TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
June 14, 2018

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:41
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Absent)
Kathleen Houle (Present)
Rafael Quiterio (Present)

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

---

PUBLIC HEARING – SITE PLAN – Jambazian Realty, LLC – 45 Tyburski Road (Assessors' Map 3, Parcel 106)(updating site plan to show drainage upgrades and paving)

SEE ATTACHED 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 May 17, 2018 & May 24, 2018
- APPROVE Change of Occupancies:
  - Nadia LaMountain (The Beauty Studio Boutique) – 393 East Street (booth rental)
- APPROVE/SIGN Bills – Postmaster (stamps)
  Ink Products (office supplies)

June 28, 2018 meeting

Mr. Stefancik informed the Board that there are no public hearings scheduled for the June 28, 2018 meeting, and asked them if they want to cancel the meeting.

Mr. Phoenix **MOVED** to cancel the meeting of June 28, 2018.

Mr. Queiroga: Because…

Mr. Phoenix: Because we don't…

Mr. Queiroga: --- nothing on the agenda.

Mr. Phoenix: If you want the reasoning, sure, because there's no public hearings on the agenda, and the meeting seems unnecessary at this time.
SECOND Mr. Quiterio.
4-0 in Favor.

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:41
TOWN OF LUDLOW

PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION – Manuel Moreno – 146 Vienna Avenue (Assessors' Map 11A, Parcel 162)
(remove sharp edges from parts; burring – MM Burring)

SEE ATTACHED MINUTES

ANR – 333 Fuller Street (Assessors' Map 10, Parcel 98) – Ana Vaz
(divide an existing lot into 3 parcels; 1 conforming lot with existing house & 2 lots for future design plans)

Kathleen Mateus and Maria Cicchetti were present for the appointment.

Ms. Houle read the ANR checklist:

1. *Property owner's name, date of plan, and scale of plan.*
2. *A space for endorsement by the Planning Board.*
3. *The names of all abutters.*
4. *The lines of existing streets, ways, property lines, and easements. Indicate whether streets and ways are public or private.*
5. *The approximate distance from the property to the nearest street intersection, town line, or other definable physical feature.*
6. *Sufficient data to determine the location and length of every property boundary line in the new parcel and to establish these lines on the ground. Indicate the area of the new parcel.*
7. *The location of all property corner monuments and whether they were found or set.*
8. *The location, frontage, and area of the land remaining in the original parcel after establishing the new parcel.*
9. *The north arrow for bearing system used on the plan and whether it is true, magnetic, or assumed north.*
10. *The location of all existing buildings and the distance from the existing buildings to the new property lines.*
11. *If a building lot is intended, the frontage requirement at the setback line must be shown.*

SUBMISSION: Two (2) Mylar's plus four (4) sets of prints (dark line on white background) shall be submitted to the Board for endorsement.

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:41
TOWN OF LUDLOW

Mr. Phoenix: I **MOVE** to endorse the ANR.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Documents included: Master application: Plan of Land – Fuller Street Ludlow, Mass., owned by Ana Vaz (June 8, 2018)

Mail Item #36 -Letter, photos, and Hampden County Superior Court Order, from Cynthia A. Kawie, New England Pallets & Skids, Inc. re: 236 West Street, Leonard Allen, LJ Unlimited

Mr. Queiroga reviewed the complaint letter and associated photos regarding the clearing of trees and excavating to a depth of 6 to 8 feet on the property line, causing erosion to the property at 250 West Street. The letter also stated that the landscaping business has numerous trucks that are dumping yard waste at 236 West Street, causing dust to the abutting property at New England Pallet & Skids.

A copy of the Stipulated Order for Preliminary Injunction from the Hampden County Superior Court (June 12, 2018) was also reviewed. The court order stated that Leonard J. Allen III must cease from undertaking any excavation work of any kind within 20 feet of the disputed boundary line until the boundary line dispute has been resolved, and after Mr. Allen has constructed a retaining wall in a location agreed to by the parties in writing.

Mr. Phoenix said that the question is whether the use that's going on there is part of the Home Occupation or whether it's part of, and suitable for, the Agricultural use.

Mr. Stefancik suggested that the letter be sent to Town Counsel to get an opinion on landscaping and nurseries due to the fact that Mr. Allen is also dumping yard waste at his property.

