

**TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
July 9, 2026**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
William Ellison – Vice Chairman (Absent)
Joel Silva (Absent)
Kathleen Houle (Present)
Christopher Coelho (Present)
Haley Rivers, Associate Member (Present)(7:01 p.m.)

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TOWN OF LUDLOW

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

PUBLIC HEARING- Site Sketch – Miguel Goncalves – 23 Oregon Avenue (Assessors' Map 4, Parcel 6) (Proposed towing company)

SEE SEPARATE MINUTES

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- ◆ FILE Mail Item 35. - Legal Notices from surrounding communities
 - ◆ APPROVE/SIGN Minutes of June 11, 2026
 - ◆ APPROVE Change of Occupancies:
 - King Travel Inc. – 165 Carmelinas Circle (from construction to bus repair/operations)
 - Northstar Motors & Collision LLC – 37 Letourneau Lane (from auto recycling to towing/repair shop)
 - ◆ SIGN Special Permits:
 - Camron Moreau – 34 Grant Avenue (office for HVAC business)
 - Richard Yelinek – 50 Stivens Terrace (office for limousine business)
-

Mail Item 36 - Request to Study a Temporary Moratorium on Data Center Development, from Kathleen Shea

The Board discussed the possibility of adopting a moratorium versus a permanent prohibition on large data centers. It was noted that conversations had already taken place with Anthony from the Select Board's office and with Town Counsel regarding the matter.

Town Counsel advised that if the Town's ultimate goal is to prohibit large data centers, a moratorium may not be the most appropriate long-term solution. However, Board members noted that a moratorium would provide the Town with sufficient time to carefully study the issue, develop legally sound language, and avoid rushing a permanent prohibition that could be vulnerable to legal challenge.

It was further explained that Town Counsel believed a complete prohibition through a zoning bylaw could ultimately be more effective, provided the language is carefully drafted. One challenge identified is that the current Zoning Bylaw allows "call centers and data centers" as permitted uses within the Mill Redevelopment District. Board members observed that when this provision was originally adopted, it likely contemplated conventional data centers rather than the much larger facilities now being developed.

The Board discussed concerns associated with modern, large-scale data centers, including their substantial demands on water and electrical resources, potential noise and environmental impacts, increased utility costs, and additional strain on the electrical grid. Members agreed these facilities differ significantly from the traditional data centers envisioned when the bylaw was written.

Board members also discussed coordination between the Planning Board, the Select Board, and Town Counsel regarding the preparation of any proposed prohibition. It was noted that both a Select Board measure and a zoning bylaw amendment may be necessary, and that the language should be coordinated to ensure consistency.

Several members expressed that a temporary moratorium may be more likely to receive Town Meeting approval because it would allow the Town to pause development while carefully evaluating the issue. Others noted that if a permanent prohibition were presented immediately and rejected at Town Meeting, the Town could be left without any protection.

The Board emphasized that timely action is important, as developers of large data centers often move quickly and possess significant legal and financial resources. Members agreed that any bylaw or moratorium should be carefully drafted to withstand legal scrutiny and effectively address the Town's concerns.

The discussion concluded with general agreement that Mr. Carpenter would relay the Board's comments to Town Counsel for further guidance.

PUBLIC HEARING – Special Permit/Home Occupation – Durmus Alper Koc – 65 Waters Edge Drive (Assessors' Map 12C, Parcel 55A) (home office for Uber Lyft business)

SEE SEPARATE MINUTES

PUBLIC HEARING – Special Permit/Home Occupation – Kadir Sungur – 521 Center Street, Apt. 14 (Assessors' Map 16A, Parcel 47) (home office for transportation services)

SEE SEPARATE MINUTES

File Mail Item 37 - Certificate of Assessment from Pioneer Valley Planning Commission (PVPC)

PUBLIC HEARING- Site Sketch – Ludlow Renewables, LLC – 0 East Street (Assessors' Map 27, Parcels 26-31) (modification to original site plan)

SEE SEPARATE MINUTES

PUBLIC HEARING – Special Permit/Home Occupation – Rachel Burgess-Rivera – 23 May Road (Assessors' Map 27, Parcel 51) (home bakery)

SEE SEPARATE MINUTES

PVPC – Bylaw update

In attendance: Evan Mastroianni

Senior Planner Evan Mastroianni of the Pioneer Valley Planning Commission (PVPC) presented the nearly completed draft of the reorganized and reformatted Zoning Bylaw, noting that the project has been underway for approximately seven months. He explained that the project consists of two deliverables: a reorganized version of the existing bylaw with no substantive changes, and a separate matrix identifying recommended future amendments for the Board's consideration.

Mr. Mastroianni explained that the reorganized bylaw streamlines the document by consolidating duplicate provisions, improving organization, correcting formatting inconsistencies, and eliminating redundant language while preserving the intent and functionality of the existing bylaw. The document has been reduced from approximately 160 pages to about 90 pages through these organizational improvements.

Mr. Carpenter confirmed that the reorganized bylaw contains no substantive changes and would not alter the meaning or application of the existing regulations. Mr. Mastroianni confirmed that the intent of the project has been solely to improve readability and organization while reserving policy changes for future consideration through the recommendations matrix.

The Board discussed incorporating non-substantive revisions into the reorganized bylaw prior to adoption, including severability provisions, purpose statements, clarification of definitions, correction of duplicated definitions, and elimination of conflicting or redundant language. Members agreed that these housekeeping revisions would improve enforceability without changing the intent of the bylaw.

The Board also reviewed inconsistencies involving sign regulations, including references to animated and sandwich signs, and agreed that those conflicts should be clarified before the bylaw is presented to Town Meeting. Members emphasized the importance of having a clear and internally consistent bylaw upon adoption.

The Board discussed the process for advancing the reorganized bylaw to the October Town Meeting. Members agreed that the draft should first be reviewed by Town Counsel before scheduling the required public hearing. The Board also expressed interest in coordinating with the Select Board to ensure both boards understand the scope and intent of the proposed reorganization. PVPC indicated they would be available to attend future meetings, the public hearing, and Town Meeting to assist with the presentation of the bylaw revisions.

Future Bylaw Amendments and Permitting

The Board discussed one of the long-term recommendations contained in the matrix regarding potential streamlining of the Town's permitting process. Members discussed opportunities to consolidate administrative reviews, improve applicant guidance, and delegate routine administrative matters, such as certain change of occupancy reviews, to the Town Planner where appropriate. At the same time, members emphasized the importance of maintaining appropriate public oversight and avoiding the creation of single points of failure within the permitting process.

PVPC noted that other municipalities have adopted tiered permitting systems that distinguish between administrative reviews and projects requiring Planning Board or Select Board approval. The Board agreed that permit streamlining could be considered as part of future bylaw updates following completion of the current reorganization effort.

Solar Bylaw Discussion

The Board discussed future revisions to the Town's large-scale ground-mounted solar photovoltaic bylaw in light of upcoming state permitting changes scheduled to take effect in October. PVPC outlined ongoing technical assistance being provided to municipalities regarding new state model bylaws, consolidated permitting requirements, and recent Attorney General decisions affecting local solar regulations.

Board members discussed opportunities to strengthen local regulations by encouraging well-designed solar projects while discouraging unnecessary clearing of forested land. Members expressed support for incentives favoring installations on existing developed areas, such as parking lot canopies, rather than undeveloped land, while acknowledging the need to ensure local regulations remain consistent with evolving state requirements.

PVPC advised that they would incorporate the agreed-upon clerical revisions into the draft bylaw over the following week and prepare an updated version for the Board's continued review. The Board anticipated discussing scheduling for the required public hearing and additional presentations at a future meeting.

