TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
May 23, 2019

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PLANNING BOARD MEMBERS

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

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

Consent Agenda:

The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 41. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of May 9, 2019
- APPROVE/SIGN Bills – D. Stefancik (MAPD Conference reimbursement)
- APPROVE Change of Occupancies:
  - David Elliot – 405 West Street (from TAT Trucking to Lawn Tech Lawn Care)
  - Pam Swain (D'Angelo) – Mass Pike Westbound Service Area (change of ownership)
  - Pam Swain (Papa Gino's) – Mass Pike Westbound Service Area (change of ownership)

PUBLIC HEARING – SITE PLAN – VDS Properties, LLC – 0 Whitney Street (Lower) (Assessors' Map 14B, Parcels 74 & 75)(to construct townhouses in Smart Growth Overlay District)

SEE ATTACHED MINUTES

File Mail Item #36 – Reorganization of Board of Assessors

File Mail Item #37 – Reorganization of Finance Committee

File Mail Item #38 – FEMA – Field Survey in Support of Floodplain Mapping Updates in the Chicopee Watershed

File Mail Item #39 – Notice of Decision – Board of Appeals – Special Permit for 581 Miller Street

File Mail Item #40 – Legal Notice – Ludlow Conservation Commission – 274 Cady Street to 288 Cady Street – Request for Determination of Applicability

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HPP / Affirmative Fair Housing Marketing Plan

The marketing plan was discussed earlier in the meeting during the public hearing for VDS Properties, LLC. Mr. Stefancik said that it would just be a matter of linking up the appropriate boiler plate documents for the Smart Growth District for more potential development that comes in, and have that connect to the Housing Production Plan, that is already in effect, to create affordable housing.

Mr. Phoenix: So, with that, unless there's anything else, I will entertain a MOTION to adjourn.
Mr. Queiroga: **SO MOVED.**
SECOND Ms. Houle.
Mr. Phoenix: Always in order and not debatable.
4-0 in Favor.

Meeting adjourned at 7:40 p.m.

APPROVED:

Kathleen J. Houle
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
0 Whitney Street (Lower) (Assessors' Map 14B, Parcels 74 & 75)
VDS Properties, LLC
(to construct townhouses in Smart Growth Overlay District)
May 23, 2019

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PLANNING BOARD MEMBERS

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

The public hearing began at 7:02 p.m. in the Selectmen's Conference Room.

In attendance: Joe Alves, Mike Pietras – ELS Inc.

Mr. Phoenix read the legal notice, gave Mr. Alves a copy of the invoice from Turley Publications, and reviewed the application. The legal notice included the description of: to construct townhouses in Smart Growth Overlay District.

Mr. Phoenix: We do have a waiver request, but before we get to any of that, I've already read the actual legal notice --- do the comments from other boards first or you want to give us the pitch first?

Mr. Pietras: Whatever the Board's preference is.

Mr. Phoenix: Why don't you give us the pitch?

Mr. Pietras: Sure. --- unless you guys want larger ones, I have them here as well. So, what we're looking at is, the property close to the intersection, it's maybe 150 feet or so off the intersection of Lower Whitney and East Street to the northern side. Under the Smart Growth District 40R, we're proposing to put townhouse style units for rental. Mr. Alves will hold ownership of these properties, or proposing to hold ownership. Within the site, as you can see, is a tight site, but everything fits dimensionally for turning radiuses. The parking that we were able to hold on site, actually is twelve parking spots. If you looked at the elevations of what's proposed to be there, here's the architectural and the floors plans as well, but you'll see a garage staggers each unit. Within the design, Mr. Alves asked us to keep them accessible friendly. They're not fully handicapped accessible, but we have every other unit has a bedroom on the first floor, widened entrances to accommodate disabled people. Within the proposal, going through the checklist, we meet, through the guidelines, knowing soils in the area, the soil absorption system, if you would, the drainage system works. It's actually designed in excess, so it should benefit the town more so. We're accepting more water than historically what this site has. The plan in front of you, you'll see, we have what the existing conditions were with all the impervious that was on site, and currently on site. No credit was taken for that, which in the

drainage regs you're allowed to take credit for pre and post. Within that, we're providing --- development meeting market rate housing needs and such as, you know, the Smart Growth --- kind of states. That's the general overview of the site.

