wurszt – 103 Jerad Drive (office for electrical contracting)
-

Outstanding Items

Site Plan for Town Hall

Mr. Carpenter reported that site plan and surveying services continue to experience significant scheduling delays. He stated that he had recently spoken with Dan O'Brien of Smith Associates regarding the Town Hall project and was informed that a plan is expected to be completed within approximately three weeks.

Board members briefly discussed the extended timeline and joked about seeking a discount due to the delay. Mr. Carpenter indicated that pricing had not yet been discussed but that the matter would be raised.

Based on the estimated schedule, the Board anticipated receiving the plan by the end of June.

Community Preservation Committee Update

An update was provided regarding the formation of the Community Preservation Committee.

The Conservation Commission is expected to appoint its representative at its upcoming meeting. The Select Board will be posting the four at-large positions, after which the committee membership will be completed.

Representatives identified to date include:

- Joao Alves, representing the Housing Authority
- Bud Ellison, representing the Planning Committee
- Sean McBride, representing Recreation

It was noted that the transition of the Recreation position from an elected to an appointed board does not change the appointment process for the CPA representative, and Sean McBride is expected to continue serving in that role.

The Historical Commission has designated Karen Pilon as its representative. In addition, Chip Harrington has expressed interest in serving as an alternate member.

The Board noted that progress is being made toward establishing the full Community Preservation Committee membership.

Tanglewood Subdivision – Restrictive Covenants

Mr. Carpenter presented the final covenant documents for the Tanglewood Subdivision. He reported that the Town Counsel and other relevant parties had reviewed the documents and that the applicant was requesting the Board's authorization to execute them.

The Board was informed that the covenant documents had been circulated for review and that Mr. Carpenter would be able to notarize the documents following execution.

The Board expressed its support for moving forward with the signing of the covenant documents as presented.

Town Hall Access and Security Discussion

Mr. Carpenter provided an update regarding Town Hall access during evening meetings. He reported that the building is programmed to lock automatically at 10:00 p.m. and that arrangements can be made for staff to lock the building later when extended meetings are anticipated. He also noted that the Town Administrator and Assistant Town Administrator have the ability to remotely lock the building if necessary.

Mr. Carpenter shared a response received from Select Board Chair Mr. Rosenblum regarding requests for building access. The response indicated a preference for limiting access credentials to Town Hall staff and department heads rather than extending access to board and committee chairs.

Board members discussed concerns regarding the potential impact of the automatic door-locking system on compliance with the Massachusetts Open Meeting Law. Concerns were raised about situations in which a meeting extends beyond 10:00 p.m. without Planning Department staff present, potentially restricting public access to an ongoing meeting.

Mr. Phoenix noted that the Planning Board is an independently elected board that relies on Town Hall facilities for its meetings and expressed concern that members may not have a reliable means of ensuring continued public access to meetings after the building automatically locks. Examples were discussed regarding potential interruptions to meetings, loss of public access, and possible Open Meeting Law implications.

The Board requested follow-up from Town Counsel regarding the legal implications of the current access procedures and asked Mr. Carpenter to continue pursuing guidance on the matter. Mr. Phoenix emphasized the importance of establishing a solution that maintains public access while avoiding security and compliance concerns.

Additional discussion focused on Town Hall project management and site plan review procedures. Concerns were raised regarding municipal projects proceeding before all required permits and approvals have been obtained and the additional staff and board resources required to review plans submitted after work has already begun. Mr. Phoenix suggested that future consideration be given to applying the same review and accountability standards to municipal projects that are applied to private applicants.

Harris Brook Signage and Traffic Safety Concerns

Mr. Phoenix raised concerns regarding outstanding traffic signage issues at the Harris Brook property. Reference was made to a previous Safety Committee meeting during which removal of a particular sign was discussed and reportedly recommended; however, the sign remains in place.

Additional concerns were raised regarding signage along the Fuller Street side of the property. Mr. Phoenix noted that existing signs appear to provide conflicting traffic direction information, including signage directing vehicles to enter from one side while other signs suggest alternate traffic movements. Concerns were expressed that the current signage may create confusion for motorists and could present a safety issue.

Mr. Carpenter indicated that, to his knowledge, the Safety Committee had recommended removal of the sign in question but that the action had not yet been completed. Discussion suggested that implementation of the recommendation may fall under the responsibility of the Department of Public Works.

Board members discussed the importance of addressing traffic control and safety concerns, particularly in areas serving a school. Mr. Phoenix requested that Mr. Carpenter communicate the Board's concerns to the appropriate municipal officials and seek an update regarding the status of the recommended signage changes.

The Board emphasized the importance of timely implementation of safety-related recommendations and expressed frustration regarding the delay in completing what was described as a relatively simple corrective action.

Housing Production Plan Approval and Planning Initiatives Update

Mr. Carpenter reported that the Town received notification from the Executive Office of Housing and Livable Communities (EOHLC) that the Town's Housing Production Plan (HPP) was officially approved. The approval became effective on April 15, 2026, and will remain in effect through April 14, 2031.

The approval letter states that the Town may request certification of municipal compliance when qualifying affordable housing units are added to the Subsidized Housing Inventory (SHI) in accordance with state regulations. The letter notes that certification may be requested upon production of at least 44 eligible housing units (0.5% of the Town's year-round housing stock) within one calendar year or 87 units (1.0%) within a two-year period, subject to applicable state requirements.

Board members expressed appreciation for the approval and discussed ongoing efforts to utilize available resources to advance housing initiatives. It was noted that funding has been approved to allow the Town's consultant to assist with implementation of Housing Production Plan goals, including work related to affordable housing requirements associated with Smart Growth developments.

The Board also discussed public outreach efforts related to ongoing zoning bylaw updates being developed in coordination with the Pioneer Valley Planning Commission (PVPC). Members emphasized the importance of expanding public engagement beyond traditional public meetings in order to obtain broader community input and support. Ideas discussed included outreach events, informational tables, and other opportunities to engage residents directly.

Mr. Carpenter agreed to coordinate with PVPC staff regarding future public outreach efforts and community engagement strategies. Board members noted that an initial focus of the zoning bylaw update process will be improving clarity, organization, and consistency within existing regulations.

Ms. Houle **MOVED** to adjourn.

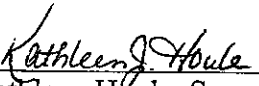
SECOND Mr. Coelho.

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

4-0 in Favor.

The meeting adjourned at 9:25 p.m.

APPROVED:


Kathleen Houle, Secretary

su

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
643 Poole Street (Assessors' Map 41, Parcel 6)
David Moise
(home office for painting business)
May 28, 2026

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
William Ellison – Vice Chairman (Present)
Joel Silva (Absent)
Kathleen Houle (Present)
Christopher Coelho (Present)
Haley Rivers, Associate Member (Absent)

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

In attendance: David Moise, attendees

Mr. Phoenix advised the public that the hearing is being recorded, gave the applicant a copy of the Turley Publications invoice, and read the legal notice which included the description of: home office for painting business.

Mr. Phoenix: So, with that, let's see, what do I have here? That's the information sheet. That's great. But where is what I'm looking for? We have detailed proposal; I'll be running a painting business from my office. I will have tools and ladders out of sight. It says that you've got, area of home is 2,092 and you're looking to use about 50 square feet. You got a bunch of no's as far as non-resident employees, planned signage for the business, customers at the house, deliveries unlike those are normal residence, or any changes to the site that would make it look less residential. You're looking to use one vehicle in connection with the business, which is a Honda Civic, which is well on the...

Mr. Moise: That's actually changed.

Mr. Phoenix: It's changed. Did you, did you wanna?

Mr. Moise: Yeah, I'll have to update that 'cause I have a van.

Mr. Phoenix: It's still under 10,000 GVW?

Mr. Moise: You know, I don't know. It's a, it's a Transit 250 so I'd have to look it up.

Mr. Phoenix: If it's over 10,000, you cannot have it in connection with the business at your house.

Mr. Ellison: Okay. I don't think it's over ten ---. Well, it might be okay, but you better look it up.

Mr. Moise: Yeah.

Mr. Phoenix: Yeah, I would check, I mean the.

Mr. Carpenter: I'm seeing between 8,700 and 11,000.

Mr. Moise: Really?

Mr. Phoenix: So, you might wanna just check like inside the door they'll usually have the GVW printed there.

Mr. Moise: Yeah, it's right outside.

Mr. Phoenix: So, just keep that in mind. 'cause the, the bylaw only allows up to 10,000.

Mr. Moise: Okay.

Mr. Phoenix: So, if you're over that, then the expectation would be that you find somewhere offsite that you can keep it and then just, you know, swap vehicles somewhere. Just to kinda keep some of those bigger vehicles out of the residential neighborhoods in connection with businesses.

Mr. Moise: Yeah, right.

Mr. Phoenix: So, I've got that stuff. We also do have a signed waiver request of the full plan in favor of a sketch and some photos. And we have not made a finding on this one yet. I do have signed copies of the special permit and home occupation criteria. So, that's all looking pretty good on my end. So, I'm gonna ask you, I know I kinda hit the highlights, but what exactly are you looking to do?

Mr. Moise: I'm looking to paint houses in the area for residents. It's a residential business I've been doing for 20 years. I have experience doing it. It's something I've been thinking about for a while. And my wife works for the state, and we live in her parents' home down on Poole Street. So, it's, it's not our home yet. We're trying to buy it, and I don't know how else to make any money. That's gonna help me with my family. So, I'm, that's really what it's about.

Mr. Phoenix: Okay. So, the other thing that I should probably bring up based off of that, the way that these usually get approved is that the special permit is good for as long as you're doing the, the, the business at the residence. I, when it, if you were to have that property transfer, you might need to come in just to renew the special permit, go through the process just to get it attached. 'Cause it does lapse at the registry if, if those conditions don't stay the same. So, it might be a little bit touchy. Maybe we can word it a little bit differently to cover for that potential thing for you in this specific case. But if you go back like 20 years or so, we used to have like home offices, things like that, would actually stay with the property. Even if somebody were to sell it, they could sell it as having the office in it. And we found that that wasn't great because some of those new things that came in didn't meet the same criteria. So, we started having it, those lapse on people. So just keep that in mind. Like I said, maybe we can be a little bit creative with how we, we do the motion for you but for the worst-case scenario, you might need to come back.

Mr. Carpenter: Mr. Chairman, just for the clarification on our handy dandy little cheat sheet, the official motion is to run with the applicant and not with the property.

Mr. Phoenix: Right. I'm just not sure.

Mr. Moise: Yeah, I only brought it up because I don't own the property.

Mr. Phoenix: No. And that, that's fair. I think it's.

Mr. Moise: She's letting me do it or try.

Mr. Ellison: Mr. Chairman.

Mr. Phoenix: Go for it.

Mr. Ellison: Just a question. So that, is that the old Foisy?

Mr. Moise: Yeah, it's Foisy.