Documents: Town of Ludlow Draft Zoning Bylaws; Action plan

Mail Item 38 - Request for updated list of board members from Cheryl A Coakley Rivera, Register of Deeds

Mr. Coelho **MOVED** to sign the form and forward it to the Register of Deeds.

SECOND Ms. Houle.

3-0 in Favor.

Outstanding Items

The Board reviewed several outstanding items previously identified for follow-up. It was reported that there had been no new developments regarding the School Department, and that the Town was still awaiting the surveyor's work related to Town Hall.

Mr. Carpenter reported that staff are exploring the possibility of making the Zoning Bylaw available on the Town's website in a searchable online format similar to the General Bylaws. A quote has been requested for the cost of hosting and maintaining the bylaw online. Board members expressed support for improving public access to the Zoning Bylaw while questioning whether existing municipal information technology resources could accomplish the task without additional expense.

Mr. Carpenter also reported on webinars attended regarding online permitting software. The proposed system would allow applicants to upload plans electronically and enable town departments to review application materials simultaneously, reducing the need for manual circulation of plans. Staff are awaiting pricing information before determining whether to pursue the system. Board members discussed the potential benefits of streamlining the review process while expressing concerns regarding the potential cost of implementation.

Mr. Phoenix raised concerns regarding the hotel redevelopment project, noting that no revised plans or project updates had been submitted to the Planning Board. Members discussed the continued presence of a construction storage trailer on the site and questioned the status of previously identified permitting issues. The Board requested that Mr. Carpenter follow up on the project and continue monitoring compliance, including coordination with the Zoning Enforcement Officer if necessary.

Ms. Houle **MOVED** to adjourn.

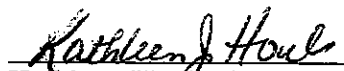
Mr. Phoenix: That's the one and it is not debatable.

SECOND Mr. Coelho.

3-0 in Favor.

The meeting adjourned at 9:29 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 – SITE SKETCH
23 Oregon Avenue (Assessors' Map 4, Parcel 6)
Miguel Goncalves
(proposed towing company)
July 9, 2026**

PLANNING BOARD MEMBERS

Raymond Phoenix – Chairman (Present)
William Ellison – Vice Chairman (Absent)
Joel Silva (Absent)
Kathleen Houle (Present)
Christopher Coelho (Present)
Haley Rivers, Associate Member (Present) (7:01 p.m.)

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

In attendance: Attorney John DaCruz, attendees

Mr. Phoenix advised the public that the hearing was being recorded, gave the applicant a copy of the Turley Publications invoice, and read the legal notice which included the description of: proposed towing company.

Mr. Phoenix: Fire Department does have a comment. Looks like a couple others might be in here too. Let's see. Site sketch submitted to Fire Prevention Officer, proposed towing company has been reviewed for compliance. The following will be required under 527 CMR 1.00. Massachusetts Comprehensive Fire Safety Code Table 1.12.8.40, flammable or combustible liquids and/or waste oil storage shall require a permit based on quantity to be maintained through the Fire Prevention Office. Please note any omissions or missed items during this plan review does not relieve the owner/contractor from meeting all applicable codes, laws, regulations, and standards as they apply to the construction, maintenance or use of this building. As always, please feel free to contact the Fire Prevention Office if you have any questions or concerns regarding this matter. ConsCom says no wetlands. Public Works says they have no comments. Board of Health, the Board of Health has no objection to the proposed towing company provided that all waste materials and automotive fluids are properly stored and disposed of and the property is maintained free of nuisance conditions. I believe that's the end of the comments. Okay, so with that I'm gonna turn it over to you. If you wanna just let us know what the, the proposal is that we're talking about and I'm gonna see, I should have a couple copies to pass out, I would think.

Atty. DaCruz: The last time we were here, Mr. Phoenix, in lieu of doing a site plan, we requested that a site sketch be provided. Mr. Goncalves drafted and submitted the site sketch. I believe it has all the applicable requirements on it that were in the outline or guidelines that he was given. And as you can see for minutes, I asked him, it abuts the base property so it's as, pretty much as far as you can go here before you're abutting the base and it's at the end of the street. The only abutters are ADS to the front and to the rear. I did ask him about the, the parking spaces that are outlined in the back. They're physically not actually striped or lined. It is a gravel area back

there, but I think the site sketch was asking for the number of potential spaces, and he drew those out according to the scale of the property.

Mr. Phoenix: So, that's a slightly different version than this one. Do we have one that shows the parking spaces?

Atty. DaCruz: This is the one he gave me, which I assumed was the one he gave the Planning Board.

Ms. Houle: No.

Mr. Phoenix: That looks the same to me. Do I have any copies that look like that? Because that'd be handy.

Atty. DaCruz: Okay.

Mr. Carpenter: Yeah, I don't think we received them with parking spaces on it, it did, I think the chart says the number of spots on it, but they weren't drawn out because it was a gravel parking lot.

Mr. Phoenix: Well, according to Town Bylaw, all areas for parking are supposed to be paved so that wouldn't fly too well anyway, so that might be why that got updated. No it looks, it still says gravel.

Atty. DaCruz: It says gravel over the spaces, correct. I assume that the one he submitted was the same as this. So maybe that's the one that should be submitted 'cause these aren't actually striped spaces.

Mr. Phoenix: Well, according to the bylaw, all parking areas are to be paved and indicate the type of pavement. So, that's gonna have to be handled so that that would have to be paved or at least indicate to be paved with the intention of that actually happening.

Atty. DaCruz: There's pavement on the sides here and I'm assuming these are the parking spaces. I mean I can have him update the site sketch 'cause on both sides of the building it is paved and to the front of the building, it's paved.

Mr. Phoenix: Well, wherever the parking spaces are is gonna need to be paved.

Atty. DaCruz: Okay.

Mr. Phoenix: We, we've run into that issue even with some of the heavy equipment. Generally speaking, the area where there are gonna be parts still needs to be paved even if we can allow for gravel or rip rap or whatever in the area around so that it's not getting torn up so much. The general idea is that we don't want to have whatever is attached to those vehicles coming in off the road or leaking from them just getting directly into the ground where they're parked.

Atty. DaCruz: Okay.

Mr. Phoenix: So usually that's, you know, best kept through pavement and then it can get caught up with storm water as appropriate and all that and, and processed appropriately. So that is

something we'll have to get touched up. Josh, Sue, as you've, as you've looked at this plan, have you picked up on anything of note that we need to be concerned with?

Mr. Carpenter: Just the parking spots and the paving.

Mr. Phoenix: Does anybody from the Board have any other comments, questions, or concerns? Hearing nothing, this is a public hearing, so I will open it up for any public comments, questions or concerns. If you do have anything, I would ask that you state your name and address for the record and address anything you have through myself as Chair, I'll do my best to get you any information that you need. Does anybody have anything at this time? So, hearing nothing I think the outstanding issue is just having a unified plan that shows an appropriate parking surface. Beyond that I, I'm not hearing any objection to the plan going forward. What's the Board's pleasure on this? Do we want to?

Mr. Coelho: John, can I see that?

Atty. DaCruz: Sure.

Mr. Phoenix: Do we wanna hold this open? Do we want to close with the understanding being that the plan will come back updated with those changes? Do we wanna make a, a motion to approve subject to those changes?

Mr. Coelho: Mr. Chairman?

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: Being a heavy industrial use and adjacent to a most likely uber contaminated air force base, I'll make a **MOTION** to approve this provided the parking gets adjusted to areas that are already paved and any gravel that's used for overflow is only temporary.
SECOND Ms. Houle.

Mr. Phoenix: Motion's been made and seconded. I'm trying to picture that page in the bylaw. Does somebody have the actual bylaw book faster than I can pull it up online?

Mr. Carpenter: I'd be pulling it up online as well. Oh, Evan might find it a little quicker than us.