Mr. Phoenix: Ok, as far as comments that we've received from Public Works, we have, this is from Jim Goodreau: *We've reviewed the site plan for VDS Properties, LLC located at 17-21 Lower Whitney Street prepared by Engineering and Land Solutions, Inc. dated March 22, 2019 and have the following comments: 1. Contractor must obtain a Construction with the Public Way permit for the underground utilities within the public way including but not limited to sanitary sewer, storm drainage, water, and gas service. A sanitary sewer connection fee shall be established by the Board of Public Works. ($2500 per building plus $500 per unit x 8 units = $6,500 plus a $400 dollar inspection fee). If you have any questions regarding these comments, do not hesitate to call. We reserve the right to review and comment on revised submittals.* From Fire we have: *Dear Mr. Chairman, the Ludlow Fire Department has reviewed the site plan as presented. At this time the Ludlow Fire Department comments for this site plan and future construction project are as follows: An automatic sprinkler system shall be installed; Supervised Automatic Sprinkler system must be monitored in accordance with NFPA 72; Installation of a Knox Box for rapid entry per town bylaws; Addressable fire alarm panel; Overflow parking obstructing fire apparatus access to the property. We do however expect all applicable federal, state, and local codes to be followed during the course of construction on this project.* From Seth Falconer. Safety Committee from Brian Shameklis, we have*: concerns about parking, snow storage/removal, and vehicle movement on site.* And from Planning, Doug has run through the checklist, and I believe on the updated one there were a whole lot of black happy checkmarks. There were some red things on the original one. This one just has: *Applicant needs to sign waiver for o. 1., 3. & 5,* which we have signed and submitted; *Both parcels should be combined; Affordable Housing Restriction will be needed on units; Affirmative Fair Housing Marketing Plan will need to be done.* So those are the comments that we have. As far as those go, with the sprinklers, the Knox Box, with those items, are those gonna be an issue?

Mr. Pietras: Nope, they'd all be addressed within the building permit application. The one item, maybe it was just a misread, about overflow parking obstructing. It's a busy site plan, we admit that, but there is no parking in the travel lane, so maybe that's what he meant. All the parking goes southerly in between the landscape, you know, where the drainage structures are. So that whole twenty-foot corridor should be wide open at all or most times. And then, just to give a proximity of this site for those that may not know, on the flip side, if the fire department ever had to get there, this is a parking driving entrance for Ludlow Printing, or the facility with Ludlow Printing. The backside is overflow parking for the old Ludlow Hospital, and Mr. Mazur's, you know, funeral home as well. So, the site is fully accessible if needed, if they needed to get around it.

Mr. Phoenix: Obviously some winters are easier to manage than others, but the snow storage area that's proposed on the site seems to be kind of, the areas in the front of the units there…

Mr. Pietras: Very tight.

Mr. Phoenix: …when that is almost inevitably going to be overflowed with snow, what's the plan for snow at that point?

Mr. Pietras: Well, originally, Mr. Alves has a construction company, he would haul the snow offsite. But, we also wanted to mention to the Board for consideration, we may ask for a waiver

on the density, if possible, because we wouldn't, Mr. Alves expressed he wouldn't mind cutting it back to six units. And I prepared, I wouldn't say this is the site plan, more of a site sketch, has all the same information, but we didn't want to develop it too, too far, but that whole rear area would become snow storage, overflow parking, or we could leave it all grass to have some landscaped area. I'm not sure. And we would ask that the Board that the Board consider this as a viable option. I seemed that most of the comments generated were the density because we are packing this site to comply with the regulations as they stand. It will probably benefit both the developer and the Town.