Mr. Phoenix noted that there were 3 pages of the minutes from the Planning Board meeting of October 12, 2017 attached to the complaint packet. He remarked that he would like to review all of the minutes before the Board makes a decision whether what's being done on the property is a legitimate agricultural use and, is it in keeping with the spirit of what was presented to the Board at that public hearing.

Mr. Phoenix **MOVED** to have Town Counsel come in to discuss this matter with us in more detail and…

Mr. Stefancik: Now do you want Town Counsel or do you also want the neighbor and the abutter, or the landscaper and the abutter, or, you know, I'm just throwing it out there.

Mr. Phoenix: I'd like to start with just Town Counsel…

Mr. Stefancik: Town Counsel, ok.

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:41
TOWN OF LUDLOW

Mr. Phoenix: …so that we can clarify what the Town's position is on this, if we even have one.

Mr. Queiroga: --- parties.

Mr. Phoenix: If we have the other parties here, it's gonna be the Town as a mediator. If we don't have a place in that position, I don't want to insert ourselves in it.

Mr. Stefancik: Ok.

Mr. Phoenix: I, again, I think the guy's being a horrible neighbor, but if it's not our legal right and responsibility to interject, that's just overstepping.

Mr. Queiroga: So, the motion is to…

Mr. Phoenix: Have Town Counsel come in, so we can discuss this further.

Mr. Queiroga: Obviously the next available. It's not gonna be the 28th, so. ---

Mr. Stefancik: Ok, July, yup.

Mr. Queiroga: Alright?

Mr. Phoenix: And, I don't know if we had the vote on that, but.

Mr. Queiroga: No. Was there a second?
SECOND Mr. Quiterio.
4-0 in Favor.

Mr. Stefancik will forward a copy of the October 12, 2017 meeting minutes to the Planning Board Members, and contact Town Counsel to come in to discuss the situation with the Planning Board.

Mr. Phoenix: If there's nothing else on the agenda, I'll **MOVE** to adjourn.
SECOND Ms. Houle.
4-0 in Favor.

Meeting adjourned at 7:42 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 PLAN
45 Tyburski Road (Assessors' Map 3, Parcel 106)
Jambazian Realty, LLC
(updating site plan to show drainage upgrades and paving)
June 14, 2018

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:41
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Joseph Queiroga - Chairman (Present)
Raymond Phoenix - Vice Chairman (Present)
Christopher Coelho (Absent)
Kathleen Houle (Present)
Rafael Quiterio (Present)

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

In attendance: Ann Lukasik, Michael Pietras – ELS Inc., attendees

Mr. Queiroga read the legal notice and reviewed the application. The legal notice included the description of: updating site plan to show drainage upgrades and paving.

Mr. Queiroga: While I'm here, let me just read from our other boards. Our Board, the only thing we have was have applicant sign waiver request, which has been signed.

Mr. Stefancik: It did. Yes, they're all set.

Mr. Queiroga: The Department of Public Works had no comments, signed by Jimmy Goodreau our Assistant Engineer. The Board of Health had no comments, signed by Kelleher. Alright, and there's a waiver request on 1, 2, 3 & 5. Mike, why don't you let us know what the plans are.

Mr. Pietras: Sure. Good evening everyone. We're here on 45 Tyburski Drive. It's CSW Inc., City Stamp Works was the past name. It's a building that's been in existence since 1989. It's been under the current operation since that date, and pretty much hasn't changed much at all since the original submittal to the Planning Board. The purpose that we're here is to update the site plan because the previous one was outdated, and then for drainage improvements, just onsite. You'll see to the eastern side of the property, the sidewalk there, we're looking mainly to collect what's coming off the roof and some, I don't want to say poor drainage patterns, but just to improve on drainage patterns, try to prevent slip and fall hazards. And then on the western side, the loading ramp, there's an area there as well that we'd be looking to collect to prevent some sheet flow that was stated to be occurring there, as well as the roof runoff. So, within it, we actually improve on the drainage since there is no onsite retention. We propose onsite retention. We will handle, you know, basically the prescribed storm onsite, and then it would outflow it to the city system, town system. So, that's basically our proposal in front of you was mainly driven by the drainage improvements.

Mr. Phoenix: Now the waivers that you're requesting are the elevations, the signage, the lighting, and the traffic study…

Mr. Pietras: Yes.