Mr. Mastroianni: It's the same language.

Mr. Phoenix: All parking areas shall be paved and noted on the site plan as either paved or to be paved with the type of pavement to be used. See Section 6.4.7 surfacing for any exemptions. For any exemptions that may apply amended 10/01/12. So, 6.4.7 might have something for an exemption. Maybe.

Mr. Carpenter: 6.4.7 is all, in all business zones, all parking areas driveways must be constructed of concrete or, oh god.

Mr. Coelho: Bituminous.

Mr. Carpenter: Yeah. Concrete. In all industrial zones, all driveways and all visitor, employee, or visitor and employee parking must be constructed of the same material. Parking for equipment or

heavy equipment and storage of equipment or heavy equipment is allowed on gravel surfaces. In all the zoning districts, that portion of the driveway that lies within the public way shall be constructed in accordance with the Town of, the Town of Ludlow's Board of Public Works regulations for construction within the public way and efforts, in effect at the time of the construction.

Mr. Phoenix: If the mover and the second are both okay with the, the motion as made, I think I can be okay with that as well. A little bit an odd one in this case, but that's okay. Any discussion on the motion? Hearing none, I will call for a vote. All those in favor?

3-0 in Favor.

Mr. Phoenix: Motion carries. Is there a motion on the public hearing itself?

Ms. Houle: **MOTION** to close the public hearing.

SECOND Mr. Coelho.

3-0 in Favor.

The public hearing closed at 7:10 p.m.

APPROVED:


Kathleen Houle, Secretary

su

Documents: Master application; comments from town boards/departments; Site sketch – 23 Oregon Ave. Ludlow, Ma.

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
65 Waters Edge Drive (Assessors' Map 12C, Parcel 55A)
Durmus Alper Koc
(home office for Uber Lyft business)
July 9, 2026

PLANNING BOARD MEMBERS

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

The public hearing began at 7:20 p.m. in the Select Board's Conference Room.

In attendance: Durmus Alper Koc, attendees

Mr. Phoenix advised the public that the hearing was 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 Uber Lyft business.

Mr. Phoenix: And I don't believe we have any comments from anybody else as this is a home occ. That's kind of the way these tend to go. So, I'm just gonna go over what you put on the application and then I'll ask you for, for some of what you're doing. So as mentioned, it's gonna be for Lyft Business Lifos Executive Transport LLC. Office for documentation, Uber Lyft. Total area of home and other buildings is 1,088. You're looking to use about 50. Makes sense for a home office, no non-resident employees. Also, no to any signage for the business, customers at the house, deliveries unlike those of a normal residence, changes that would make it look less residential. You're looking to use one vehicle in connection with the business, which is a Chevy Suburban with a GVW of 7,600. So that's under our 10,000. And you are looking to have us waive a full site plan in favor of a sketch and photos that you could prepare for us, which I'm sure are probably already in the packet somewhere. I am not seeing sketch or photos. Am I missing that? I don't see it. I'll do one more pass through. Do you remember when you submitted this, did you give us like a photo showing the approach to the property? Like from the street or like a sketch of the property?

Mr. Koc: Actually, I saw, so I got a paper and I saw it, but I don't know if you have it.

Mr. Phoenix: Oh, it's just, probably gonna be, yeah.

Mr. Koc: I have this paper.

Mr. Phoenix: That works. Yeah. Okay. That works. So, that's what we have in the file here. If you could though, just let us know what you're looking to do.

Mr. Koc: So, as you mentioned, I'm just driving Uber and Lyft. So, I open a business which is like chauffer business so, and I will use the home as a office. And I request kindly if you approve my application.

Mr. Phoenix: Certainly. Does anybody from the Board have any questions, any comments, any concerns? Hearing nothing from the Board, I will open it up to the public for any comments, questions, or concerns that you may have. If anybody does have anything, please state your name and address for the record and address anything through, that you have through myself as Chair. I'll do my best to get you any information that you need. Does anybody have anything at this time? Hearing nothing, I will ask the Board one more time. And hearing nothing again, I will entertain a motion on the, the finding, on the waiver, on the special permit, on the status of the hearing, whatever somebody wants to make a motion on. Standard form works fine if somebody wants to do that or if they wanna do something different.

Mr. Coelho: Mr. Chairman?

Mr. Phoenix: Mr. Coelho.

Mr. Coelho: I'll make a **MOTION** to find that the Uber Lyft business as described by Mr. Koc...

Mr. Koc: Koc.

Mr. Coelho: ...is a suitable home occupation under the Bylaw. Furthermore, I **MOVE** to waive the site plan for Mr. Koc at 65 Waters Edge Drive in favor of a site sketch and photos as 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. Furthermore, 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. Koc at 65 Waters Edge Drive with the restriction that the permit will run with the applicant and not with the property. Furthermore, I will **MOVE** to close the public hearing.
SECOND Ms. Houle.

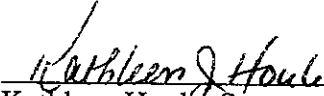
Mr. Phoenix: So, we have a motion to do all four of the things that I mentioned before, to make a finding, to grant the waiver of the full plan in favor of the sketch that we have, to approve the requested home occupation and to close the public hearing. With that understanding, since this is a Special Permit, I will call the roll.

4-0 in Favor.

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

The public hearing closed at 7:25 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).

Public Hearing – Koc
July 9, 2026

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TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
521 Center Street, Apt. 14 (Assessors' Map 16A, Parcel 47)
Kadir Sungur
(home office for transportation services)
July 9, 2026

PLANNING BOARD MEMBERS

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

The public hearing began at 7:26 p.m. in the Select Board's Conference Room.

In attendance: Kadir Sungur, attendees

Mr. Phoenix advised the public that the hearing was 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 transportation services.

Mr. Phoenix: And I'm just gonna kinda go over what we have on the application then we'll ask you what you're doing. So, this is transportation services, airport transportation, limousine services, and any lawful business activities. The any lawful business activities is a little bit tricky because different business activities might have other restrictions that we would need to contemplate. So, I think the, the most that you're probably gonna get out of us is really for the, the transportation because that's a defined thing that we can understand the scope of. Any neighbors or other people from around town that want to know what's going on, they can understand that. Other purposes could include storage of various chemicals, things like that that we would need to make sure there's controls around or noise that we would have to put restrictions on for hours of operation, things like that. So, just putting that out there. Total area of home and other buildings housing the occupation is that 1,150, I think? Area to be used for the home occ. is 65. No non-resident employees, no signage for the business, no customers at the house, no deliveries unlike those of a normal residence, and no changes to the site that would make it look less residential. Looking to use a Chevy Suburban 7,500 pound GVW. That sounds popular tonight. And we do have a requested waiver of a full site plan in favor of a sketch and photos as prepared by the applicant. So, I'm guessing since the other one was just the card, this one might be, no this one's got actual photos, photo and photos. So, that's what I have on my side of the table. Can you just let us know what are you, what are you looking to do?

Mr. Sungur: I'm currently a driver driving for Uber and Lyft, and the next will be just my car will be changed and I'm do the same thing. And as you see on the form, nothing will come to my house, not any like storage or not any noise, nothing or any sign. This will be everything same but just my car will be changed and I'm doing the same thing.

Mr. Phoenix: Okay. Does anybody from the Board have any comments, questions, or concerns at this time? Hearing nothing. This is a public hearing so I will open this up to the public. If you do have anything that, that you would like to add or ask, I would 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. Does anybody have anything at this time? Hearing nothing, I'll ask the Board once more if they have anything. Hearing nothing again, I would entertain motions on the, the finding, the waiver, the application in front of us, and the status of the public hearing in whatever way, shape, or form the Board chooses to make them.