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Mr. Queiroga: Just a question Mike, the, or maybe it's to Joe, with six units, with eight units, you would be having two units that would be called affordable housing?

Mr. Pietras: Mmmhmm.

Mr. Queiroga: And you have certain restrictions that go along with that? But under, so, and you'd be obligated to have two units. You would continue to maintain those two units…

Mr. Pietras: Even with the six.

Mr. Queiroga: …even with the six?

Mr. Pietras: Yes.

Mr. Alves: Yup. And one thing I wanted to mention, the one thing this was planned for eight, is because the bylaw under 40R kind of forces us to those standards. It not that we necessarily want those standards, and that's why we had talked about cutting it back to the six. I think it would make a lot of the departments happier with more parking, more snow storage, but I understand that that would be left up to you guys because of the way the 40R is read.

Mr. Quiterio: So how many parking spaces would you have with the eight units?

Mr. Pietras: Well with the eight units, we have twelve on site, sixteen's required, so we tried to put four off street to take credit for off street parking in front of the unit.

Mr. Quiterio: And then with the six units?

Mr. Alves: --- garages for parking as well, right?

Mr. Pietras: Yes. And then with the six units, we would have the twelve parking, or excuse me, six, nine, ten, eleven, twelve, thirteen, fourteen, fourteen spaces which would be compliant. We'd be two in the bonus, and they would all be onsite.

Mr. Phoenix: Anything else from the Board at this time?

Mr. Quiterio: Nope, I don't have any questions.

Mr. Phoenix: Since this is a public hearing, I will open it up to public comments, questions, and concerns at this time. I would ask that if anyone has anything that they would like to add, that they state their name and address for the record, and address anything that they do have through

myself as Chairman. We don't exactly have a huge audience tonight, but that's the way that we normally do things. Ok, do we have anyone that would like to add anything at this time?

Mr. Kelleher: Yup, Dick Kelleher, 44 Sewall Street, we directly abut them. It's our parking lot and all that's affected. We've got a couple of concerns, questions. The demographics of the homes, are we gonna be looking at young kids, family type homes, or is this elderly population that would be coming in?

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Mr. Pietras: I don't believe you plan on restricting age groups, or?

Mr. Alves: Yeah, no, technically we really can't restrict them, because then we would be bias. But, they are set up for every other unit has a garage. The units that have a garage have three bedrooms upstairs. The units that don't have a garage have one room downstairs, and the reason for that was, we were trying to give it more accessibility for older people that wanted a room downstairs, just easier access. So, what comes into them, we really don't have any control, unfortunately, but.

Mr. Phoenix: And essentially, with the way you'd be putting these together, it would be on the submitted plan it would be six regular market rate units, and then it would be the two that would be like ones that would qualify under smart growth and affordable housing?

Mr. Alves: Correct.

Mr. Phoenix: And those would be at 80% of median income as far as the guidelines.

Mr. Alves: Correct.

Mr. Phoenix: And then under the six, you still have those two affordable, and you'd have four that would still be at market rate, correct?

Mr. Kelleher: With housing for family type, the concern we've got is, you know, we've had kids and grandkids and all, and we know how exciting that parking lot is going to be for the kids coming out and over there on the bicycles, but it's a very heavily travelled parking lot with the Jolie Hair Academy taking three of our four places. There's a lot of students in there that are coming, so our concern is what's gonna keep kids from the homes off the parking lot.

Ms. Kelleher: There's no yards.

Mr. Kelleher: There's no yards there to speak of, so that's gonna be a, you know, real attractive site for kids with skateboards, with bicycles, snow piles there, you know, coming out and sliding down them. So, it's a big concern of ours there, just to see what you're gonna do to eliminate that. Is there a proposal for fencing in the property, you know, how is that situation gonna be handled?

Mr. Pietras: There's a six-foot stockade fence on the southern boundary right between your parking lot and the back side of these structures, the patios.

Mr. Alves: Yeah.

Mr. Pietras: It is proposed to wrap right around.

Mr. Kelleher: So, that would be new on the existing fence.