Mr. Ellison: It's the, I'm familiar with the building. So that's zoned agriculture?

Mr. Carpenter: Correct.

Mr. Ellison: Yeah. Should be. But it is, that's a plus. So, does that change, does that GVW change at all? 'Cause 10,000 is light for some businesses.

Mr. Phoenix: If it's over 10,000, you've gotta find somewhere else for it.

Ms. Houle: Under the home occupation section.

Mr. Phoenix: We've looked at changing it to things that have like dual rear wheels or other standards. And the problem is trying to come up with something that's reasonable, that is easily communicable to people up front and that we can kinda hold people to across the board. So, we actually haven't found a good way to move that off of the 10,000. I think maybe 10 years ago we actually had somebody pull all of kind of the average vehicle weights for different classes of vehicles and try and figure out what would make sense. It was back when Ed Minnie was on the board 'cause he had his big truck that he'd drive around. So, he was big on trying to figure out what would make sense for that and we couldn't come up with a, a good way forward on that. So, if you've got an idea on it, we can, we can revisit it again.

Mr. Ellison: Yeah, I mean it's just nowadays because of the DOT, everything's gone up, you know, in terms of capacities to, to cover everybody. So, like a pickup truck now is, it's easy to be 14,000, you know, it's not like it's a big semi, it's just a pickup truck.

Mr. Phoenix: Yeah.

Mr. Ellison: But some of them have a pretty extensive ---. So, I was just wondering, so like even like for instance, something like my situation, I mean you gotta farm, right?

Mr. Phoenix: I mean farm a whole is a whole...

Mr. Coelho: Farm is a whole separate ball game.

Mr. Phoenix: ...farm is a whole separate thing.

Mr. Ellison: Yeah. So, it's the business then, not the zoning, but it would be the business itself would really, so painting we're saying.

Mr. Phoenix: So, if you've got something that's bigger but it's not in connection with the business that's separate.

Mr. Ellison: Yeah, okay. Yeah, I was just trying to see if I could find a loophole for you. But no loopholes.

Mr. Moise: Thanks for trying.

Mr. Phoenix: Yeah, if you've got a good idea for path forward, we can certainly look at that.

Mr. Ellison: Let me look into that and get back to you. See if we can do something.

Mr. Phoenix: Okay, and then maybe we can hit up some of the folks at PVPC, see if they've got any ideas as well. I don't know if other people have the same basic standard that we've had. Maybe they've found other creative ways around it. Maybe we can steal that. I don't know. That's why we've stuck with it 'cause we just couldn't find a clear path forward 'cause everything gets murky. We've even had issues in the past where people will say, well on my registration it says X. Well, that's all in good but your registration doesn't necessarily match the actual GVW of the vehicle. So that's why we started telling people to check inside their door 'cause the registrations weren't always right. So yeah.

Mr. Ellison: Okay, I didn't do my homework on that.

Mr. Moise: So, I don't, I don't know as of yet, But, so I hope, just it seems light, it's a van. It's got nothing in it so it's, it seems light. So, they're lighter than I.

Mr. Ellison: It's a 250. You said it is a 250.

Mr. Moise: Right.

Mr. Ellison: So, it's a really good chance it's gonna be on the smaller side.

Mr. Moise: Smaller side.

Mr. Ellison: Those are usually 80.

Mr. Moise: And it's a low roof. It's a lower roof one model.

Mr. Phoenix: I'll keep my fingers crossed for you. The other thing that I will say too is, generally speaking, a lot of the things with home occupations, they're largely enforced based off of neighbors complaining about things. So, if you've got a good relationship with the neighbors, they don't find that what you're doing is particularly onerous. There's probably not gonna be a

high likelihood anybody's gonna say anything. If you've got a vehicle that's above and you're being super noisy and abrasive and the business is causing undue harm to the neighborhood, it's probably just gonna get lumped in with that. So that's just by way of experience. I don't know if you have neighbors that have come tonight.

Mr. Moise: I do, Wally. So yeah, good guy.

Mr. Phoenix: So, we'll, we'll be able to open up for any public comments, concerns, questions shortly, but just giving you that heads up.

Mr. Moise: Yeah, yeah, yeah. I appreciate that.

Mr. Phoenix: With that, anybody have anything else from the board at this time? Hearing nothing, I will open it up to the public. If you do have anything that you would like to add or ask, what I would ask of you is that you state your name and address for the record and address any questions you have through myself as chair. I'll do my best to get you any information you need. Does anybody have anything at this time? Okay. So, the first thing that I would ask is as far as the finding and possibly the waiver as well. And then we can look at the motion itself. Would anybody care to make a finding as to whether this is a suitable home occupation under the bylaw?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I **MOVE** to find that the office to support his painting business as described by Mr. Moise at 643 Poole Street is, is suitable under the home occupation under the bylaw.

Mr. Phoenix: And did you wanna do the waiver at the same time or separate?

Mr. Coelho: In addition, I'll **MOVE** to waive the full site plan for Mr. Moise at 643 Poole Street in favor of a sketch and photos prepared by the applicant since this is in relation to a home occupation and in doing so, is consistent with the purpose and intent of the zoning bylaw.

Mr. Phoenix: Motion's been made to do the finding and the waiver. Is there a second?

SECOND Ms. Houle.

4-0 in Favor.

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

Mr. Phoenix: That's four zero in favor. On the matter itself and perhaps the status of the public hearing, is there a motion or does anybody have any further discussion at this time? If it helps, like Josh said, I think with the way that it's worded, the applicant on the application is the individual sitting in front of us. We do have the owner signing off elsewhere. So, if we continue to use the language about with the applicant, not with not with the property, I think we'd be fine. I don't know if the registry might argue with us, but I think we're fine from our angle.

Mr. Carpenter: Steve, when I talked to him about when we were talking about home or home occ's and accessory apartments said that that was one of the changes he wanted to have made. So, we were just, he was waiting to go through everything again. But he said it would, it makes more sense to run with the applicant and not with the property.

Mr. Phoenix: Okie dokie. So, is there a motion?

Mr. Coelho: Mr. Chairman.

Mr. Phoenix: Chris.

Mr. Coelho: I **MOVE** to approve the Special Permit under 7.0.4 a-m and the Home Occupation under Section 6.2.1-6.2.13 for Mr. Moise at 643 Poole Street with the restriction that the permit run with the applicant and not with the property.

SECOND Ms. Houle.

4-0 in Favor.

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

Mr. Phoenix: Is there a MOTION to close the public hearing?

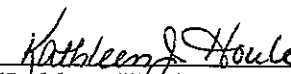
Mr. Coelho: **SO MOVED.**

SECOND Ms. Houle.

4-0 in Favor.

The public hearing closed at 7:11 p.m.

APPROVED:



Kathleen Houle, Secretary

su

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
CONTINUED PUBLIC HEARING – SITE PLAN
227 Center Street (Assessors' Map 12D, Parcel 214)
Jai Umiya Ma, Inc.
(close existing car wash bays to use for storage)
May 28, 2026**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
William Ellison – Vice Chairman (Present)
Joel Silva (Absent)
Kathleen Houle (Present)
Christopher Coelho (Present)
Haley Rivers, Associate Member (Absent)

The public hearing began at 7:13 p.m. in the Selectmen's Conference Room.

In attendance: Attorney Joshua Levine – Shatz, Schwartz and Fentin, Dinesh Patel, attendees

Mr. Phoenix: This is a continued public hearing for 227 Center. You wanna come on down? Since this is continued, I don't need to read in the legal notice. I do at the top of my stack here have a letter; *Dear Chairman Phoenix, this letter in response to request for information made by the Planning Board, various Ludlow Departments received by the applicant at the March 26th Planning Board meeting. This letter, by the way, is dated May 12th. I'd first like to direct your attention to the enclosed letter from Robert S. Haveles, an architect with Architectural Insights Inc. The draft drawing prepared by Mr. Haveles and the code review prepared by Harold P. Leaming of Code Consultants Conflict Resolution. These items will be referred to below. Regarding the letter from the Fire Department, the applicant provides the following information. The proposed intention of the project is to close the existing and long unused car wash bays, to provide storage for the convenience and package store. Five of the doors will be closed completely and one will have a garage door allowing for deliveries. An existing doorway will remain in the new space. One closed car wash bay will be used as an employee break room and will be the area to unload deliveries. The existing mechanical room will be converted to a secure storage area. The other two closed bays will be converted to storage areas as seen on the attached drawing. The existing mechanical room will be used for liquor and will have a secured door. The other two rooms will be used to store items for the convenience store. Mainly dry goods, as liquids are generally stocked directly into the cooler. The storage areas will be used solely in conjunction with the current store. Specifically for the liquor storage, applicant does not have a license to transport alcohol and could not move items from planned storage to another store. The draft by a registered design professional is attached per the attached letter code review. Sprinklers are not required by the planned design. Fire separation may be required depending on the final design, but the applicant intends to partition the storage areas in a manner consistent with the code and not requiring fire separation. This will be discussed with the Building Department and Fire Department as plans are being finalized. Regarding the second letter in the comment package, which is not labeled but appears to be signed by the Building Commissioner, the applicant provides the following responses: The area is not currently meant for storage but will be modified as necessary pursuant to the draft plan and after*

final design pursuant to the building permit. Storage is discussed in the above response. Sprinklers are not necessary per the attached code review. Applicant can provide a stamped drawing by the architect and a Chapter 34 code review. Upon final determination of plans and following site plan approval regarding the letter from the Health Director, applicant intends to create a sanitary and safe space for storage as this also protects the business merchandise. Applicant is happy to work with the Health Director on recommended storage solutions during the construction process. If there are any questions in advance of the May 28th meeting, et cetera, et cetera. And with that, we have May 7th dated; To whom it may concern, from Robert Haveles, Principal Architect. Our office was requested review the current building for the purposes of the owner's intent to convert the former car wash bays and related mechanical space to storage to support the operations of the existing convenience store for its feasibility and to determine if sprinklers are required. Action steps performed, measured existing building and prepared base plan. (Plan attached) Engaged Harold P Leaming Code Consultants Conflict Resolution to perform a code review. (Copy of opinion later dated 5/1/2026 attached). Summary statement based on the intended proposed uses as provided by the business owner and as diagrammatically illustrated on the attached plan and per the opinion of the code consultant, the proposed uses would be allowed under the 10th Edition Existing Building Code without the requirement of sprinklers. However, there may be the requirement of a fire separation of storage depending on its final area. Note the drawing provided was prepared and only intended to supplement the findings of this code review. Should the property owner decide to proceed with executing the above, a more detailed set of plans and a complete Chapter 34 review will be performed to meet the requirements to obtain a building permit. Should you have any questions, please be free to contact me. We have a sketch showing the existing convenience store, the first bay, 274 square feet as staff lounge, then 294 square feet existing mechanical room convert to secured liquor storage, then dry storage for 268 and dry storage for 338. It looks like there's pass through between the two dry storage. Looks like that's what that is. There's a door in there. I'm just trying to kind of mentally parcel out

Atty. Levine: If I may. That's correct. So, it does, the lines going down to the right side of the page towards the words Convenience Plus, those are just measurements.