Ms. Houle: Mr. Chairman?

Mr. Phoenix: Ms. Houle.

Ms. Houle: I **MOVE** to find that the business, the home office for transportation services for Mr. Kadir Sungur at 521 Center Street, Apartment 14 is suitable home occupation under the Bylaw. I further **MOVE** to waive the full site plan for Mr. Sungur at 521 Center Street, Apartment 14 for favor of a sketch and photos prepared by the applicant since this is in relation to the home occupation and doing so is consistent with the purpose and intent of the Bylaw. I further **MOVE** to approve the Special Permit under 7.0.4 A-M and the Home Occupation under 6.2.1-6.2.13 for Mr. Sungur at 521 Center Street, Apartment 14 with the restriction that the permit will run with the applicant and not with the property. And I further **MOVE** to close the public hearing.

Mr. Phoenix: There's a motion. Is there a second?

SECOND Mr. Coelho.

Mr. Phoenix: I would just ask if the, the mover and the second would be agreeable to having language in there just clarifying that this is strictly for the transportation and not for as defined on the application. All other lawful purposes that it would need, that any other business use would need to come back in to, to make sure that those are handled appropriately.

Ms. Houle: That's fine.

Mr. Coelho: Good.

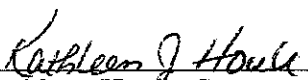
Mr. Phoenix: With that understanding the motion is to find that this is a suitable home occupation, to waive a full site plan in favor of the sketch and/or photos that we have in front of us, to approve what we have with that understanding, and to close the public hearing. With that, since this is a special permit, I will call the roll.

4-0 in Favor.

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

The public hearing closed at 7:32 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
PUBLIC HEARING – SITE SKETCH
0 East Street (Assessors' Map 27, Parcels 26-31)
Ludlow Renewables, LLC
(modification to original site plan)
July 9, 2026

PLANNING BOARD MEMBERS

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

The public hearing began at 7:35 p.m. in the Select Board's Conference Room.

In attendance: Devin Howe – Beals and Thomas, Palmer Moore - Nexamp, attendees

Mr. Phoenix advised the public that the hearing was being recorded, gave the applicant a copy of the Turley Publications invoice, and read the legal notice which included the description of: modification to original site plan.

Mr. Phoenix: And before I go into anything else I have in the folder, you wanna just let us know what's going on?

Mr. Howe: Sure. So, good evening, Chair and fellow board members, Devin Howe from Beals and Thomas representing the applicant, Ludlow Renewables, LLC. Here with me tonight is Palmer Moore from Nexamp, as the applicant. So, as the Chair had stated, we're here tonight to request a modification to the site plan as the Board is obviously well aware. We were here back in June to request a minor modification but thought it was, would be better for us to go about the more formal process. So, just to give an overview of the project again. So, we have, this is the overall site plan. We have East Street along the top of the sheet here. We have the Mass Turnpike along kind of the eastern side of the property, the right side of this plan, and Reynolds Street down here just at the bottom of the map. So, what we've done is, Beals and Thomas has taken over this project as the civil engineer. The project was originally designed by Waterman Associates, and Beals and Thomas was retained by the applicant to come in and be the engineer of record, sign off on the project ultimately once it's built and be a part of that process. So, as we were taking over this project, there were some various things that we had, had identified. There is a town owned sewer easement that runs along the right-hand side of the solar array. The solar array is within this area here, and this sewer easement actually ended up being about 15 to 40 feet west closer to the solar panels. So, obviously being a town owned force main, we don't want to impact that force main, don't want to damage it. So, that needed to be located, it had impacts, we had to make adjustments to the various storm water features for that, that shift of that sewer line. As well as there was some topographic discrepancies that we had noted. A lot of the times on projects such as this, they'll fly with a drone before any trees are dropped. And then usually what ends up happening is after the trees are cleared, which it now is on this site, they'll go back

out on site either re-fly or in this case there were actually guys with a physical pole surveying that land and found that there was some topographic discrepancies that required our attention. As an example, I'm not sure if this was, this site was impacted by the Mass Turnpike back 60 years or so when they built it, but there's some various stockpiles kind of along this area. Whether that had to do with the town's force main or the Mass Pike, I don't know. But it, it required our attention that there were these, these stockpiles and we had to make sure that, you know, number one, the panels can actually work with those stockpiles. In this area we actually, when we were originally designing this and making sure that everything worked, there was a stockpile right in the middle of that stormwater basin. There isn't one now, but we had to shift it because obviously that would've caused an issue. Since we submitted as well, we've been working with the Ludlow Department of Public Works. They were, expressed some concern originally about the connection to East Street. And what we've done is we've actually worked with them, we received a stormwater permit this past Tuesday, as well as this side entrance was gonna potentially conflict with the catch basin. We've since, once the, the project is complete, that entrance will be reduced down to like only 24 feet wide, which is kind of like your typical like shopping center drive aisle. So, it's, it's kind of, I don't wanna call it narrow, but it's wide enough that, you know, once the project's done and it's just typical pickup truck, you know, maintaining the site or a landscaper cutting the lawn, they can access it but it, it just helps reduce the amount of gravel in this area. So, as I had mentioned, we did get the storm water permit approved this past Tuesday from the DPW and we did receive some comments from the Fire Department. So, I had a conversation with Captain Ellison last week, I believe it was last Tuesday, about the project. He just had some questions about it. He wanted to ensure that there was an 18, minimum 18-foot-wide access from East Street to the gate. We have 20 feet, so we exceed what he was looking for. He also wanted to ensure that at the various access points, there's one here and one down here. He just wanted to make sure it had either a Knox Box or a Knox padlock so the Fire Department would be able to have access, which we were providing on that access gate up here. And we just made sure in our sketch that we submitted to the Board that the gate down here would have that Knox Box or Knox padlock. Another thing the Fire Department requested is just in case of a, not saying it would happen, but in their words, if for whatever reason they need to get a brush fire truck down in this area, that the gate down here would be 10 feet wide so they can drive the truck through. We originally had that gate in this area and we thought it'd be, well if you want to drive a truck down it probably makes more sense to align it with that gravel driveway. So, we just took that gate, shifted it over, widened it up to, to 10 feet wide. One of the other comments was from the Fire Department, was to work with the Assessor's Office to get an address for this. Right now, it's just referred to off East Street. So, the applicant's committed to working with the Assessor's Department to get that address. And then their final comment was just to ensure that the vegetation on the site was managed to reduce the potential, again, not saying it would happen, but reduce the potential risk for a brush fire or something of that nature. With that I can turn it over to the Chair if you have any questions.

Mr. Phoenix: Let me just start by going through the things that we have and I, from what I saw and what I heard from you, I think you've covered some of this already. Fire Department, --- the Fire Department's reviewed the site plan as presented. The following will be required. Fire Department access road shall have an unobstructed width of not less than 18 feet from East Street up to the access gate noted on plan. Provide Knox Box for rapid entry in accordance with Town of Ludlow Bylaws to be permanently affixed to the exterior of perimeter gate or gates where applicable. Knox lock padlock also acceptable. Address, number of facility and appropriate up to date contact information in the event of emergency be posted and visible from the street. Vegetation in and around the facility to be maintained regularly to reduce, reduce the risk of brush/grass fire spread. Change rear access gate from proposed four-foot personnel gate

to minimum 10 feet for emergency access to rear of solar field, shift rear access gate to align with access road. Please note any omissions or missed items during this review does not relieve the owner/contractor from meeting all applicable codes, laws, regulations and standards as they apply to the construction, maintenance, or use of this building. Public works. Please keep in mind the following comments. Submit a copy of the NPDES construction general permit and the SWPPP when completed and submitted. Two, driveway entrance to parcel to be a 20-foot-wide paved apron with Cape Cod berm to the existing catch basin that will not be disturbed as discussed with project engineer. Three, any solar panels inside the infiltration basin area that negatively changes stormwater calculations provided by project engineer need to be removed. I don't think I heard discussion on that one specifically. Do you have a response on that one?