Mr. Pietras: Yeah, it's chain link.

Mr. Kelleher: The existing chain link, is that coming out and new stuff coming in?

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Mr. Alves: Yeah, I would have to, I think that's actually yours, the chain link, I'm not sure. But, either way, if it is yours we would ask you if we could move it and put a vinyl one up or if it's ours we'll remove it. We would do a six-foot vinyl fence, white vinyl fence all the way around.

Mr. Kelleher: Yup.

Mr. Alves: As far as, you know, I can't say that kids aren't gonna go out of the unit.

Mr. Kelleher: You're talking about coming around here, around here.

Mr. Alves: Correct.

Mr. Kelleher: And around.

Mr. Alves: Yes, I'd wrap all around, yup.

Ms. Kelleher: I think kids can figure out how to get around a fence, and we can't gate the entrance. The students come and go day and there's night classes. I'm sorry, I'm Barbara Kelliher, 44 Sewall Street.

Mr. Phoenix: I can…

Ms. Kelleher: It seems like it would be…

Mr. Phoenix: …certainly sympathize.

Ms. Kelleher: …big safety issue.

Mr. Phoenix: There's, you know, where there's a parking lot, there's gonna be kids that end up going there. I think we see that sometimes with even, like, the Big Y parking lot, and stuff like that.

Mr. Kelleher: Yup.

Mr. Phoenix: I would hope that in that neighborhood, being as close as it is to the park and everything like that, that would be, but I also know kids are going to go the path of least resistance. So, I get that too.

Mr. Stefancik: There's a Riverwalk as well.

Mr. Kelleher: The other problem that is created is because we see it now, again, our parking lot is tight, but with the school in there, and that's a real enticing place for people to park, so when friends come over to visit the people, when the people have to do their snow plowing and snow

shoveling there, they are probably gonna tend to bring their cars out, bring them into our lot, which creates a problem for us with our plowing and salting. You know, if the vehicles are in there, the guy that does it can't salt, you know, things like that because he doesn't want to spray and have the liability issue of damaging cars and all. Same thing with the plowing, so that's a concern for wintertime.

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Ms. Kelleher: That's a lot of homes in a very small space to be accommodated by the street, as far as parking goes and as far as the kids go, where they're gonna be.

Mr. Queiroga: Mr. Chairman? A couple things, if I could. One is, this property was at one time a six family.

Mr. Alves: Correct, yeah.

Mr. Queiroga: And, in effect, it'll end up being the same. Just so people might want to know what the fair market rent would be, unlike the other two, and I don't know if they're gonna have more, 'cause they have to do certain things with their deeds to commit to that. On a three bedroom, under this program, he can charge $1,329. So, it's not, in terms of the rent they pay, I think he's hoping to attract a, even on those two, you know, the other ones can be fair market value. And I do remember when the Ribeiro's had that six-family house before the fire, and then there were kids there too. From what I understand from a conversation I had with Mr. Alves, is they tried to acquire the house next door so that they could have on the outside and have a nice little park in the middle, but you can't even find who the owner is never mind I guess what he said, but I guess he's gonna keep trying. But, it would have been, that would be, and that's why these weren't originally on your side. The back of the house, the back of the condos right now would be on your side.

Mr. Kelleher: Yes.

Mr. Queiroga: But, originally the back was gonna be on the other side because he was hoping down the road that he could, you know, that something with that house might develop and then he'd have them on the two extremes of the little park, the park in the middle, so. But, that'll probably take time to get around to.

Ms. Kelleher: I think when there was --- six family house there it didn't have three bedroom apartments so they didn't house as many people as this unit will. I think we're talking a lot more people in a very small space.

Mr. Alves: And you bring up a good point, I don't disagree with you one bit and that's why we're here today to ask if we could even get it down to six. Again, the reason this was designed is because I would even be content with two duplexes, but the law, the way the regulations read for that property, they won't allow us to build that. That's the down side, you know.