Mr. Phoenix: Okay.

Atty. Levine: The wall is, where the walls are currently are the hatched areas.

Mr. Phoenix: Right. I think where I was kinda stumbling a little bit is that we do have those, those hashed areas that would appear to be closed off areas and then the big wide-open gaps that would appear to be where the, the garage doors would be, et cetera.

Atty. Levine: Right.

Mr. Phoenix: And I'm, I'm a little bit confused by that 'cause my understanding from the other reading was that most of that was getting closed off.

Atty. Levine: It is to get to be closed off. The architect could not draw those as closed off without doing a full set of construction sketches.

Mr. Phoenix: Okay. And the last letter that's been referenced (*Mr. Phoenix read the letter dated May 1, 2026, from Harold P. Leaming – see file*) So, this was stamped in as received May 15th. So, we've had just under two weeks with this on hand. I'm looking, looking, looking. Did we get?

Mr. Carpenter: We sent it out for revised comments. Everybody was happy except for Building who still requests that Chapter 34 review.

Mr. Phoenix: Okay. Do we have anything in writing from the other folks saying that they're now happy? I could pull out the emails if you want. We should probably have something in writing in the file documenting that.

Mr. Carpenter: I know Fire was the other big one and they, when they got the letter, they were, Zac had said that there was no further comments on it.

Mr. Phoenix: So, just for my own edification, 'cause the comment from Building we'll need a Chapter 34 review with stamped drawings from a RDP stating existing structure is compliant with new building codes. I don't know that I've seen that comment previously. What exactly is a, that code review? What is that?

Mr. Carpenter: To my knowledge, it's the, to make sure one, to know what's being stored there. I know the letter does state that, but BJ just continues to ask for the architect to have the, or the RDP to have those plans submitted.

Atty. Levine: And to my knowledge, a Chapter 34 review is, this was a piece of it that was attached to that letter regarding sprinklers. But it is an overview of the building materials and the building structure to say, yes, this meets current building codes.

Mr. Phoenix: Because I think the, the comment that I'm seeing right off the bat in here in the May 7th letter from Robert Haveles, should the property owner decide to proceed with executing the above a more detailed set of plans and a complete Chapter 34 review will be performed to meet the requirements to obtain a building permit. So, is that normally a process that happens in concert with applying for a building permit? 'Cause normally I don't think we see those coming across our desk.

Mr. Carpenter: Yeah, I think it, that just has to deal with the building department in general. I know we don't have anything to do with it.

Mr. Phoenix: So, I guess my, my question comes down to, is that an issue where the building inspector feels that that would be indicative of a deficiency making it unsuitable for approval through this process or is that just a note like some of the boilerplate that we get from ---?

Mr. Carpenter: Yeah, she, she preferred it, but it didn't sound like it was a, you know, a requirement to pass this. We could always, you know, if we had to, if we decided to approve, approve conditionally with that, those plans being submitted and approved.

Mr. Coelho: He's not gonna be able to do it without a building permit. I mean essentially if he wants to stick around long.

Atty. Levine: Intending to do this the right way and to get, I just got an estimate on to get to the chapter authority for review, the construction plans that would be required for the building permit, we're probably looking at another \$10,000. So that's why we're here tonight to discuss that. There's already been a lot of money sunk into to get into this point, trying to get this site plan done before spending a significant amount more.

Mr. Ellison: So, do, is the building inspector saying either way you have to do it?

Atty. Levine: Oh yeah, yeah, that's.

Mr. Ellison: You have to spend ten grand anyway?

Atty. Levine: Right, but don't wanna do that before, without a site plan.

Mr. Ellison: I gotcha.

Atty. Levine: That is to get the building permit, the building inspector will require what the building inspector requires.

Mr. Ellison: Yeah, you just don't wanna have the risk of not having this before you do it.

Atty. Levine: Exactly, right.

Mr. Phoenix: So, I, I think, I mean, right out the gate, I think one of the concerns that we talked about before were the, the garage doors. And I know we've got documentation in the letter talking about intention of some of those being shut down. But then we also have the drawing that shows that those are still gonna be there, which you've explained where some of that comes from. But the actual plan set that we're looking at doesn't indicate whether those are being closed or not aside from the fact that there's one called out as proposed garage door for deliveries, which one could infer that that means that the other garage doors either don't exist or at the very least wouldn't be used for deliveries. But I don't see anything on the plan set that would indicate what's going on with those, which I think would be an outstanding concern as well. I mean, Josh, what's, what's your read on the overall plans as submitted?

Mr. Carpenter: The plan, I thought the plans were fine. There wasn't any changes other than closing off those things. When I did my initial review, everything came back fine other than, I believe, I think snow storage was something on there. It was something small that could have been waived.

Mr. Phoenix: And that was resolved? If it was an existing issue, was that resolved through a waiver that we granted or was that resolved through clarification on the plan set?

Mr. Carpenter: I believe we looked at waivers at the last meeting.

Atty. Levine: There's, there's five pending waiver requests that none were discussed at the last hearing.

Mr. Phoenix: So, let's go back to that.

Atty. Levine: We are in a bit of a chicken and the egg situation because the surveyor would not normally mark off the garage doors to be closed because they're only looking at the footprint and the architect won't mark off the walls to be closed without doing a construction plan. So, we're in a bit of a cart before the horse situation, I guess.

Mr. Ellison: How detailed can we get with an approval that would list out the, a couple of things that he needs to do? I mean, pending, you know what I mean?

Mr. Phoenix: We can get super detailed, but the more detailed and convoluted we get, the more issues we can have down the line if there's an appeal or something gets contested. So, it's usually cleanest if we can just do a straight up or down approval denial. Once we start putting conditions on, we start getting into a little bit softer territory. So, we generally try and avoid that. I think, you know, we've got the waiver request that we can possibly look at. It looks like it's just one through five under 7.1.5 o, which does include the snow storage. Beyond that, I think, you know, I don't know what the rest of the Board's thinking is, but my outstanding concern would be that we don't have anything in the file from the groups that told us that they had concerns saying that they no longer have concerns or that they feel that those concerns can be met during the process of pursuing a building permit, whatever that looks like. So, we got something you said from Zac from Fire?

Mr. Ellison: Highway said okay too, right?

Mr. Carpenter: DPW came back and said they had no additional comments there. Board of Health, same thing, it was just.

Mr. Phoenix: Well, no additional comments? Or comments?

Mr. Carpenter: Yeah, no new comments.

Mr. Phoenix: That's on the old set was them. No comments. So, Building.

Mr. Carpenter: I have the email says, hi Josh. I'm okay with, this is Board of Health saying I'm okay with the comments provided for the Health Department and okay with moving forward. Fire Safety said thank you Josh. The Fire Department has no further comments regarding the storage until detailed plans are submitted, which they'll probably review those Chapter 34's with BJ. Jimmy from DPW said we are fine with the project. And Kelly said per BJ she wants a Chapter 34 with stamped drawings from an RDP.

Mr. Phoenix: So, from what I'm hearing, is it fair to say that the only outstanding comment really is the Chapter 34?

Mr. Carpenter: Chapter 34, Yes.

Mr. Phoenix: So, we've got the waiver requests, and we've got the issue of the Chapter 34 thing, which may or may not even be an issue for us anyhow. Anything else from the Board at this point? Or you want to get more information, go to the public, do waivers, what's your pleasure?

Mr. Ellison: Are we all set with? We talked the first time, I think, briefly you might've mentioned it about the how were they gonna get the trucks in and outta here or something. I think you might've made a mention way back.

Mr. Phoenix: Yeah, the traffic flow.

Mr. Ellison: Yeah. Just so like are semi-trucks delivering?

Atty. Levine: It's box trucks, right?

Mr. Patel: It's a box truck. Yeah, it's not this big, it's not a --- feet long truck box trucks.

Atty. Levine: And it's the same place where they.

Mr. Ellison: So, not a trailer truck, right?

Atty. Levine: No. And they'll be able to back up to the new garage door, which.

Mr. Ellison: It's not a trailer truck.

Mr. Phoenix: And is that still gonna provide sufficient capability for people to use those parking spots that would be getting.

Mr. Ellison: Over here?

Atty. Levine: Yeah, it's just once a day in the morning.

Mr. Patel: Once a day in the morning, yeah. And the trucks are delivering even right now with the Coca-Cola and Pepsi?

Mr. Ellison: Same thing?

Mr. Patel: Same thing. So, it's not gonna be any something we're starting here.

Mr. Ellison: You're not putting trailer trucks back there?

Mr. Patel: No, no, no.

Mr. Ellison: Because that would get out in the street.

Mr. Phoenix: Well, I, I guess my concern would be is right now they've got parking kind of in some other spots as well. Like up, up alongside the building, I believe. If I'm picturing it right. So...

Mr. Patel: We're not increasing any sales area. Everything's remain the same.

Atty. Levine: Yeah, there's parking on the other side of the building from where the garage door will be and then people park along the side as well. The truck, it's just one truck a day generally?

Mr. Patel: One truck.

Mr. Phoenix: I mean one truck a day, again though, depending on how contracts are written and everything, that one truck a day, if it's coming during morning rush hour when people need those parking spots, is a lot different than one truck a day coming at 4 o'clock in the morning or 10 o'clock in the morning or 11 o'clock or if it comes at lunchtime, that that all plays in differently as far as whether those spaces are gonna be critical to people being able to make proper use of the site or not. So, whether you have spaces on paper or legitimate spaces that people can and will park in is a, still, I think a question that's worth talking about. I mean, not for nothing, look at Duncan when the drive through lane was up against the other way and nobody parked

anywhere near Dunkin. Those spaces existed on paper, but they were completely and totally useless.

Mr. Ellison: Yeah.

Mr. Phoenix: So, my concern would be that the same thing might happen here and if we're adding more functionality to the building, does that mean there's gonna be an extra person or two that needs to find a parking space there that doesn't currently?

Atty. Levine: The sales floor is not increasing at all there. It's really just increasing storage behind. I understand your question, but it shouldn't really change the flow.

Mr. Phoenix: Well, you're also increasing the product variety and everything there.

Atty. Levine: There are, it actually is already permitted for all alcohol. So, this is not changing. It, it's only adding a storage space. So, it's not changing the type of merchandise that's being sold.

Mr. Phoenix: Okay. If you have more inventory on hand, you can process more people through the store without running out of things. If you only have enough storage to have one bottle of each thing, you're only gonna get one person that comes in says, okay, I'm gonna buy this, and then everybody else behind 'em says, they're always outta stock, I'm not coming back. So, I mean, let's not be silly. I mean that, that's the reality of it. The more stock you have, the more business you can do, the more people you're trying to get to come in. The more stuff people are buying, the longer those trips take while they're in the store, the longer they're tying up those parking spaces. We can go down all of this, but it's just, you know, whether you wanna call it logic, common sense, whatever, that's just the way it is. The whole purpose of spending the money that's been spent on this already and contemplating spending more money on it, is to be able to make more money. That's the reality. So that only happens by increasing the transactions or the value of those transactions. So, either you're looking at people buying more stuff, taking longer in the store, or getting more people in there or it doesn't make sense.