Mr. Howe: Specifically, the one relating to the panels?

Mr. Phoenix: Yeah, any solar panels inside the infiltration basin area that negatively affect, that negatively changes stormwater calculations provided by project engineer need to be removed.

Mr. Howe: So, I did, after we received that letter from the DPW, I spoke with Jim Goodreau from the DPW about this. If I can find the right sheet here. So, Jim was talking about this infiltration basin here. As you can see there's some panels that come up to the grading of that basin. So, there's a panel here and then some panels here. Those panels themselves are not within the actual footprint of the basin. The edge of the basin, or what would actually see water up to and including the hundred-year storm, is elevation 275, which is about three to five feet away from the actual edge of those panels. So, there would never be that, there wouldn't be panels within the basin.

Mr. Phoenix: Okay. And ConsCom says that you filed with ConsCom. And then I do have a letter also on your own letterhead on behalf of the applicant. The comments that require response from the applicant are provided in italics below and I might glaze over some of these because they've been covered already. Comment one is Fire Department: Access roads shall have an unobstructed width of not less than 18 feet; 2. Provide Knox Box for rapid entry; 3. Address number of facility and appropriate up-to-date contact information, in the event of emergency be posted and visible from the street. You've got a response for that too. Number 4. Vegetation around the facility to be maintained regularly to reduce the risk of brush, less grass fire spread. The comment on that is as requested the applicant is amenable Fire Department's request to regularly maintain the vegetation in and around the facility. Is there something on the plan stating like a, a maintenance schedule for that or anything like that?

Mr. Howe: There's not specifically that I recall on the plan, but there is an operation maintenance control plan for this project.

Mr. Phoenix: And let's see, change rear access gate from [inaudible] four-foot personnel gate to 10 feet for emergency access and shift it. We've had the response to that as well. So, I think that rounds all of that out. Does anybody from the Board have anything as far as comments, questions, or concerns at this time?

Mr. Coelho: Originally this was supposed to exit out onto Chapin Street, correct?

Mr. Moore: Yeah, just provide a little history on the access. We had hoped to exit the project on Chapin Street because Eversource already has their array and an access road there. It made a lot of sense from our perspective to just reuse that existing infrastructure. Things that seem to make

sense don't always make sense when you talk to a big utility. So, we opted, we, working with the Conservation Commission to avoid impacting sensitive, regulated areas at the end of Reynolds, we commenced work with DOT and Eversource to find an alternative access point on East Street and that is how we have, over a few years of working with them, arrived at that entrance point on East Street.

Mr. Coelho: And the whole nature of this project changed after the lot was clear cut?

Mr. Moore: This project has not changed materially since its original design that was brought forward to the town. I think you know what we are talking about here is everything that Devin outlined now. So, the, the bulk of the project is the same project that it's always been. There's been some grading changes and adjustments to the storm water systems as a result of the additional investigation that Beals and Thomas did in preparation for construction. But those are the only aspects of the projects that have changed.

Mr. Coelho: So, the footprint really hasn't changed since it was first approved?

Mr. Moore: Correct. Correct.

Mr. Howe: And just a visual for the Board to see. This is actually an overlay that we had created specifically for tonight to show what features are, you know, within like a foot of where they originally were. So, the array area down towards this area towards the residential neighbors on Reynolds Street that stayed the same, the fence line stayed the same, the tree clearing limits and what's actually been cleared out there today is what this Board has already approved as part of their original permit. However, in actually up closer towards East Street there's slightly less clearing than what the board approved. And the reason for that is as Beals and Thomas took over this project for engineering, we'd identified that we thought we could, by pulling the road in slightly, avoid additional tree clearing. So, we pulled that in and just left those trees.

Mr. Phoenix: And I think just by way of trying to get this out there as well, we had conversation about this previously when you came in to, to talk to us about it. I think you're trying to be diplomatic about some of it. The, the plan that was presented to us last time by another firm didn't seem like it was actually matching that well with reality. I think is, is a fair statement, which is why some of these changes that were felt to need to be made once you saw what the ground was actually like. Is that, although not super diplomatic, is that a fair statement?

Mr. Howe: I'll say it as diplomatic as I can. You know obviously the sewer line shifting over 14 to 40 feet that impacts, you know, solar panels and how much you know of the array that, you know, you have to remove solar panels so they're not on top of that sewer line. If anything ever happened 10 years from now, that sewer line needs to be repaired or what have you, that's, that's an impact that we had to fix. How that happened and how that original survey didn't have that sewer line where we thought it was, I don't know. I can't answer what was done before and how they came up with that location.

Mr. Phoenix: I wouldn't expect you to. You know, I think I just wanna make sure that for, for the people that are in this room that weren't part of that conversation before, they're aware that you're coming in trying to deal with what's actually there and make that be a, a workable plan moving forward in the best way possible with what's actually there. Instead of just pretending that the sewer line, the water line was where it was expected to be and just going ahead and building as if nobody knew anything. This is trying to be, I think somewhat respectful and, and

responsible about what's going on, on the property. So, that's kind of where we got to here. I think the original ask involved also possibly waiving the public hearing in addition to waiving a full plan to do this as a, an amendment to the existing. And you know, I think to summarize our discussion when we talked about that we felt it was important to have the public hearing so everybody knows what's going on, but that the full process might be a little bit more comprehensive than what's required for the amount of change that's going on for the site compared to what was originally submitted. So, that's kind of how we got to where we are tonight. I do have a couple questions about the plan itself. The first one, you know, there's the gate, you've got the access road, all of that's great. Do you have any areas that are called out for like parking for anybody that's coming to maintain the facility?

Mr. Howe: So.

Mr. Phoenix: Or is it just they're gonna park somewhere on that paved area is the, the expectation? What, what are we, what are we looking at here?

Mr. Howe: I would say specifically related to that, I believe within the Mass DOT permit, it explicitly says that people shall not park on East Street to maintain the facility. There is a pipe gate about say 200 feet into the site just to make sure you know, people aren't driving their own personal vehicles back to this site once it's completed. Usually for a, a site like this, if you're coming out to cut, you know, the grass or vegetation, what have you, you're just gonna use that access road park. You do have on this plan a turnaround area down here so people can, you know, they're not backing out all the way back towards East Street. They can come into the site, come down here, park, do their thing, use that turnaround and leave.

Mr. Phoenix: And what's the surfacing on that access road that you have?

Mr. Howe: So, the first say 20 feet or so is paved, that was a request by the DPW that we have that first 20 feet paved and then they wanted to see, call it Cape Cod berm that's about 12 inches wide, only a couple inches tall. You can usually easily drive your vehicle up on top of it. So that's right at that entrance off East Street. So, after that first 20 feet it's all just gravel, so.