Mr. Kelleher: I think it's important for the Board and the gentleman here to know we're not against this coming in. The concerns are, you know, one for the safety and liability of the families in there because I think it's all of our concerns that we don't want something happening physically to a child.

Mr. Alves: No, I agree.

Mr. Kelleher: And we don't want, from a business point of view, we don't want to be exposed, as you don't, to the liabilities involved with it, so, you know, we're trying to bring this up to just kind of hash out. We realize you are a good business man, so you probably have already forecasted it and thought about all of this, so we're just, like the fencing and all in there, --- any ideas on what could be done to keep --- from going around, you know, the end of the fence, it's all open for discussion. But like I said, we're in favor of seeing something coming in there because right now, the way it is, it's an eyesore for our building with all of the vines and all growing over the fence and the garage that's back there. Seeing some new vitalization in there is gonna be exciting and good.

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Ms. Kelleher: Right now I think the only solution we can see to keeping the kids and the overflow parking out of our parking lot is to construct a fence across the back entrance with, we have to provide entry and exit to the students, so we would have to have like a gate with a remote that we can give the kids to open the gate or something, you know, some kind of a, and we can't afford that. So, I mean, but other than that, we don't know how to keep them out of the parking lot. And it's really, the traffic coming through, it's a thruway between Sewall Street and Lower Whitney and the cars come through there fast. And then you've got the students backing up, and it's a young student population at Jolie, you know, they're backing out of their parking spots to go out and go home for lunch. And I'm just so afraid somebody's gonna get hit or if their skateboard's gonna hit a crack in the pavement and we're gonna get sued because there was a crack in the pavement.

Mr. Queiroga: Joe would it be something you think about at least putting some sort of signage on the corner of your property making sure to ask them not to park on the other property?

Mr. Alves: Oh absolutely, you know, we can even put all those terms into the rental agreements that they're not allowed to park on anybody's property, they're only allowed to use the road or our property. We can gladly put that out there and plenty of signage too. Obviously, we all know that people are gonna do whatever they want to do anyways, unfortunately. But it's just like the fence, and I can bring then fence in around the front, and actually close it up against the building so they couldn't come out this way, but it's still not gonna, say that a kid's not gonna come around of the front of the building, you know. But, we could do anything possible to try to prevent it, you know.

Mr. Phoenix: As far as the proposal that we have in front of us tonight, we kind of have the submitted plan and then we have an alternative. I think, procedurally, if we were to look to adopt the altered one, even though it's largely just a decrease of all of the usage, it would probably be in our best interest to circulate that and have it reviewed by the same entities that are originally reviewed the plan, just to try and make sure that everybody's still on board with it. I think if we can everyone on board that that is at least as agreeable of a plan if not more so, I think that helps us with moving toward that plan with the six units as opposed to the eight. I do have a question as to whether we are able under the Bylaw to waive the density requirement. Is that a waivable requirement?

Mr. Stefancik: Yeah, I did check with DHCD and Bill Reyelt let me know that that would be a local issue and you would be able to waive it. Their concern is having the two units that would be affordable and having the affordable housing restriction and the Affirmative Fair Housing Marketing Plan.

Mr. Phoenix: Which are both in your comments that have already been provided?

Mr. Stefancik: Yeah, and I have a boiler plate for one, but I did ask for a, our housing consultant for a cost on the other, and she gave me a fee of $500 to come up with an Affirmative Fair Housing Marketing Plan, and it's the applicant's responsibility, but on us as well. For us to move forward, it may be good to have boiler plate document like that, so we could probably split the cost with them, just being $250 for us and $250 for the applicant and we both would get something out of it; they the plan, and us a plan that we'd have as a boiler plate going forward.

Mr. Phoenix: That brings up two questions: the first one is; do we have money in the budget to just put toward that?

Mr. Stefancik: We do, yes. And we could probably access the Smart Growth Funding as well.

Mr. Phoenix: And the second one is; would the applicant be agreeable to splitting the cost of getting that put together?

Mr. Alves: Yeah.