Atty. Levine: A large part of this is also just increasing margins by being able to order more merchandise. It helps with pricing. So that.

Mr. Phoenix: And it's, I'm not saying anything is simple, right? But if you are gonna have more stuff there and more capacity for people to buy stuff, then it is not unreasonable to wanna make sure that the people that are coming to buy that stuff can actually use the parking spaces that are there for the people that are supposed to be able to use that business. If you're showing them on paper, I just want to make sure. I'm not saying that there's a huge problem. I'm just saying I think we should talk about whether, if there's a box truck backed up to that garage door, whether the car that's trying to park in the space closest to the building can actually, legitimately get in and out.

Mr. Patel: But then, I don't mean to cut, but when we have a both sides, when we close the garage door, we can park against that door. You know, we can make a little parking on other side.

Mr. Phoenix: Right. But if you've got spaces called out and then you're blocking 'em, then that's, that's my question. And I'm not saying that there's a huge deal. I'm asking the question, are those spaces still usable? And I'm hearing people arguing about whether there's other parking spaces

elsewhere or, or things like that. But nobody can seem to tell me if there's a box truck back up to the building, are those spaces still usable?

Mr. Patel: Yep. We have a usable and we have other side of parking too. We have parking on the both sides of the garage.

Atty. Levine: So, between where this garage, I know that the copy that's attached to the letter is not ideal, but between where the garage is going and that first up to the, the other existing bay, it's about 19 feet.

Mr. Ellison: So, you're saying if the guy's backed up to that door, there's 19 feet of space between where the truck would be?

Atty. Levine: Where the truck would be and even before the spot, I, I apologize that this is, we're just on my phone, but this is 19 feet right here between this opening and the next opening and then there's a third opening past that and that's where these spots would be.

Mr. Phoenix: Can I see the plan?

Mr. Ellison: Yeah, this might help too.

Atty. Levine: Yeah, that's what I'm looking at.

Mr. Ellison: That's what he had there. Maybe that, sorry, Kathy, The first one? Yeah. Yeah. While Ray's looking at that, did you guys plan on, on, I know on the other side of the building what you're talking, on the it's the West Avenue side. Are you gonna line that? Are you gonna put parking spaces there?

Mr. Patel: Yeah, yeah. Because once it's closed we gonna have all those extra spots.

Mr. Ellison: Because you're not driving through anymore.

Atty. Levine: People drive through now, which is unfortunate.

Mr. Phoenix: Where's the, do we have the scale kicking around somewhere? Is that in here? Is it in the cabinet?

Ms. Urban: I got you two.

Mr. Phoenix: That way there, if one of 'em misbehaves, I can throw it out the window and use the other one. Where's the 40? It should be the 40. Typically there's the 40. Sure. Okay. I think we're probably fine. But again, that's, that was my question.

Mr. Ellison: And it came up, it came up with the last meetings. I think it's legitimate to talk about it.

Mr. Phoenix: So, I mean, I think in general the plan is, is fairly sound, but I still, I do have concerns. That's all. Anything else from the Board? Since this is a public hearing, I will open this up to public comments, concerns, questions. Does anybody have anything that they would like to add or ask at this time if you do, I just ask that you state your name and address for the record

and address any questions through myself as Chair. I'll do my best to get you any information that you need. Hearing nothing. I think where we're left at is we have the waivers to contemplate and then if there's any other discussion, and then we could look at taking action. So, the waivers are all five of the items under o. As part of the, I pass this back to you. I think this was your, here, I think. As reason for the foregoing request the applicant's seeking a minor modification of existing site plan, no existing improvements including lighting, the building, signage or paving will be modified other than the car wash bays being closed. The footprint of the building will not be affected.

Mr. Coelho: Mr. Chairman?

Mr. Phoenix: Yes.

Mr. Coelho: That being said, essentially what I'm looking at here is a, you know, it's a preexisting situation that's not gonna be touched much on the outside with the exception of one delivery truck coming in that should reasonably fit where it's supposed to fit. That being said, I'm willing to make the **MOTION** to waive the lighting plan with luminaire schedule; elevations showing front, rear, sides of the building design. Sure, those will be submitted during the building permit process.

Mr. Phoenix: If necessary for it.

Mr. Coelho: Right. Signage, waive number three, signage design with dimensions and locations; area where snow will be stored; and the traffic study.

Mr. Phoenix: I have a motion. Is there a second for discussion or otherwise?

SECOND Mr. Ellison.

Mr. Phoenix: Okay, so just to be clear on the motion, the intention here is to waive all five items including the snow storage and traffic study as well.

Mr. Coelho: Affirmative.

Mr. Phoenix: Okay. With that understanding this is not a special permit so I don't need to call the roll.

4-0 in Favor.

Mr. Phoenix: Motion carries. So, the waivers have been granted. So, that brings us back to the plan itself. Are we happy with the documentation that we have on everything including the garage door situation or do we need anything else indicating anything there? Are we good?

Mr. Coelho: I think at this point our concerns rest in the Building Department and they have to ensure that whatever design's happening here is proper. And I mean they could throw all this international building code malarkey at us all day long. We can't interpret that, but we have to.

Mr. Phoenix: So, can I, can I make a suggestion then Chris?

Mr. Coelho: You can make any suggestion. You're the chairman, Mr. Chairman,

Mr. Phoenix: I'll entertain a MOTION in the standard form to approve with the add, with

language added that the, the plan will be executed in such a way as described in the letters accompanying it as far as the garage doors being closed, et cetera. And that copies of the correspondence from other departments will be included in the printed copy of the file.

Ms. Houle: **SO MOVED.**

Mr. Ellison: Do, yeah. Okay.

SECOND Mr. Coelho.

4-0 in Favor.

Mr. Phoenix: Motion carries. And on the public hearing itself, is there a motion?

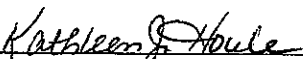
Mr. Coelho: Mr. Chairman, I'll move to close the public hearing.

SECOND Mr. Ellison.

4-0 in Favor.

The public hearing was closed at 7:43 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; waiver request; comments from town board/departments; Response letter from Joshua Y. Levine (May 12, 2026); memorandum Convenience Plus from Robert Haveles (7 May 2026); Harold P. Leaming Code Consultants Conflict Resolution (5/1/2026); Existing conditions site plan – 227 Center Street Ludlow, MA (11/6/2025)

(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 PLAN
648 Chapin Street (Assessors' Map 16B, Parcel 84)
Michael Sotiropoulos
(Proposed 500 SF accessory dwelling unit (ADU))
May 28, 2026**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
William Ellison – Vice Chairman (Present)
Joel Silva (Absent)
Kathleen Houle (Present)
Christopher Coelho (Present)
Haley Rivers, Associate Member (Absent)

The public hearing began at 7:44 p.m. in the Selectmen's Conference Room.

In attendance: Michael Sotiropoulos, attendees

Mr. Phoenix: Let's see, we have in here again, this is a continuation, so I don't need to read in the legal notice. I have checked off here that you've already been given a copy of the invoice for Turley and all that other good stuff.

Mr. Sotiropoulos: Yep.

Mr. Phoenix: As far as comments at the top of my stack from Building: as long as he meets zoning bylaw requirements for accessory structures, roof height and basement. Board of Health says no additional permits required from BOH Health Department. Department of Public Works says no comments. Fire Department: the site plan submitted to the Fire Prevention Office, 648 Chapin Street, ADU has been reviewed for compliance. Following --- required: unobstructed site access and or pathways to at least one exterior door of the proposed ADU in the event of emergency for personnel 527CMR 1.00. 18.2 0.3 0.1 and 18.2 0.3 0.2 0.1 as addressed on site sketch revision 4/30/2026. That's good that's been addressed. Clear and visible address and unit numbering. Approved smoke and/or carbon monoxide alarms in designated areas per 527 CMR 1.00 and 780 CMR and IRC current editions. Please note any omissions or missed items during this plan review does not relieve the owner/contractor from meeting all applicable codes, laws, regulations, standards as they apply to the construction maintenance or use of this building. As always, feel free to contact the Fire Prevention Office if you have any questions on this matter. So, it seems like from them the outstanding issues are just making sure that the numbering is clear and visible and that the smoke and carbon monoxide alarms are where they're supposed to be. Safety has no comment. And we do have a waiver request under 7.1 0.5o for the lighting plan with Luminaire schedule, signage design with dimensions and locations, and the traffic study. So that's what I seem to have on my end before I go over to the applicant. Josh, am I missing anything or is that it?

Mr. Carpenter: No, he brought in the revised plans, everybody's, were circulated and those are the comments we got back.

Mr. Phoenix: Anything else you'd like to add?

Mr. Sotiropoulos: No, that's, I'm trying to, made my attempt to comply since the last meeting, and here's the revised plan here.

Mr. Coelho: Mr. Chairman, do we still have the document that I need to sign where I testify that I reviewed the last meeting on the internet?

Mr. Phoenix: I don't know if that form still exists.

Mr. Coelho: Okay, so can just I make that for the record then?

Mr. Phoenix: That'd probably be for the best.

Mr. Coelho: Hopefully, my word is.

Mr. Carpenter: I can also look through Doug's old files and see if there is one.

Mr. Coelho: Regardless, I watched the video from the last meeting when I was taking a rest on my vacation.

Mr. Phoenix: Because the last standard that I was aware of was that you're allowed to miss one session as long as you catch up on it, so should be fine. So, that seems to be where we're at. Any comments, questions, concerns from the board after getting the revised comments back from other departments?

Mr. Ellison: Mr. Chairman?

Mr. Phoenix: Mr. Ellison.

Mr. Ellison: Is that the sign, proposed sign number one? Is that the number? What's that?

Mr. Sotiropoulos: The proposed.

Mr. Ellison: It says proposed sign number one.

Mr. Sotiropoulos: Well, that's where the signs will be attached.

Mr. Ellison: The house numbers?

Mr. Sotiropoulos: Yeah, house numbers. Yeah. And here's, here's a facsimile of the types of reflective engineered grade reflective signage that would be.

Mr. Ellison: So, it's gonna be like whatever and whatever right there.

Mr. Sotiropoulos: --- it's a box on post mail delivery, and the address sign will be there. And also on the house, on each house, on each, well the, the house that's there currently. And the proposed ADU will have a number, house number affixed to it.

Mr. Ellison: Yep. Fine. It's cool.

Mr. Carpenter: Mr. Chairman, if I could, we talked to the building inspector Bud.

Mr. Ellison: Yeah.

Mr. Carpenter: And it sounds like they're not going to assign a different house number, and it'll just be 648 rear.