Mr. Phoenix: It's funny this is coming up tonight 'cause we just had a conversation about gravel and parking and whatnot during an earlier meeting as well. According to the Town Bylaw, all parking areas are supposed to be paved and should show what kind of pavement. Gravel doesn't generally cut it. And as far as the, the kind of apron going out to the street, that's also provided for in the Bylaw that that's supposed to be paved. So, you know, if people are going to be coming in to, you know, mow the grass on whatever frequency every couple weeks, every couple, three weeks, whatever that is, if there's snow, people are gonna have to be able to get in there and, and clear the snow because if you've got somebody trying to get in there, they're not gonna be trying to clear all that out to, to get to something and they still need to get access and even if they trudge in whatever way they do it, the Fire Department needs to be able to get in there with emergency vehicles if the person ends up having a heart attack while they're on the site. So, all of those things need to be provided for. So, I, I'm curious about getting defined parking on there about understanding, I know you show where snow storage is gonna be, but what that looks like as far as actually making sure that that does happen for the snow clearing. And honestly, I'm also a little bit curious about the chart, which is one of the main things that we look for on the site plan. I went through a bunch of pages and the closest thing I'm finding is on page C 4.0 there's a zoning table that has dimensional criteria, minimum lot area, minimum frontage, minimum front setback, minimum side setback, minimum rear setback. So, those are all

dimensional minimums. What I'm not seeing though, and maybe somebody can tell me if it's on a different sheet here 'cause we certainly have quite a few, I'm not seeing something calling out the specific items that we generally look for on every site plan. And in particular, it's one of the only things that we are really bound by when it comes to site sketches. Sue or Josh, in your review of this plan, did you find that table anywhere?

Mr. Carpenter: No.

Mr. Phoenix: So, that's gonna have to get addressed, which would also include such things as the number of parking spaces, maximum number of employees. Some of them are not really gonna be appropriate in this circumstance. So, you can put N/A, but the table does need to be on the plan. So, it's not a huge thing to get added in, but it is one of the main requirements for a site sketch is to have that on there showing, you know, all of those different items. That, that's what I have. I'm gonna ask the Board if, if they've got anything else for now or if they're good with me opening up to the public? Hearing nothing, this is a public hearing. I will ask if there are any public comments, questions or concerns. Please state your name and address for the record and address anything that you have through myself as Chair, and I'll do my best to get you any information that you need. Does anyone have anything that they would like to add or ask at this time? Yes.

Ms. Shea: Kathleen Shea, Reynolds Street. I'm just wondering who was responsible for how, so this storm, the, the sewer line was found by the people that were doing the project, but why wasn't that a thing even before they found it? Like, shouldn't the town already know that that's there?

Mr. Phoenix: Whether we know something is somewhere is one thing. Knowing where something exactly is, is the responsibility of somebody that goes out and puts together the survey for the property and is willing to put their stamp and their reputation on the line on that plan. Which there were individuals that did that, that plan then got reviewed by the town and with the understanding that the person that did that work was a professional and was doing appropriate work. That's all kinda taken as what it is. I think it's probably one of the bigger, if not the biggest example of something like this happening where there, there's a discrepancy like that in the over quarter century that I've been sitting here. I don't know what led to that. I would kind of be interested to get more details, but at the end of the day it doesn't change where we are now. That should have been located properly on the initial plan. And I would suspect that there might be conversations that should be had between people who are interested in that, and the person who put their seal on that original plan. And I think that's the most I can kind of say if, if that makes sense.

Ms. Shea: Yeah, no, I was just, I mean I'm not, I'm not fighting anything. I just, I'm slowly learning things about town and process and all of that kind of thing. So I was, when I found out about it, I was like, okay, so whose responsibility is that? Like, I don't know. Is it before the permit or, I mean like if you're going to dig, you have to call for like...

Ms. Houle: Dig Safe.

Ms. Shea: Dig Safe, right? Yep. So, something like this is kind of huge. So that's why I was asking.

Mr. Phoenix: So, that's why when the plans come in front of us, different types of plans would have different seals from different industry professionals. So, like the sheet that I'm looking at has the seal from Devin, Devin P Howe, civil professional engineer. And then over here we have Brian C Franetovich as registered professional land surveyor. So, the surveyor is especially interested in the, the metes and bounds of the property, where the corners are, the monumentation, the lines, the directionality of those lines, where things are on the property, what those distances and directions are. So, that's really the focus of the land surveyor and that's kind of their whole thing. So, when they put their seal on there, it is essentially understood that it should be correct.

Ms. Shea: Thank you.

Mr. Phoenix: Yes.

Ms. Anselmo: Angela Anselmo, 207 Renolds Street, I believe in the other previous meeting [inaudible] gentleman there, but utilities, is there a utilities line out there? And how would that impact anything and why wasn't it?

Mr. Phoenix: Because we've got the, the water main going through and obviously you're gonna have electric feeding into the grid from the site. Is there anything else running through?

Ms. Anselmo: Originally were there any there, because you had mentioned something from they had found and they didn't want put in the, the metal from the when you place the panels. Was there utilities originally already there from 40 or 50 years ago? Did I hear that correctly from your previous meeting on June 11th?

Mr. Phoenix: I think it's, I think it's just the, the water line.

Ms. Houle: The water line.

Ms. Anselmo: Just the water line.

Mr. Coelho: Which is a utility.

Ms. Houle: Which is the utility.

Mr. Howe: Talking sewer line?

Ms. Anselmo: Yep.

Mr. Howe: So, some extra context just on that sewer line we actually reached. So, obviously we did do some test pits out there to confirm whether those stormwater basins would function as we design them. As part of that dig safe, municipal utilities are notified, public utilities are notified. We actually had a conversation with the Department of Public Works about whether they could locate and flag where that sewer line is to make sure we didn't hit it, you know, while we're out there digging. And they, as far as I'm aware, they were not able to do that. So, what we had done after or, after or concurrently or however that exact timeframe was a couple months ago, we had gone out there with ground penetrating radar GPR to locate that force main. So, you got, you know, essentially it looks like a lawnmower, guys behind it, trying to pick up where that sewer line is. That's how we located it. And we had a general idea of where that was based on old

historical plans. For the life of me trying to look at the old historical plans that were scanned probably a couple times. Very hard to just read anything that wasn't just specifically the sewer line and align it with the property was very difficult, almost impossible. But with those plans, with the GPR locating, that's how we were, our, the, the surveyor from Northeast Surveying who was also brought on new to this project was able to find it and identify that sewer line.

Mr. Phoenix: Does that answer your question?

Ms. Anselmo: So, it was just sewer line?

Mr. Howe: Yeah, we're not aware of any water line.

Mr. Phoenix: Okay. Sorry. Thinking water, I was hearing force main and, okay.

Mr. Howe: They're both, yeah, both kind of force, if you will, based on pressure. But it's...

Mr. Phoenix: Yeah, pressure elevation.

Mr. Howe: ...if, if I misspoke that's, that's what was managed. It's a, it's a sewer force main. There's a pump station where I often, I don't know where Reynolds connects to what street is down there, but there is a town owned building with a, a pump station in it that pumps all the way up through this property and.

Mr. Phoenix: Well, I'm, I'm sure if Dave Irvin was still around, he'd give us the history of the whole thing. But he's, he's not anymore.

Mr. Carpenter: I think the pump station's down across the, across Chapin Street but next to like the Elks Club.

Mr. Phoenix: Okay. But that, that's what we have now is the plan in front of us that shows where it actually is. Any other comments or questions? So, we have...

Mr. Carpenter: Mr. Chairman, before you go on.

Mr. Phoenix: No.

Mr. Carpenter: We did have a phone call come in. They were just wondering about the timeline for construction.

Mr. Phoenix: Well, I think that's gonna depend on timeline for approval, denial, et cetera.

Mr. Carpenter: Yeah, they were just wondering like how long, if we, if it was approved, how long they thought they would be.

Mr. Phoenix: Do you have any expectation on that currently, or is that still to be determined?

Mr. Moore: The current schedule would be construction from September through December.

Mr. Coelho: How impactful will this construction be? A lot of pounding and grounding? Cutting trees? Noisy?

Mr. Moore: The trees are already dropped so we're really just talking about light duty equipment coming in to put piles in to mount the racks and then it's, you know, folks getting up on ladders to put the racks up.

Mr. Coelho: Hammers?

Mr. Moore: I'm not aware of extensive use of hammers. No.

Mr. Coelho: Dynamite?