RECEIVED
TOWN CLERK'S OFFICE
2018 NOV -5 A 9:41
TOWN OF LUDLOW

Mr. Phoenix: …which, from the description that you're giving, you're not changing any of the elevations of the building, you're not changing any of the signage of the building, you're not changing any lighting, and it's not being done with any expectations gonna change the traffic pattern to the site at all.

Mr. Pietras: At all.

Mr. Phoenix: So, that's, I guess, the reasoning why you're asking for those?

Mr. Pietras: Yes.

Mr. Queiroga: The fee has been collected. You've got your ---, is this their?

Mr. Stefancik: That's their copy of the Turley Publications. We just need a check for that, Turley does.

Mr. Queiroga: For the publication we need a check for that or you can ---.

Ms. Houle: You can mail it directly to them if ---.

Ms. Lukasik: I brought a check.

Mr. Queiroga: Ok, that is your signature, right?

Ms. Lukasik: No, that's actually the president of the company ---, yeah. I'm the treasurer.

Mr. Queiroga: Any additional questions from the Board before we open it up to the public?

Mr. Quiterio: Pretty much --- the same, nothing's changing right?

Mr. Pietras: No, other than resurfacing the parking lot, --- improvements.

Mr. Phoenix: But, the parking count and all that ---?

Mr. Pietras: Yup, not changing anything other than, you know, --- would actually be corrected and restriped after the paving ---.

Mr. Quiterio: I worked next to that building for 17 years. I worked at Butler.

Mr. Pietras: Oh, did you?

Ms. Lukasik: Right around the corner, yeah?

Mr. Quiterio: ---

Mr. Queiroga: Where is Tyburski Circle?

Ms. Lukasik: Off of Moody.

Mr. Quiterio: Off Moody Street.

(multiple people talking)

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:42
TOWN OF LUDLOW

Mr. Pietras: Once you see Butler, Tyburski's the left.

Ms. Lukasik: Yeah.

Mr. Quiterio: Right on the back side.

Mr. Queiroga: Oh, ok, alright, we're gonna open it up to anybody in the public that wants to comment on this application for a site plan approval. Doesn't look like.

Mr. Phoenix: Hearing nothing, unless there's any other discussion, I would make a **MOTION** in the standard form to approve the site plan as submitted.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Queiroga: Ok, now we have to…

Mr. Phoenix: **MOVE** to close the public hearing.

Mr. Stefancik: Do the waivers.

Mr. Phoenix: Oh, sorry, missed the waivers.

Mr. Queiroga: Yeah.

Mr. Phoenix: My bad, I'm slipping. I **MOVE** to grant the waivers of 1, 2, 3, and 5, being the lighting plan, the traffic study, the elevations, and the signage of the building, since none of them are changing.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Phoenix: Now I'll **MOVE** to close the public hearing.
SECOND Ms. Houle.
4-0 in Favor.

Hearing ended 7:07 p.m.

APPROVED:

Kathleen Houle, Secretary

su

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:42
TOWN OF LUDLOW

Documents: Master application; request for waivers; comments from Town Departments/Boards; Proposed Site Plan – 45 Tyburski Drive Ludlow, MA 01056 for CSW, Inc. (5/3/2017)(2 sheets)

(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 – HOME OCCUPATION/SPECIAL PERMIT
146 Vienna Avenue - Manuel Moreno
(remove sharp edges from parts; burring – MM Burring)
June 14, 2018

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:42
TOWN OF LUDLOW

PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Absent)
Kathleen Houle (Present)
Rafael Quiterio (Present)

Hearing began at 7:15 p.m. in the Selectmen's Conference Room.

In attendance: Manuel Moreno, attendees

Mr. Queiroga read the legal notice, gave Mr. Moreno a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: Home Office – remove sharp edges from parts; burring – MM Burring.

Mr. Queiroga: Everything is signed. The detailed description proposal is removing sharp edges from small parts, which is burring. So, Mr. Moreno, why don't you tell us what you plan to do, and…

Mr. Moreno: Well what it is, is I plan to go to the machine shops, and machine shops make very small parts. Some of them come in egg trays, and some parts the machine can't do them at all, so you physically do them by hand. So, they're from a quarter inch to two, three inches.

Mr. Queiroga: So, they're fairly small.

Mr. Moreno: Very small ---.

Mr. Queiroga: Do you have machinery to do this?