Mr. Ellison: 648 rear. So, will that say 648 rear?

Mr. Carpenter: It should.

Mr. Sotiropoulos: How about 648-R.

Mr. Phoenix: Okay. Is that consistent with what we've been doing so far or is that a new policy?

Mr. Carpenter: It's something the Assessors brought up, and Building's kind of gone on with it, so.

Mr. Phoenix: I mean if that's what they're doing, that's what they're doing.

Mr. Carpenter: Yeah, my question was what's the actual address gonna be for the signage so we could be aware of it, and they said that it would be 648.

Mr. Phoenix: Okay.

Mr. Sotiropoulos: And I asked that too. I asked if there was gonna be a unique number for that proposed ADU and they said, no, simply dash R.

Mr. Ellison: So even mail correspondence will have to be dash R.

Mr. Sotiropoulos: Yep. The occupants will have to have their correspondence and creditors, you know, have the correct address.

Mr. Ellison: But it'll be right at the end of the driveway, both of them.

Mr. Sotiropoulos: The two boxes.

Mr. Ellison: Yeah. Okay. Fire Department is fine.

Mr. Sotiropoulos: Just two signs, 648, 648-R.

Mr. Coelho: I find it weird.

Mr. Phoenix: So, I know this is, you know, new territory with the ADU stuff, as opposed to accessory apartment, where those were attached to the existing structure. So, those would've just shared a number. It is just, it's curious to me, is this seems more like it would be on par with like flag or estate lots where we're actually cutting out a lot and they're getting a new number. If this

is the new standard for these, then it is what it is. It just, it, it feels, it feels inconsistent. I understand where it's coming from.

Mr. Carpenter: Yeah, I brought up my argument about the, before they even brought up the rear part, it was just gonna be 648 and I said, well if I live in the back of the house and my mail's going to the front of the house.

Mr. Phoenix: It's probably gonna be weird anyway.

Mr. Carpenter: Yeah, it's going to, it's a funny situation no matter what we look at.

Mr. Ellison: So, I, and just to break in, so I had talked with, I think I told you, I talked with Zac and he had talked to BJ and I guess the whole thing is it'd be nice to iron this all at once. Not necessarily anything you're doing wrong, but --- it. It'd be nice to, because we're gonna get more.

Mr. Carpenter: Yeah, it's the, it's one of those things that we kind of had to react quickly to something the state was throwing at us. So, we got in with, I'd say 95% of the bylaw was approved. So, I think we did pretty good on the original, but.

Mr. Phoenix: No, I think we talked about that last session too is, you know, this is just. The state handed us a loose bundle of things and said, here, go. And everybody was kind of struggling to figure out how those things get assembled into a cohesive hole. And then the state comes back through the voice of the AG and says, a lot of that stuff you guys did isn't what it was supposed to be. Well thanks. Can you give us the instructions next time for what you want us to do?

Mr. Carpenter: I mean, we have to put in something that the MBTA Communities have to do for the transit stations. We're not gonna have an MBTA transit station anywhere nearby, so, but we have to put it in.

Mr. Coelho: From a pragmatic standpoint, I don't think what we call it, it's reasonable. It's rear, it's dash r, you know, I mean, what else are we gonna do? Renummer the whole street, you know?

Mr. Ellison: Well, you know what, the only thing that scares me.

Mr. Coelho: Or call it 628 and 1/2.

Mr. Phoenix: Yeah, well usually it'd be nudged, probably like a, you know, up two units or something like that. But even then, if it's part of the same property, I can understand why they're using the same number. I, I get it. It just, it's new, it's different. It feels weird.

Mr. Ellison: It's just cumbersome.

Mr. Carpenter: I can also get clarification from Assessors and Building on why they're looking at it that way. So, for the next meeting.

Mr. Phoenix: But ultimately what it gets called isn't so important for this process as the fact that it's known that it will be distinct and it will be signed appropriately, both at the street and at the units so that it's clear for emergency services, et cetera, as far as where they need to go. That that's the important takeaway for us, more so than what those numbers and letters actually look like.

Mr. Sotiropoulos: And that's my intent as you see on the on the plan and verbally testifying to that right here, right now. As well with the lighting as well, with the spotlights focused on the pathway to each unit.

Mr. Ellison: So, the issues we had the last time at least were a lot about the parking, the access to numbering, all of that. So, it looks like that stuff is all set.

Mr. Phoenix: I mean I have, I have thoughts and comments up the wazoo on the process as a whole, but I think it's meeting what it needs to meet.

Mr. Ellison: Yeah.

Mr. Phoenix: I think it's going about trying to solve a problem the wrong way and I think it's gonna create more problems for communities, especially west of 495. But who can question the wisdom of Beacon Hill?

Mr. Ellison: It'll be a little cumbersome as we get different people doing different things with the ADUs, right? This is actually almost, to me it's almost easier 'cause it's pretty obvious what, what it is, you know, in that regard. But people start tagging 'em on and I think a rent, rent one that's built on as an addition. How do they get their mail? All that, you know, but.

Mr. Phoenix: Yeah, no, I could, I could go on a whole spiel, but I'm, it's not relevant for this hearing, so I'm not gonna. I'll bite my tongue this time. On the matter at hand. Since this is a public hearing, I will open it up to the public for comments, questions or concerns. If you do have anything that the, that you would like to add or ask, I would just ask that you state your name and address for the record and address anything that you have through myself as Chair. I'll do my best to get you any information that you need. Since this is a continuation of a prior hearing, I would just mention that any comments that have been brought in last time don't need to be remade this time. They're still part of the same public hearing. So, if it's something new, happy to hear it. If it's something that we've already heard, that's already part of the record for the matter at hand. Does anybody have anything at this time?

Mr. Lubas: Yes. Good evening, Mr. Chairman. My name is Phil Lubas and I live at 646 Chapin Street. My property abuts the property which is the subject of this public hearing. There are several concerns that I have and I'd like to get some answers. One is the issue of snow removal. I do not want snow from the applicant's driveway to be deposited on my side of the property line. So, I like to know where that specifically, will the driveway snow be placed?

Mr. Phoenix: As far as snow removal, I mean the, anything that falls on somebody's property they're supposed to keep on their property and manage there. So as far as being able to put it on your side of the property line, that wouldn't be legal under any circumstances.

Mr. Lubas: How can we assure that that doesn't happen?

Mr. Phoenix: I mean, if it does, then that's the same as any other residence where a neighbor puts their snow on somebody else's property as far as that goes.

Mr. Lubas: Okay. So, what would be my recourse?

Mr. Phoenix: That would end up coming in under, would that be under the regular bylaws? The, the ZEO stuff?

Mr. Carpenter: I think it would go to Building, yes.

Mr. Phoenix: And they would end up looking for enforcement on that.

Mr. Lubas: Okay. Alright. Also, what type of foundation will be used for this ADU?

Mr. Phoenix: That's not something that we can really take into contemplation, but I can certainly ask the applicant if he's aware and, and willing to share that.

Mr. Sotiropoulos: Well, the plan's gonna be submitted to Building with all the specs. So, at that time you'll find out in depth what it's gonna be. But basically, it's gonna be a concrete cast, concrete foundation.

Mr. Lubas: Are we talking slab on grade or are we talking crawl space?

Mr. Phoenix: I think it sounds like we've gotten the information the applicant's willing to share on that for the moment. That that's not something that we can take into account under the way that the law is structured.

Mr. Lubas: Because these, these final site plans as of Tuesday morning, they had not been submitted to either the Planning Department or the Building Department. So, I had no way of checking up on it.

Mr. Phoenix: These revised planes, when did they come in? Josh?

Mr. Carpenter: They've been here for two weeks at least.

Mr. Sotiropoulos: Two weeks.

Mr. Lubas: 'Cause I did, I spoke to you this past Tuesday.

Mr. Carpenter: We didn't have the, the foundation because that was being changed.

Mr. Lubas: Okay. Alright. So that was what I was really looking for. Also, what type of heating system will be used?

Mr. Phoenix: Again, that's beyond the scope of what we're able to contemplate under the, the guidelines that the state put together, that's not something that we can look at.

Mr. Lubas: Okay. Another issue is what prevents the loft from being used as another bedroom? This would effectively circumvent a 500 square foot floor space limit.

Mr. Phoenix: I'm sorry, can you state that one again?

Mr. Lubas: Okay. Yeah. What would prevent the applicant from using the loft as another bedroom? You're supposed to be in the upstairs, there's supposed to be a little loft there. So, what

would be prevent that from being used as another bedroom and thus you'd be increasing the 500 square foot floor space?

Mr. Phoenix: Well, I mean, if you wanna.

Mr. Sotiropoulos: Yeah, I mean, I'm gonna add a bit to this, but to be, to, to put you in perspective and up to speed, you have to wait to see what the Building Department gets for the plans and, and then from there, make your determination on any comments about this. This is a, a separate and distinct Planning Department meeting here that really doesn't have to be talked much about with some of the concerns.

Mr. Phoenix: Ultimately, I think to, to kinda see if I can help with this.

Mr. Sotiropoulos: And I can take it further, Mr. Phoenix, I could say that the original roof line peak was to be 21.6, 21 ½ feet. That's been revised. And again, it will be all brought forward and shown to whomever wants to see it, to 17 as per BJ. So that's gonna eliminate any kind of space other than possible storage space, as will be indicated and drawn out in the final house design.

Mr. Phoenix: So, what I, what I would say is, generally speaking for what we're looking at here is the things that would be required under our zoning bylaw that we are allowed to require under the state's laws. Anything that's more specific than that. Anything that gets into building permits, things like that, that's, would come up when the building permit is submitted, that's a whole separate process. Normally we don't get into how the inside of the building is configured unless it's something where it's, you know, if we've got a building that's gonna be storage for two thirds of it and retail space for a third of it, something like that to figure out what number of square feet is being used for each purpose, that sort of thing. Within a residence, it's all residence. So, from our perspective for zoning, it's all the same type of thing as far as where a bedroom is, how that's configured, that all has to be done in accordance with building code. And then if somebody does something outside of what was permitted to happen, that would be an issue for the building inspector to follow up on after the fact. So, I mean, to, to try and answer your question as best I can as far as what's to stop it, the expectation that if somebody breaks the law, that the building inspector's gonna find out and do something about it. Same as any other residence in town. If they're doing something that they're not supposed to, if they try and put a bedroom in a garage or whatever they're, they're trying to do. Same idea for code enforcement.

Mr. Lubas: One other thing, the law permits prohibits the short-term leases for these ADUs. So, without transparency, the door is open for the applicant to say one thing and do another with impunity. So corrective action in the form of transparency needs to be put into effect before issuing a building permit. Additionally, the rental terms should be not less than one year and should be reinforced with strict fines imposed for violations. I think the neighbors and the abutters are entitled to these protections. Thank you.