Mr. Moore: No dynamite.

Mr. Phoenix: I don't know. Based on when I had panels put on my roof. I think the biggest thing's gonna be a bunch of cans of good stuff getting sprayed everywhere. Anything else from the Board? Oh sure.

Ms. Anselmo: Angela Anselmo, 207 Reynolds Street. I think it's appropriate now to mention that maybe that's why the [inaudible] person called. It is loud. I'm the one who's most impacted 'cause I'm at 207 Reynolds Street, so I've got Eversource behind me with the 5,500 solar panels and now I'm gonna have 6,500, I don't know how many on this side. I can tell you from just me, that there is literally just a tree line, like a small tree line between me and the panels. And the problem that I'm having is not only the noise, 'cause right now the construction is right there and when they were stumping and de-stumping trees, it was right there because they took, you're more than welcome to come and see where it is. So, it does impact me a lot. And I have an animal, a pet, and she doesn't wanna go anywhere near there. She is petrified. It has changed my life, and I've been in contact with Palmer because it's like a wind tunnel through it. It has increased the, how much coldness comes through before you had 25 acres or however many acres that were all trees and now those acres are all cleared.

Mr. Phoenix: No, and I, I will say we've, we've had some conversations. There are limiting factors like state law, things like that. But we, we've had some conversation about the fact that it seems to some, if not all of us, that cutting down forested property to put up solar panels, it's nice to have solar, but it starts begging the question of where that real return is and how much sense that makes. I, I will say for me personally, if I had my choice, I'd much rather see solar panels be put up on top of existing buildings and other infrastructure and used as cover over a parking area, things like that, where it's not going to be doing the same kind of thing. It's, it's what we keep seeing over and over again on similar projects. But to a non-inconsequential degree, our hands are kind of tied by the state. We may look at seeing how much wiggle room we can find on that in the future, but we're still there, there's only so much we can do from our position here.

Ms. Anselmo: So, it has affected my, my life and it has changed tremendously.

Mr. Phoenix: I, I don't doubt it.

Ms. Anselmo: All the debris now from leaves, everything that comes into now I'm expected to clean this like weekly, anytime there's a rain, you've gotta come and visit my home. It's like a tornado just went through it.

Mr. Phoenix: I do not doubt it at all.

Ms. Anselmo: And that's concerning with, you know, that's gonna impact my property now. Not to mention all the wildlife that now we're getting. Which these are all things I know I mentioned right at the beginning back in 2017, 18 when you originally started the project. So, there are very many concerns. I've been there since 1990. So, there's a lot of concerns I have.

Mr. Phoenix: Fair. Absolutely fair. So, coming back to the Board, one last chance. So, I see a few different paths forward. We have the path where we just approve what's in front of us as submitted, which seems like it might not be the ideal one since we are missing some things on the plan. We have the path where we deny it because it is missing things on the plan. We have the path where we approve with some conditions, and we have the path where we hold the public hearing open to a new time and date and we take a look at it where it's hopefully been updated and we can make decisions based off of that updated plan. If anybody has a, an additional option, I'm certainly willing to hear it. But whatever the choice is, if somebody would care to make a motion in some direction at this time, I would appreciate it.

Mr. Coelho: This is the intersection of altruism and renewable energy with saving the forest. You know, you can't tell what's coming down the pike next. We have, fact of the matter right now, we have a clear-cut parcel that needs to get finished and that construction needs to be done over there. So at least you get some quiet. That being said, I'm gonna make a **MOTION** to approve the site sketch as presented with the condition that the table gets updated to reflect what we require and the turnaround parking area be paved or be noted to be paved.

Mr. Phoenix: I think it needs to be paved, not just noted.

Mr. Coelho: Or it needs to be paved. Correct.

Mr. Phoenix: Would you also be agreeable to having some kind of defined plan for the maintenance of the grass and snow, et cetera, on the site to maintain appropriate access and safety?

Mr. Coelho: Yeah, I think that's probably submitted with their O and M plan if I'm not mistaken. And that will be part of the record. Yeah, probably an O and M plan for the entire facility. You know, for everything from snow removal to vegetation control and you know, upkeep of the buffers around the property as well. At this point, that's the best we can do and, and.

Mr. Phoenix: So, we have a motion to approve subject to those conditions. Is there a second?
SECOND Ms. Houle.

Mr. Phoenix: Is everyone clear on the motion or does anyone need it to be restated? Hearing nothing on that I will, this is not a special permit I don't believe. No, just site sketch. So, all those in favor?

3-0 in Favor.

Mr. Phoenix: And on the status of the public hearing itself, would anyone care to make a motion?

Ms. Houle: **MOTION** to close the public hearing.

Mr. Coelho: For discussion, do you have an anticipated end date on this thing?

Mr. Moore: December of this year.

Mr. Coelho: So, we'll stop hearing noise at December, probably before then.

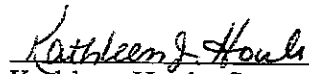
Mr. Moore: Ideally October.

Coelho: Yeah, I'm good (**SECOND**). I just wanna get that in the record.

Mr. Phoenix: Motion's been made and seconded to close the public hearing. All those in favor?
3-0 in Favor.

The public hearing closed at 8:14 p.m.

APPROVED:


Kathleen Houle, Secretary

su

Documents: Master application; Waiver request (June 8, 2026); Request for Minor Modification to Site Plan Approval (June 5, 2026); Response to Ludlow Fire Department Comments (July 6, 2026); comments from town boards/departments; Plans: Ground Mounted 4.48 +- MW Solar Array East Street Ludlow, Massachusetts (Revised July 14, 2026)

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

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT/HOME OCCUPATION
23 May Road (Assessors' Map 27, Parcel 51)
Rachel Burgess-Rivera
(home bakery)
July 9, 2026

PLANNING BOARD MEMBERS

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

The public hearing began at 8:21 p.m. in the Select Board's Conference Room.

In attendance: Rachel Burgess-Rivera, attendees

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

Mr. Phoenix: As far as what I have here, we have Cake Please Home Bakery is the name of the business. I have certification of ownership authority. I have, let's see, total area is 3,850. You're looking to use 144, no non-resident employees, no planned signage at the house for the business. You are looking to have customers come to the house. We can circle back to that in a moment. No deliveries, unlike the, of those of normal residence, no changes that would make it look less residential. One vehicle in connection with the business, which is a Honda CRV with a GVW of 5,000 pounds. And you are looking for us to waive the full site plan in favor of sketch and photos as prepared and presented. And we have the information from the Assessors and the GIS mainly to support that with the, the photo showing the approach. So, that's what I have. If you could explain for us what you're looking to do.

Ms. Burgess-Rivera: Yep. I'm looking to run a home bakery out of my home kitchen, specifically for the making of cake pops as well as any other dipped treats that are shelf stable.

Mr. Phoenix: Okay.

Ms. Burgess-Rivera: Mainly for the use at farmer's markets, vendor fairs, as well as for private sales for such as birthday parties, baby showers, events like that.

Mr. Phoenix: Fruity Pebble cake pops or is that?

Ms. Burgess-Rivera: Oh you, I see we follow the same people. I haven't tried that recipe yet. And I am for, for the moment, I am staying away from it.

Mr. Phoenix: Okay. I mean there is the official one that Fruity Pebbles put out as well.

Ms. Burgess-Rivera: Yep. And I do have access to the official other Fruity Pebbles recipe before I knew how, you know, controversial it was, but.

Ms. Houle: That's interesting. Chris, you and I are out of the loop.

Mr. Coelho: Yeah, I'm not cool anymore.

Ms. Burgess-Rivera: The Chair knows what he's talking about. So, you guys can follow up after that on.

Mr. Coelho: I'm gonna Google it. I'm gonna AI that one.