Mr. Moreno: You buy these little deburring tools, and they're multiple. You can do them with a Makita, you can, any little electrical device, you can do them. You know, by hand, you got a little whirly birds, you can like put the tool in the hole and spin it around, take out the edge that they tell you they want out. So, sometimes they give you a print and say don't touch this hole, but do this hole, you know. And that's it. Most of the time, sometimes you do them right there, you know.

Mr. Phoenix: But none of the items that you'd be working on would be anything, I guess, sizable enough that the neighbors would notice ---?

Mr. Moreno: No, when you're doing them, like, on the desk like I'm doing now, you know, right here. You just got a couple egg trays, put one there, debug it.

Mr. Phoenix: And I know on our application, you did fill out a small questionnaire, just to hit the points that are on there. You list the total area of the home and other buildings, the --- is 1,691 square feet, and you're expecting to use about 10 square feet for the occupation; no non-resident employees; no signage for the business; no customers at the house; no deliveries made unlike a normal residence; and no changes to the site that would make it look less residential; and you would be using a vehicle for the business, but it would be a truck that's under 7,000, that is 7,000 lbs GVW.

RECEIVED
TOWN CLERK'S OFFICE
2018 AUG -8 A 8:42
TOWN OF LUDLOW

Mr. Moreno: Yeah GVW, yes.

Mr. Queiroga: Ok, I'd be looking for a…

Mr. Moreno: Business certificate.

Mr. Queiroga: Right, so your bank ---. And since this is a public hearing, I'm gonna open it up to the public, if there's anybody here that wants to comment on it. That's what I like, no problem.

Mr. Phoenix: To start with, I'll make a **MOTION** in the standard form to find that the business as described is a suitable home occupation under the Bylaw.
SECOND Ms. Houle.
4-0 in Favor.
Roll call vote: Mr. Phoenix – yes; Mr. Quiterio – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Queiroga: There's no, nothing needs to be waived?

Mr. Phoenix: Oh yeah there is.

Mr. Queiroga: There is?

Mr. Phoenix: Yeah, a full registered site plan in favor of a sketch.

Mr. Queiroga: Sketch, ok.

Mr. Phoenix: Which we do have the waiver request on that, I've been making all the motions, anybody else want to?

Ms. Houle: You're so good at it Ray.

Mr. Queiroga: ---

Mr. Phoenix: I **MOVE** to waive the registered site plan in favor of a sketch and photos as prepared by the applicant.
SECOND Ms. Houle.
4-0 in Favor.

Mr. Queiroga: And we…

Mr. Phoenix: As far as Special Permit and Home Occupation, each of those separate things that we're looking at tonight comes with a thirteen-point checklist. I believe you've seen those checklists, you've read through those. As far as, you know, you're not able to have signage except as allowed. You're not able to have, you know, buoyant materials and all those crazy things, that most of them don't even apply, but those are the standard thirteen and thirteen. You've seen those, you're aware of those restrictions.

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:42
TOWN OF LUDLOW

Mr. Moreno: Yes.

Mr. Stefancik: But there's also a noise component for the Special Permit. So, if this is something that's minimal noise as opposed to machine shops that make a lot of noise.

Mr. Moreno: This, I'd be doing even watching tv.

Mr. Stefancik: Oh ok, so it's ---.

Mr. Moreno: So, it's basically I put them here, I be watching tv, the news, at the same time tinkering.

Mr. Stefancik: We just don't want the neighbors coming in, the garage door is open, we're hearing "rrrrr" ---.

Ms. Moreno: --- big parts he goes to their place to do it, if there's bigger parts.

Mr. Stefancik: Great.

Mr. Moreno: I'm too old for this already.

Ms. Moreno: --- sign that.

Mr. Queiroga: You can sign that thing?

Mr. Moreno: I'm too old for this.

Mr. Phoenix: If there's nothing else, I will make a **MOTION** in the standard form to approve the Special Permit, Home Occupation.
SECOND Mr. Quiterio.
4-0 in Favor.
Roll call vote: Mr. Quiterio – yes; Mr. Phoenix – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Phoenix: **MOVE** to close the public hearing.
SECOND Ms. Houle.
4-0 in Favor.

Hearing ended 7:21 p.m.

APPROVED:

Kathleen Houle

Kathleen Houle, Secretary

su

RECEIVED
TOWN CLERK'S OFFICE
2021 NOV -5 A 9:42
TOWN OF LUDLOW

Documents: Master application; abutters list

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