Mr. Phoenix: Thank you. Yeah, I would just say, again, this is all being done under a new section of state law that opened things up where we used to have accessory apartments. Now we have accessory dwelling units allowed essentially by right with very little oversight across the entire state. There's very little that we can do as far as putting restrictions and conditions on them because they are allowed by, right. They have to comply with whatever the state has laid out as far as their restrictions. Beyond that, there's not a whole lot we can layer on top of that. It's not, it's not a special permit where we would normally put conditions on things like what it would've been a year ago. It is just a site plan. It's not a special permit. So, it's, it really comes down to

those conditions that the state has laid out. So again, I touched on it before. There's a lot that I think is left to be desired by the way that this law was put together. But sitting here at this table in this building, we're kind of hands tied by the state.

Mr. Lubas: I understand.

Mr. Coelho: Those are the kind of nuances we gotta remember in November.

Mr. Lubas: Exactly.

Ms. Miller: I, I'd like to say something.

Mr. Phoenix: Sure. Can I just get your, your name and address as well, please?

Ms. Miller: Yeah. Melanie Miller. And I'm facing Mr. Sotiropoulos' property, I'm the second to the right. I'm at 644 Chapin Street here in Ludlow. This is, this feels a little cart behind the horse for me because I don't even, and, and this is my fault if I didn't investigate this enough, but I, I don't even know where in relation to the main house, the accessory dwelling unit's gonna be. You know what I mean? So, it's like before I speak knowledgeably about some, in order to speak knowledgeably about something, I've gotta see it.

(conversation between Mr. Carpenter and Ms. Miller regarding location of ADU)

Ms. Miller: So, here's, here are some questions that I have. And thank you for showing that to me. Now I have a better sense of what's going on. Some questions I have are, in inviting public comment, is this something, as you read the law, we just have to let him do?

Mr. Phoenix: As long as he complies with the law as structured, yes. It's allowable by right.

Ms. Miller: So, we're kind of spitting in the wind here.

Mr. Phoenix: The, basically, basically it's allowable, just like if you were trying to, to put a business in a business district. We're not, unless it's something that requires a special permit then.

Ms. Miller: Right. So, he needs no special permit, no variance whatsoever.

Mr. Phoenix: No.

Ms. Miller: To put a rental tract, 'cause essentially that's what that's gonna be. You're putting a rental tract in the middle of a neighborhood that's been a single-family house neighborhood since time in memorial. My house is 77 years old. When my parents bought it, when Phil's parents bought it, these were, this is what we wanted. We wanted single family homes. We did not want to live in rental property. Right. And then you have to ask yourself, who's going to rent a 500 square foot dwelling, people who can't afford to rent anything bigger. I think you will have a lower earning population in there. I think that you will have people who will go in and then they have one person on the lease, and another person is really there. Okay. So, I mean, it just, it opens up this decent family residential neighborhood to now becoming, it's, it's a rental. It's, it's now a rental tract in the middle of our neighborhood. And, you know, I mean, it's, it's a way to make some money, but there's better ways to make money than to have, and then to adversely affect your neighbors. And that's what I feel like this is. Mr. Sotiropoulos isn't living in the front

house. I know he doesn't have to, he's not gonna live in the rear house. I know he doesn't have to. But now you've opened up a tract 'cause the lots go back, you know, is it an acre and a half? What do you have there, Mr. Sotiropoulos?

Mr. Sotiropoulos: 1.36.

Ms. Miller: Yeah. So, you know.

Mr. Sotiropoulos: Which there is an easement, a Springfield Water Department easement. If you've lived there long enough, I'm sure you know, there's a 30-inch main that traverses the back of the property so that that land back there really is just land that's gonna be sat upon and not encumbered upon.

Ms. Miller: Right. But the other thing that is, is it's the only thing we have, the only thing we have is a nice backyard, a nice, peaceful backyard. I don't know if any of the board members have been to the site.

Mr. Phoenix: I, I've been by it.

Mr. Ellison: Yeah, I did.

Mr. Phoenix: I haven't really stopped and, and stared at it, but I've seen it.

Ms. Miller: What did, and can I ask this gentleman's name?

Mr. Phoenix: It's Mr. Ellison.

Mr. Ellison: Bud Ellison.

Ms. Miller: You're Bud Ellison?

Mr. Ellison: Yes, ma'am.

Ms. Miller: When you went out, did you notice the road? Do you notice the sidewalk?

Mr. Ellison: Yeah,

Ms. Miller: We have the worst road in, it's like Rodney Dangerfield, the comedian.

Mr. Ellison: It's a tough corner.

Ms. Miller: Yeah. Rodney Dangerfield, the comedian would always say, we don't get, I don't get no respect. So that section of Chapin Street, I'm telling you the, the yellow lines have been worn off for 10 or 12 years. We can't even, we don't have enough money really, truly to paint the yellow lines down Chapin Street again? Hard to believe, but it's the only thing we have. We don't have a good road. It's terrible. We have a horrible sidewalk. It's dangerous. The only thing we have is the piece of our backyards. Right? And now we don't have that. 'Cause why? 'Cause there's gonna be cars back there. There's gonna be people back there. You get one wrong tenant, right, and there's your peace and quiet for everybody. And Mr. Sotiropoulos, I mean, my bet is I don't have any right to say it, my bet is you're gonna flip the place. You know? So even if you.

Mr. Sotiropoulos: That's your opinion, I don't agree with it.

Ms. Miller: Well, even if you get some good tenants right, the next person who owns it isn't maybe gonna be as careful. So, you're making a permanent change to our neighborhood, which has been wonderful and peaceful for as long as we can remember.

Mr. Sotiropoulos: Some of the things you bring up are hypothetical.

Ms. Miller: Of course.

Mr. Sotiropoulos: Well, these are your feelings.

Mr. Phoenix: Well, we're not, we're gonna stop with the back and forth. Okay? So, just kind of going through, we don't tend to run through the exact criteria of the checklist that often anymore on things as we have those reviewed ahead of time. But it might be informative for this, for this evening, so.

Ms. Miller: I don't doubt that he's met whatever he needs to meet. I'm not saying that at all in any way. I'm saying he saw this neighborhood, he saw an opportunity and, but we're the neighbors that he's affecting and he's putting a rental tract in the middle of our forever long residential neighborhood. That's what saying.

Mr. Phoenix: I don't think you're gonna find too many people in the room that disagree with your assertion as far as far as...

Ms. Miller: I just wanted to be, I just wanted to be heard.

Mr. Phoenix: Right.

Ms. Miller: And if what we're saying is we really even haven't figured out what the state actually wants and how they.

Mr. Phoenix: Well, no, we've, we've kind of figured it out. 'Cause we've put together a bylaw that was based off of the models that were prepared. Then the AG looked at it and said, you need to tweak this. So, we've done that and that's gone back to Town Meeting and we're waiting for the AG to get back to us on things. But that bylaw, I would say what 90, 95% of what was originally put together was approved by the Attorney General...

Mr. Carpenter: Yeah, it's just one.

Mr. Phoenix: ...with minor revisions required.

Mr. Carpenter: That one line.

Ms. Miller: Yeah. Put the ADU in her backyard. You know what I mean? Or wherever Mr. Sotiropoulos lives.

Mr. Phoenix: Okay. I think, I think we're we getting. Mr. Coelho.

Mr. Coelho: Well, again, these were regulations and laws put together at the state level in order to address the housing shortage.

Ms. Miller: Absolutely.

Mr. Coelho: And address affordable housing to some degree.

Ms. Miller: ---

Mr. Coelho: So, the developers are following the laws the way they, they have to. There's, there's nothing we can do. We can vote it down, but then we're gonna get sued and we're going to.

Ms. Miller: I know, but, but the fear of being sued is, is the bail. You know, it's just, that's what everybody says.

(multiple people talking)

Mr. Coelho: Well, if you don't think, if you think the roads aren't getting fixed now, imagine if we got sued every time we voted something down that was right we wouldn't even have roads.

Ms. Miller: I understand, but you're always open to being sued for anything. Okay. You always are. I'm just saying that.

Mr. Phoenix: Well beyond that. And, and if the concern was that you wanted to be heard, I think you, I think you're aware you've been heard. As far as beyond that, all of us at this table had to take an oath to fulfill the responsibilities to the best of our ability. And that's what we have to do within what the law says. It's, it's not up to us to, to vote against things that the law says we're supposed to allow. That would be inappropriate.

Ms. Miller: But sometimes the tail has to wag the dog.

Mr. Phoenix: No, there's, there's a, we're getting really far afield. The bottom line here is.

Ms. Miller: Sometimes planning boards have to give feedback to the state and say, here is what.

Mr. Phoenix: The state has gotten a lot of feedback, ma'am.

Mr. Coelho: Yeah, every November.

Ms. Miller: And we can add to it and we should. That's all I'm saying.

Mr. Phoenix: So, the things that we would be looking for here, you have the actual checklist, Chris?

Mr. Coelho: I don't have the checklist, but I can work off this.

Mr. Phoenix: That's the checklist.

Mr. Coelho: Okay. Shall I go? This reminds me of the old days.

Mr. Phoenix: Yeah, let's, let's do it.

Mr. Coelho: All right. All site plans shall be prepared by a person or persons registered on the Massachusetts General Laws of the Commonwealth of Massachusetts to practice architecture and or engineering and land surveying and shall show the seals of the architect and or engineer and land surveyor. All site plans shall be on standard 24 by 36 sheets at a scale of one-inch equals 40 feet with additional narrative as necessary.

Ms. Houle: Yes.

Mr. Phoenix: Yes.

Mr. Coelho: All site plans shall include the property zone owner's name, date of plan, scale of plan, and a space for endorsement by the Planning Board.

Ms. Houle: Yes.

Mr. Phoenix: Yes.

Mr. Coelho: Provision for adequate drainage to surface water from paved areas. Use of landscaped areas to provide such drainage in order to relieve storm drainage systems is encouraged. The piping for the storm water drainage system shall be designed using the 10-year storm curve for the parking area drains and the 25-year storm curve for the culverts over existing natural waterways and retention areas.

Mr. Phoenix: Satisfied DPW. We're good.

Mr. Coelho: Existing proposed vegetation. Such vegetation shall be indicated by type and location. Number of plants if appropriate.

Mr. Phoenix: We've got wooded tree line. We don't have individual trees called out within that area. That should be satisfied. I don't think there's any individual ones.

Mr. Coelho: It says here, whether it's woods, brush, or shrub. So, it's kind of general.

Mr. Phoenix: Yep.

Mr. Coelho: Existing natural features such as wetlands, rock outcroppings, slopes, hills, et cetera.

Mr. Phoenix: I think we're good. We got some elevation lines. I got that.

Ms. Maio: Excuse me --- on that point.

Mr. Phoenix: Sure.

Ms. Maio: My name is Jean Kendall Maio and my land abuts his, that he's talking about doing this. There is wetland back there and there is a good-sized brook that runs all the way behind our houses. And it also abuts, the other side of it is Randall's property. So, it's me, him, Randall's. They have a, there's water back there.