Mr. Phoenix: So, it's social media for the win. It helps to have a teenage kid.

Ms. Houle: Yeah.

Mr. Phoenix: So anyway. Yeah. So, you're looking to do a home-based business for, for the bakery. Nothing really huge going on there from what you're describing. The biggest thing is the, the small vehicle and you're looking at people come to the house, which is not something we typically have a yes to. So, let's just sit in that one for a second. You're allowed to have vehicles at the property in connection with the business, not more than two, than what you'd have during non-business hours. Would that be an issue for you, the way that you're anticipating things to go?

Ms. Burgess-Rivera: It would not, no. I would just be using my personal vehicle to deliver or meet up with people who wanted to purchase the cake pops and had made a plan in advance.

Mr. Phoenix: And like somebody coming to the house would just be like somebody coming to pick up an order and then take off. You're not looking to do some big?

Ms. Burgess-Rivera: Yup. There's no popups because you're aware of social media. There will be no carts sitting on the property at the end of the street for people to come and drop off money and pick said cake pops up out of cart. That is not my interest at this time. My interest would be contain the, maintain the human connection and meet with people, meet them at the house. I currently, my full-time job is work from home, so I would be present on the property as well.

Mr. Phoenix: Yeah. Cake pop carts and other similar things aren't something we've had to think about. I think that the closest I came was thinking about the, the, the cookies that get put out, and that's not in Ludlow so I don't worry about it too much.

Ms. Burgess-Rivera: The, the cake pop carts or the treat carts as people are calling them, they're, they're big right now, but it's not something I'm interested in and comfortable with either.

Mr. Phoenix: Yeah. So, we'd have to just kind of figure out how that fits and whether that fits with our current definitions of things or if that's something we need to update to accommodate.

Ms. Burgess-Rivera: Yep.

Mr. Phoenix: Because fancy that when a lot of these rules were written, they weren't picturing people setting those things up. I think the closest they were looking at was like farm stands and things like that, you know.

Mr. Coelho: If you were zoned agriculture, you grew wheat, right?

Mr. Phoenix: Or have an apiary and maybe use some, some fresh honey in the recipes. No. So, if you do decide to go down that road, just make sure you touch base with us so we can make sure that you're not gonna set yourself up for any problems.

Ms. Burgess-Rivera: Understood.

Mr. Phoenix: I don't know that any of us would be disagreeable to it in concept. We just gotta make sure that the bylaws support what you're looking to do, otherwise we have to go through the process of modifying those and updating them, which we're not against doing. But it, it does take time because government is slow.

Ms. Burgess-Rivera: Yeah. And right now, I don't think location serves in my favor for that. I mean, but from what I'm seeing, people are on main roads doing this. They're in, you know, big communities and I feel like I'm kind of on the end there as we reach Electric Park, but.

Mr. Phoenix: I think it depends on what kind of draw you have.

Ms. Burgess-Rivera: Yeah. Well, I'm not famous yet guys.

Mr. Phoenix: I think that's a, a big thing is if you start having people following what you're doing, then you can pretty much draw people anywhere. I mean, case in point, you look at a lot of the, the food carts and things like that that go around like a lot of the food trucks. They can pop up somewhere, throw that up on their social media and people will know, okay, well I'm going to Echo Hill or I'm going to this random abandoned parking lot somewhere 'cause I'm gonna get whatever this is. So, I, I think you can draw people if that's the direction, so.

Ms. Burgess-Rivera: Be mindful.

Mr. Phoenix: Yeah. Just be careful. The biggest thing that polices home-based businesses is usually your neighbors. Prior version of how we used to do these, people would come in and have an informational meeting with us before having the formal public hearing. And part of what we'd tell people is it doesn't hurt once you get the list of who your abutters are, the official list, knock on some doors, lean over some fences, let people know who you are, what you're looking to do, and head a lot of that stuff off at the pass. Because that's usually where people have an issue, is when something's going on they don't know what's going on, they're confused. They might think that something's happening that isn't, that's a lot bigger and people do have that tendency to build things up in their head. So, we used to give that advice on the front end quite a bit 'cause yeah, it's, we have a, a zoning enforcement officer but quite honestly that's also the building inspector who's doing like a gazillion other things. So, the likelihood that the building inspector is going to happen to go out and catch and see that you're doing something is a lot smaller, not, not zero, but a lot smaller than that your neighbors might freak out because something happened and they didn't expect it.

Ms. Burgess-Rivera: Yep. So, all three of my abutters were around on the 4th of July weekend and we had good chats about it. So, all, all on May Road. I haven't been able to reach Chapin Street abutters, but yeah, I'm, they're very nice people. So, that's all I have to say about it really.

Mr. Phoenix: Fair enough. So, with that, anybody from the Board have any other comments, questions, concerns? And I have a feeling I know the answer to this one as well, but it is a public hearing so I'm gonna open this up to the public again for any comments, questions, concerns you may have. If you do have anything, I'd ask that you state your name, address for the record and address anything through myself as Chair and I'll do my best to get you the information that you need.

Mr. Mastroianni: Evan Mastroianni, Pioneer Valley Planning Commission. Do you have any cake pops on you right now?

Ms. Burgess-Rivera: No. Sorry, because to make them and distribute them at this time would not be appropriate.

Mr. Mastroianni: Can I make a motion to deny then?

Ms. Burgess-Rivera: Thank you.

Mr. Phoenix: With that, unless somebody from the Board has something else, I would entertain a motion on the finding, on the waiver, on the application as submitted, and on the public hearing at the discretion of the mover, the standard form or otherwise.

Mr. Coelho: Mr. Chairman, the Associate can make motions correct?

Mr. Phoenix: Especially on this. This is special permit.

Mr. Coelho: I yield my time to.

Ms. Rivers: Can I make a motion to approve the Special Permit?

Ms. Houle: You gotta do the other stuff first.

Mr. Phoenix: You can, but we gotta do the other two first.

Ms. Rivers: Okay.

Mr. Phoenix: So, we would want to do a motion to find that it is a suitable home occupation under the bylaw.

Ms. Rivers: Okay.

Mr. Phoenix: And then we'd want to do the motion to waive the full registered site plan in favor of sketch and photos as prepared by the applicant, then we can do the approval, and then we can close the public hearing. It can be as simple as saying, I will make a motion in the suggested standard form to find that this is a suitable business under the bylaw, to grant the waiver as requested, to approve the proposal, and to close the public hearing. It can be that simple or you can read all the words on the paper.

Mr. Coelho: Like I do.

Ms. Houle: And I do.

Mr. Phoenix: It's your choice.

Mr. Coelho: ---.

Ms. Rivers: I'm probably going to read all the words on the paper just to get it under my belt.

Mr. Phoenix: Fair enough.

Ms. Rivers: So, for the home occupation, I **MOVE** to find that this application as described by the applicant is a suitable home occupation under the bylaw. I also **MOVE** to waive the full site plan for the applicant at this location in favor of a sketch and photos to be prepared by the applicant since this is in relation to a home occupation and doing so is consistent with the purpose and intent of the zoning bylaw. I also **MOVE** to approve the Special Permit under 7.0.4 A-M and the Home Occupation under Section 6.2.1 through 6.2.13 for the applicant at this location with the restriction that the permit will run with the applicant and not with the property.

Mr. Phoenix: Okay.

SECOND Mr. Coelho.

4-0 in Favor.

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

Mr. Phoenix: The one motion I'm still looking for if somebody could make it.

Ms. Houle: **MOTION** to close the public hearing.

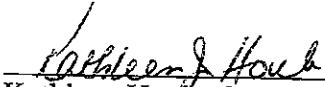
SECOND Mr. Coelho.

4-0 in Favor.

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

The public hearing closed at 8:32 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).