Mr. Phoenix: Ok, that said, I think the issues that we had that came in from the other groups, you already said, are largely things that you already anticipated, I think, as far as like the fire control things and all that, Knox Box…

Mr. Pietras: Yup.

Mr. Phoenix: …which are not exactly huge site plan issues. They are certainly important issues to make sure that things are safe on site, and some of those should be noted on the plan. So, I think we should probably get that taken care of. One of the other things that was in Doug's notes is combining parcels.

Mr. Pietras: Yup.

Mr. Phoenix: Is that something that's already in the works?

Mr. Pietras: Upon approval, because these agreements, once they're finalized, they're gonna be registered. If it's a condition of the approval we can do it prior or pre or post, excuse me, whatever the preference of the Board. Because Paul Smith did the survey out here already so…

Mr. Alves: Yup.

Mr. Pietras: …to record it, maybe at the next meeting we'll bring it in as the ANR to dissolve the line, if the Board's good with that, that would probably be worthwhile.

Mr. Phoenix: Is that agreeable for everybody? Is everybody on board with the idea of soliciting for a round of comments on the updated concept with the six units?

Mr. Quiterio: Yes.

Mr. Phoenix: So, for the time being, unless there's anything new to discuss, I'd ask for a time and date that we could continue this to while we wait to get those comments in and get a revised plan with the additional notations on it and the ANR.

Ms. Urban: That would be June 13th. We have a site sketch at 7:45, so what time do you want to do?

Mr. Phoenix: What's the site sketch for?

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Ms. Urban: Legacy Fire. Fifteen minutes? So 8:00 on the 20, on the 13th.

Mr. Phoenix: And you said that was June 13th?

Ms. Urban: Yes.

Mr. Phoenix: Ok, is there a MOTION to, actually before we do that, the waiver request, so that we can make sure that things are set up as best we can for when we next meet. The waiver is requesting 7.1.5 o. 1, 3, and 5.; 1 is the lighting plan with luminaire schedule prepared by an engineer. To that point, are you including any lighting on the site?

Mr. Pietras: No, just general house lighting, probably a motion on the back side. We can show that. Now that we go with the six option, I'll update the elevation to show a motion light, down lighting.

Mr. Phoenix: Ok.

Mr. Alves: --- too.

Mr. Pietras: Yeah ---.

Mr. Phoenix: Number 3, signage design with dimensions and locations. I'm kind of guessing that you're not looking to put up much in the way of signage for residential.

Mr. Pietras: No.

Mr. Phoenix: And traffic study, I think given the neighborhood, we can anticipate it's gonna put some extra cars on the street, but it's, you know, not gonna be the end of the world either. We're not, we don't have a business going in that's gonna have a lot of in and out traffic. It would be homes that you're most likely gonna see a.m. and p.m. peak traffic.

Mr. Pietras: Yup, residential cycle times.

Mr. Phoenix: Ok, so on the request for waiver of the lighting plan, signage design, and traffic study, 7.1.5.o 1, 3, and 5, is there a MOTION?
Mr. Queiroga: **SO MOVED** Mr. Chairman.
SECOND Ms. Houle.
4-0 in Favor.

Mr. Phoenix: So, with that, is there a motion to continue to 8:00 p.m. on June 13th?
Mr. Queiroga: **SO MOVED,** Mr. Chairman.
SECOND Mr. Quiterio.
4-0 in Favor.

The public hearing was continued until June 13, 2019 at 8:00 p.m.

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APPROVED:

Kathleen Houlé, Secretary

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Documents: Master application; Comments from Town Departments/Boards; Existing & Proposed Site Plan – 17-21 Lower Whitney Street Ludlow, MA for VDS Properties, LLC (03/22/2019)(plans for 8 units & 6 units); Drawings for Townhouses at 17-21 Lower Whitney St Ludlow, MA (10/09/18)(G01, A01-A04); FY 2019 Fair Market Rent Documentation System; Affordable Housing Restriction Agreement for 40R Rental Project

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