Mr. Carpenter: He's not touching anything.

Ms. Maio: There's water back there.

Mr. Coelho: We, these go in front of the.

Mr. Phoenix: It would've gone to ConsCom for review. And if they find that there is an issue with wetlands, they can override any approval that we give. Once they find that there's an issue with a Request for Determination of Applicability, any delineation. The wetlands would trump any approval that they have through us.

Ms. Maio: Okay. So, are you saying that I have to address that, or?

Mr. Phoenix: If, if there's a belief that there's an issue with wetlands that would be on the applicant to establish with ConsCom whether there's an issue. But there's nothing in the comments that we've gotten back from ConsCom saying that they believe that there's anything there.

Ms. Houle: Does she want to see the plan?

Ms. Maio: I don't know the rules, but as far as.

Mr. Ellison: Didn't they comment on this?

Mr. Carpenter: Yeah. ConsCom made a comment at the original hearing, yes.

Mr. Phoenix: The ConsCom says no wetlands.

Ms. Maio: There, well, there is.

Ms. Houle: There might, might not be where he's putting this. It's in another area, probably. If you want, we can bring the plan up for you to see, or if you wanna come up here where it's being built. 'Cause you're way past where he's building.

Mr. Coelho: Did we go through everybody on this or I'm just gonna go through the checklist and we're gonna bring it back to the public or?

Mr. Phoenix: Well, I, if it was feedback on that item, I thought it would be relevant to cover for that item.

Mr. Coelho: Okay.

Mr. Phoenix: Instead of us making a thing and then having it come back to it and.

Mr. Coelho: Okay. I just wanna make sure everybody has the opportunity.

Mr. Phoenix: I just wanna make one pass through and get through it and make sure we've heard the things we need to hear.

Mr. Coelho: Pedestrian facilities, if any, including walks, plazas, benches, et cetera.

Mr. Phoenix: N/A.

Mr. Coelho: Parking spaces and circulation for automobiles, as well as the location of landscaped areas within them.

Mr. Phoenix: Yep.

Mr. Coelho: Existing and proposed curb cuts shall be indicated.

Mr. Phoenix: Yes.

Mr. Coelho: All parking areas shall be paved and noted on the site plan to be paved with the type of pavement to be used.

Mr. Phoenix: Yes.

Mr. Coelho: Areas where deliveries, deliveries will be made on site.

Mr. Phoenix: N/A.

Mr. Coelho: Existing and proposed fencing to be used to buffer the residential dwellings and/or districts from the intended development if appropriate.

Mr. Phoenix: We've got fencing indicated on there.

Mr. Coelho: Existing natural features and vegetation to be retained shall be so indicated. Due regard shall be shown for all existing vegetation natural features, which, if preserved, will add attractiveness and value to the development.

Mr. Phoenix: Somewhat subjective, but yes, I think so.

Mr. Coelho: The location and type of monumentation on all property corners shall be shown and maintained.

Mr. Phoenix: Iron pin found; iron pin found; concrete bound found; iron pin found. We've got those, the pins are all there. And I'm seeing directionality and distance on all the lines as well. Oh, there's a, there's also an inflection point along the street with a GSB found, sorry.

Mr. Coelho: Existing and proposed elevations and contours. The contour interval should be two feet.

Mr. Phoenix: Yep. We got contours.

Mr. Coelho: Or an interval which added depicts grading. All existing and proposed utilities and to include utilities with easements.

Mr. Phoenix: Certainly, looks like they're all there.

Mr. Coelho: All site plans required herein shall display the names of all abutters.

Mr. Phoenix: Yes.

Mr. Coelho: All existing and proposed sidewalks and curbsings.

Mr. Phoenix: I don't think there's any additional sidewalks or curbsings proposed, so I think that's N/A.

Mr. Coelho: Landscaping requirements. Required landscaping shall be provided as set forth in Table 3. Buffer strips.

Mr. Phoenix: Yep.

Mr. Coelho: Buffer strips required by table three shall be reserved exclusively for plantings, pedestrian facilities such as benches, walkways, required fences, necessary traffic control signs, and those freestanding signs which conform to the requirements of section 6.5.2e of this bylaw.

Mr. Phoenix: Looks like that's appropriate.

Mr. Coelho: This plan shall also show a chart including the following information: area of lot.

Ms. Houle: Yes.

Mr. Coelho: Area and size of building.

Mr. Phoenix: Yes.

Mr. Coelho: Maximum area of building to be used for selling offices, business, industrial or other uses if applicable.

Mr. Phoenix: Yes.

Mr. Coelho: Maximum number of employees were applicable.

Mr. Phoenix: Zero.

Mr. Coelho: Maximum seating capacity where applicable.

Mr. Phoenix: Zero.

Mr. Coelho: Maximum sleeping capacity where applicable.

Mr. Phoenix: We've got one bedroom, existing, one bedroom in the proposed ADU. No specific numbers of people, but per bedroom.

Mr. Coelho: Number of parking spaces required for the intended use based on Section 6.4.

Mr. Phoenix: Three required.

Mr. Coelho: Number of parking spaces existing at the site, including street parking adjacent to the site.

Mr. Phoenix: Three proposed.

Ms. Miller: Excuse me, just a point of information. How many parking spaces in total considering the front yard and, I'm sorry, the front house and the ADU, how many total parking spaces?

Mr. Phoenix: Three.

Ms. Houle: Three.

Ms. Miller: Three? Yeah. On an acre and a third. Okay.

Mr. Coelho: Number of trees and/or shrubs.

Mr. Phoenix: Three that are shown on the plan individually. The rest is just whited area shown on the plan.

Mr. Coelho: Number of trees and/or shrubs shown on the plan.

Mr. Phoenix: Yep.

Mr. Coelho: Why do we have that twice? It's a nuanced, weird thing. Well, would you like to record this with the.

Mr. Phoenix: And then it's just 7.1.50 I think is the only thing left after that.

Mr. Coelho: Did I forget something? Oh, additional requirements. All site plans shall have the following information unless waived by the Planning Board: Lighting plan with luminaire schedule prepared by an engineer; Elevations showing the front, rear, and sides of the building design; Signage design with dimensions and locations; Area where snow will be stored; and a traffic study.

Mr. Phoenix: What I'm looking for, I see a note in Josh's original review comments that we're looking to waive one, three and five, but not two and four.

Mr. Carpenter: Mr. Chairman.

Mr. Phoenix: So, we actually have the snow storage area called out on the plan?

Mr. Carpenter: It's called out on the notes, I believe.

Ms. Houle: Yeah.

Mr. Phoenix: All snow to be stored on lawn area adjacent to driveway. And as far as two elevations showing the front, rear and sides of the building design, did we get those?

Mr. Carpenter: That was the plans we were waiting for from the building inspector that had been changed recently.

Mr. Phoenix: And do we have those?

Mr. Carpenter: We do not.

Mr. Phoenix: Okay. So, we don't have two. So, one is the lighting plan with Luminaire schedule, three is the signage design with dimensions and locations, five is the traffic study. What I'm looking for, there's a note here saying that there's a waiver form included. I'm looking for, here we go. Regards to Section o. items one, three and five; (1) lights to be installed to be entryway lights, (3) there will be only house numbers at entryway. The only traffic will be personal vehicles owned by tenant. Thank you. So, we can talk about whether we want to grant one, three and five, but two sounds like it's still outstanding in either event.

Ms. Miller: I just have one more question. As I looked at that picture, I don't think the ADU was drawn to scale on what I looked at it. The main house looked really big and the ADU looked really small.

Mr. Phoenix: According to Paul Smith land surveyor, it's, it's drawn appropriately.

Ms. Miller: Does it look to your eye like it is?

Mr. Phoenix: I believe it does. And I think he's putting his seal on the line if he's showing something that's not correct.

Ms. Miller: Right.

Mr. Phoenix: But we've done, we've done public comment, ma'am. And I understand your frustration, but we need to try and stay on task. This, this is going well beyond anything that it should be. So, on these waivers as requested, the lighting plan, the applicant is asserting that there's just gonna be entryway lights. We don't have anything on the plan, I don't believe showing that. Exterior spotlights to be fixed at each house and directed to illuminate the driveway.

Mr. Sotiropoulos: There was a note, There's a note on note. Exterior spotlights number seven.

Mr. Phoenix: Yeah, I just read that, I just read that out loud. But directed to illuminate the driveway. What a lighting plan with Luminaire schedule does, would also show, you know, where the, where the lights are, whether they're directed properly, where the, whether there should be some kind of shielding on it to prevent spill over into adjacent properties, which is something that we would normally be looking for with new installation of lights. Especially for something that is a commercial type of use next to residential type properties. So, I don't know that that would be unheard of for us to ask for, but we can certainly talk about.

Mr. Sotiropoulos: Okay.

Mr. Phoenix: As far as three, the exact wording on three is, where did my checklist go? I had it. Signage design with dimensions and locations. Is there a reason why we wouldn't be able to, to get that? I'm not understanding why it would be in the town's best interest to, to waive the

signage and sign, especially if the assertion is that it's only gonna be house numbers at the entryway. I'm a little bit confused by that.

Mr. Coelho: You did it, didn't you?

Mr. Sotiropoulos: Yeah. Are you asking I'm, I'm sorry. I'm not clear on the question, Mr. Phoenix. So, do you need, do you need an engineer to put where the house numbers will be on the house and also at the mailbox at the entryway?

Mr. Phoenix: I'm saying you're coming in as the first person coming in under this section of the state law.

Mr. Sotiropoulos: Yeah. Yep.

Mr. Phoenix: Trying to take full advantage of the provisions under the State law.

Mr. Sotiropoulos: I'm not trying to take advantage of anybody.

Mr. Phoenix: I'm not saying I think you're, you're taking the wrong nuance from those words.

Mr. Sotiropoulos: Okay. Yeah. Yeah. Okay.

Mr. Phoenix: You're trying to make best effect of the state law.

Mr. Sotiropoulos: Yeah. Okay.

Mr. Phoenix: Okay. And you're submitting it under the bylaws that we have in place, which for site plan requires these specific items, which we are allowed to waive if we determine that it is in the best interest of the total town and the neighborhood for us to waive them. So, what I'm asking is, especially if the signage that we're talking about is fairly minimal, what makes it in the town's best interest to waive getting that in instead of just having that submitted with the plan set? I understand why it's in your best interest. I don't understand why it's in the town's best interest is my question.

Mr. Sotiropoulos: It's, it's, I don't know. It, it's muddying my thought process. Now, to be honest with you. I'm thinking a number on the mailbox post and a house number is sufficient, but I don't know. See that's where it's muddying my process. My, I don't know what, where we're going with it, but whatever you need, you know, I'll comply.

Mr. Phoenix: Okay. And then the traffic study, with the reasoning being that the traffic will be personal vehicles owned by the tenant. So, does the board have any desire to act on any of those three requested waivers? We still do have number two outstanding. Do we wanna hold off on doing the actions on the waivers until two has been turned in and reviewed?

Mr. Sotiropoulos: May I interject Mr. Phoenix?

Mr. Phoenix: Right now, I'd like to get the board opinion.

Mr. Sotiropoulos: Okay. Okay.

Mr. Ellison: Don't you have, didn't you just show me a drawing of the numbers?

Mr. Sotiropoulos: Yeah, yeah. It's right here.

Mr. Ellison: So, I didn't, that's separate than this.

Mr. Sotiropoulos: Yes. This is here what I showed you.

Mr. Ellison: Yeah. You had that.

Mr. Sotiropoulos: Yeah, I had it and I showed it to you, and you handed it back to me.

Mr. Ellison: So, this, this, it's just for the signs. There's nothing in here for lighting, but just the sign.

Mr. Sotiropoulos: No, just the lighting is here, sir.

Mr. Ellison: Do you have?

Mr. Sotiropoulos: Yep.

Mr. Ellison: Yeah. Not everything, but, okay.

Mr. Sotiropoulos: And as far, if I may just pop this in real quick, as far as the elevations go, those were in the, in the house plans?

Mr. Carpenter: Yeah, they were in the.

Mr. Sotiropoulos: Originally, they were all right out there. But do you want me to resubmit those? I can, but they were already looked at and with no pushback, you know, five weeks ago when I was here. But if you want me to redo those, I'll do, redo that.

Mr. Coelho: Can we enter his engineered lighting and assign plans as part of this ---?

Mr. Phoenix: Well, does the lighting thing have a Luminare schedule attached to it as well?

Mr. Coelho: Although these lights are adjustable up and down, they, they aren't shielded, you know, and it would be up to who's installing the lights as to where they would be shining. No, there is no Luminaire schedule on this.

Mr. Phoenix: So, I guess again, my question becomes, do we want to take action on any of the requested waivers? Do we want to get more information? Do we want to tell the applicant to, to bring us more of the things that are required and less waived? What do, what do we wanna do? I've got my thoughts, but I want to hear other people.

Mr. Ellison: Kathy?

Mr. Coelho: Well, I think, you know, the snow storage is on the.

Ms. Houle: It's on there.

Mr. Coelho: It's on the drawing. What, what are the three we're looking at?

Mr. Phoenix: We're looking at the lighting plan with Luminaire schedule, the signage design.

Mr. Coelho: Alright. Yeah. Yeah.

Mr. Phoenix: And the, the traffic study.

Mr. Coelho: Okay. So, the traffic study's almost negligible because there's two cars being added.

Mr. Sotiropoulos: One.

Mr. Coelho: One car being added. You know, I'm comfortable with that. The lighting. Yeah, lighting's a pain in the butt for neighbors. You know, so.

Mr. Sotiropoulos: Well, I meet, I meet the setbacks and the lights that I proposed to set and have installed by an electrician will be focused on the, on the roadway.

Mr. Coelho: Well, I understand that.

Mr. Sotiropoulos: Without the light pollution. Without light pollution, encumbering, encumbering a neighbor. Whatever you need.

Mr. Coelho: Right. That's what, that's what the luminaire schedule ensures us on paper.

Mr. Sotiropoulos: Okay. Yep.

Mr. Coelho: That you're not gonna have spillover. Without that, we don't have anything in writing.

Mr. Sotiropoulos: I see.

Mr. Phoenix: No, what we have is that it's gonna be pointed at the road, but we don't know what that spillover is gonna look like. We don't know, you know, what that's gonna look like as it crosses the property line. We don't know anything aside from that it's gonna be vaguely pointed at where you expect cars to be.

Mr. Sotiropoulos: Yeah, No problem. I, you know, no problem. You know, if that's what you need, you know, I want to comply totally. But that's a big issue. If that's a stumbling block here, then I'll, you know, I'll leave.

Mr. Coelho: It's not a stumbling block, but certainly an encumbers for the neighbors. I know, you know, I've lived in, in areas of cities where lights are shining in my bedroom.

Mr. Sotiropoulos: That's not good. Yeah, that's not good. I agree with that.

Mr. Coelho: And we just need some sort of surety that that's not gonna happen and/or it'll be controlled.

Mr. Sotiropoulos: Well, I wouldn't allow it being the, the homeowner. I wouldn't allow it. I wouldn't want that. But, you know, if you, whatever you need, you need a Luminaire engineer study or, you know, a big engineering thing, I can bring that in. No problem.

Mr. Phoenix: So, let's, let's just try and button this up and move it forward. I guess I'll entertain a motion on the waiver request are 7.1.5 o 1. The lighting plan with Luminaire schedule repaired by an engineer to deny that waiver request as it does not appear to be in the best interest of the total town or the surrounding area.

Mr. Ellison: Yes, I would.

Mr. Phoenix: Okay. I think that's a SO MOVED. Is there a second?

SECOND Mr. Coelho.

4-0 in Favor.

Mr. Phoenix: The request for the waiver on that one is denied. The other one that I've heard talked about is the traffic study. I believe it sounded like the inclination is to grant that. So, to move this forward, I'll entertain a motion to grant the waiver of the traffic study due to the minimal impact of the one-ish additional vehicle that would be contemplated as part of this.

Mr. Ellison: **SO MOVED.**

SECOND Mr. Coelho.

4-0 in Favor.

Mr. Phoenix: Motion carries. That leaves us with number three, the signage design with dimensions and locations. Do we want to get that officially prepared and submitted? Do we want to take what we have in this packet? What do we or do we wanna?

Mr. Ellison: I'm okay with what he submitted based on these.

Ms. Houle: They're house numbers. I'd be okay with waiving that.

Mr. Phoenix: Well, house numbers aren't all created equal either.

Ms. Houle: I know, but.

Mr. Phoenix: Some house numbers are three inches, some are three feet.

Ms. Houle: Well.

Mr. Ellison: I think he got.

Mr. Phoenix: And there's also the question of, you know, I don't know if fire would be concerned with whether they're visible from the road for.

Mr. Ellison: He's got six by twelve engineer grade reflective signs.

Ms. Houle: That used to be in the town bylaws, the sizes and all of that, so before they got replaced.

Mr. Ellison: Yeah, I mean I am.

Mr. Phoenix: So, I'll entertain a MOTION to accept the packet with information on the signs and to accordingly waive 7.1.5 o 3. for the signage design in favor of taking what's been prepared already.

Ms. Houle: **SO MOVED.**

SECOND Mr. Ellison.

4-0 in Favor.

Mr. Phoenix: So, we still have at least one piece of outstanding information that we do need to get in. In the meantime, we can probably button up what's necessary on number two as well. Since we don't have all the information that we need in order to take informed action tonight. I would entertain a motion to continue. What do we have available, Sue?

Ms. Urban: The next meeting?

Mr. Phoenix: How long do you think it's gonna take you to get the plan done?

Mr. Sotiropoulos: Well, I'm a little bit ignorant on this kind of what I, what I really need. A Luminaire schedule? I'm not really sure what that is. If one of you can offer to tell me what that is, I may be able to turn around and bring it in tomorrow.

Mr. Coelho: I think if you is look at manufactured lights and you go to their website. They have ones with the shading projects it down. And they describe the luminaire schedule on that particular light.

Mr. Sotiropoulos: Okay. They might have a, they might have a cone of eight-foot cone or scope and that's what you're gonna want to see?

Mr. Phoenix: Well, it'll be prepared by an engineer. You're gonna need to talk to an engineer and have that prepared for you.

Mr. Sotiropoulos: So, I need an engineer to do that. Okay.

Mr. Phoenix: So, just for the sake of argument, let's, let's throw this 60-days or so out in the future, so he's got plenty of time to contact somebody to get them to do the work.

Mr. Sotiropoulos: It won't take me that long, Mr. Phoenix. I mean.

Mr. Phoenix: My concern is if, let's say we do it for two weeks or we do it for a month and then the plan isn't submitted in time for it to be able to be in and be available for public inspection and review before we get to it, people are uninformed of what's in that plan. We then get to a section where we have the public hearing's back open. We still can't really have an informed conversation about things where the plan might not have even be completed by then. We've got people to come out of their house for a third night without being able to resolve anything. So, if you're not able to tell me for certain that you're gonna be able to deliver that within a certain time, I'm gonna try and give you the benefit of the doubt. Give you that extra cushion. If you wanna tell me that guaranteed by our meeting about a month out or by our meeting two weeks out, you will have that in hand with lead time for it to be in the office for inspection prior to that,

I, I'm willing to lock you in on that, but if it's not delivered, then I'm gonna be asking for the board to look at issuing a denial because you're not completing what you're supposed to be saying.

Mr. Sotiropoulos: Well, how about this? I mean, you're asking for one item that is, is, not insurmountable. I could probably attain this request sooner rather than later. How about if we make it for 30 days out and in two weeks from now if things are dragging on my end, I'll just give you a call and say cancel the meeting for that day. Is that reasonable?

Mr. Phoenix: If it's published that we're having the public hearing, then we're gonna be opening the public hearing back up.

Mr. Sotiropoulos: But do you publish it like today for 30 days?

Mr. Phoenix: We need to, before we close this and move on to our next order business, we need to have a time, date and place for that next session of the public hearing. And everybody that's here either in the room watching at home or otherwise, is then aware of when that is going to be happening.

Mr. Sotiropoulos: Okay. I'll go out on a limb, say 30 days. I'll have it for you in 30 days.

Mr. Phoenix: Okay. So, if you're gonna say that you're ready to have us have another session in 30 days, I'd like to have that in the office for inspection at least seven days before that.

Mr. Sotiropoulos: Okay. Okay. Yeah, I think that's reasonable.

Mr. Phoenix: Okay. So, if that's not completed in time for inspection.

Mr. Sotiropoulos: You may deny it.

Mr. Phoenix: That's a very real possibility.

Mr. Sotiropoulos: Okay.

Mr. Phoenix: So, with that understanding, what do we have about a month out, Sue?

Ms. Urban: June 25th at 7:00 p.m.

Mr. Phoenix: Okay. I may have a conflict but we have other people that can sit in too. So, June 25th, 7:00 p.m.

Mr. Carpenter: Mr. Chairman, just for the record too, I will not be at that meeting if you need me.

Mr. Phoenix: On the bright side, you're not a voting member Josh, but thank you anyway. So, I'm gonna entertain a MOTION to continue to June 25th, 7:00 p.m. here in this same conference room.

Mr. Coelho: **SO MOVED.**

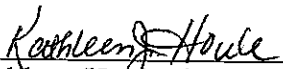
SECOND Ms. Houle.

Public Hearing – Sotiropoulos
May 28, 2026

4-0 in Favor.

The public hearing was continued until June 25, 2026, at 7:00 p.m.

APPROVED:



Kathleen Houle, Secretary

su

Documents: Master application; waiver request; comments from town boards/departments; letters from abutters; Site plan – 648 Chapin Street Ludlow, MA (March 25, 2026)

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